



Volume 8, Number 10

May 26, 2014

## **The “Civil State” in Political Discourse after the Arab Spring**

Rachel Kantz Feder

As political and social forces in Arab states struggle to shape their polities, a new model of governance has gained currency in political discourse. From Egypt and Tunisia to Syria and Iraq, Islamists, secularists, civil society activists, and religious establishments are debating the viability of *al-dawla al-madaniyah*, “the civil state.” Since 2011, this amorphous notion has found expression in Egypt’s political transition, Tunisia’s new constitution, cooperation among anti-regime forces in Syria, and campaigning for Iraq’s April 2014 parliamentary elections. But what is a “civil state”?

Diverse actors are advocating *al-dawla al-madaniyah* as a vehicle to achieve an equilibrium among competing forces in their fraught political transitions and democratization efforts. In a rare scholarly attempt to define the civil state, Alfred Stepan and Juan J. Linz posited that “in a civil state, religion...respects democratic prerogatives – the people are sovereign, and they make the laws. Yet a civil state also respects some prerogatives of religion and its legitimate role in the public sphere.”<sup>1</sup> But the notion remains ambiguous, because its champions often articulate it in negative terms, finding it more comfortable to elucidate what it is not rather than what it is.

### ***Egypt and the Origins of the Civil State***

Some attribute the birth of the idea to the Egyptian Islamic jurist and scholar Muhammad ‘Abduh (1849-1905), who espoused a vision for a polity that accorded a role to Islam but diverged from prevailing European modes of

---

<sup>1</sup> Alfred Stepan and Juan J. Linz, “Democratization Theory and the ‘Arab Spring,’” *Journal of Democracy*, Vol. 24, No. 2 (April 2013). p. 19.

ecclesiastical rule.<sup>2</sup> The provenance of the actual term dates back to the years of confrontation between the Muslim Brotherhood and Gamal 'Abdel Nasser, when the Brotherhood employed the phrase in contradistinction to 'Abdel Nasser's military rule to underscore the civil nature of its program for an Islamic state.<sup>3</sup> With the emergence of a new generation of activists in the 1990's, the Brotherhood introduced the phrase "civil state with an Islamic frame of reference."<sup>4</sup> In the aftermath of the toppling of Husni Mubarak from power in February 2011, it ceased using its traditional slogan, "Islam is the solution," in favor of "civil state."<sup>5</sup> Seeking to assuage the resulting anxieties of *salafis* dismayed by the Brotherhood's reformed perspective, the Grand Mufti of Egypt clarified his conception of *al-dawla al-madaniyah* in a 2012 interview. He insisted that the civil state was not a Western import that contradicted *Shar'ia* and emphasized Egypt's Islamic identity and its compatibility with the defense of all citizens' rights.

Many Egyptians use *al-dawla al-madaniyah* to object to military rule and advance a variety of views on state-religion relations. Secular-leaning Egyptians recognize the repugnance associated with the term *'almani* (secular) and aim to distance themselves from the West. In articulating their aspirations for a state anchored in equal citizenship and a separation between the religious and political spheres, they have appropriated the more neutral term, *madani* (civil). This substitution is not the only way liberal activists employ the term. Amr Hamzawy, a public intellectual who sought to mediate between protesters and Mubarak is devoted to *al-dawla al-madaniyah*. While critical of Mohammed Morsi's actions as president, Hamzawy was also an outspoken critic of the army's July 2013 ouster of Morsi. Hamzawy defined the civil state as one in which authority lies in elected civil bodies, the relationship between religion and politics is regulated, and the principle of equal citizenship is upheld. For Hamzawy, the civil state, defined neither by military nor religion, should guarantee official religious institutions a supervisory role while ensuring that adherence to Islamic law does not fuel sectarianism. Such an arrangement would deny extremists the opportunity to impose a rigid interpretation of Islam.<sup>6</sup> Not liberal enough for liberals and disliked by Islamists, Hamzawy's quest for the middle ground led to his isolation, reflecting the polarization in the Egyptian political landscape.

---

<sup>2</sup> Abou el-Ela Mady, *Islamic State and Religious State*, in *Towards a Civic Democratic Islamic Discourse: Islam, State and Citizenship. II*. (Amman: Al-Quds Center for Political Studies and Konrad Adenauer Stiftung, 2010), pp. 16-17.

<sup>3</sup> Amer Khatbeh, "The Civil State: A New Political Term?" February 24, 2014, <http://ifair.wordpress.com/2014/02/24/the-civil-state--madaniya-a-new-political-term/>.

<sup>4</sup> Amr Hamzawy and Nathan J. Brown, *The Egyptian Muslim Brotherhood: Islamist Participation in a Closing Political Environment*. Carnegie Paper No. 19., March 2010, pp. 6-7.

<sup>5</sup> Khatbeth "The Civil State – A New Political Term?" February 24, 2014.

<sup>6</sup> Issander El Amrani, "In Translation: Amr Hamzawy on the Civil State," *The Arabist*, <http://arabist.net/blog/2011/10/21/in-translation-amr-hamzawy-on-the-civil-state.html>.

### ***Tunisia***

The civil state concept, in the eyes of its advocates, can provide space for the convergence of liberals willing to accord Islam a significant yet circumscribed role and Islamists prepared to cooperate with other elements of society. The most successful steps towards adopting this model are occurring in Tunisia, where political and ideological leaders of the Islamist *Ennhada* Party have urged their supporters to endorse a flexible approach toward *al-dawla al-madaniyah*. The preamble of the Tunisian constitution, ratified in January 2014, emphasizes Tunisia's Arab and Islamic identity, while also declaring the civil state to be the appropriate framework for building a participatory, democratic, and republican state. Like many Arab constitutions, the first article designates Islam as the state religion. The second article defines Tunisia as a civil state based on citizenship, the will of the people, and the supremacy of law. Western observers have construed these articles as being in glaring contradiction to one another. However, if understood within the context of contemporary Arab discourse, the overall package is an achievement. Tunisians will undoubtedly encounter obstacles as they negotiate the contours of this imprecise and problematic prescription, but the constitution's enshrinement of *al-dawla al-madaniyah* should not be cavalierly dismissed.

### ***Syria***

The civil state in the Syrian context of anti-regime opposition diverges sharply from its role in other Arab political transitions. An organization or coalition's position on the civil state is an identification mark of vital importance. Support for, or rejection of *al-dawla al-madaniyah* is a consideration that influences cooperation between the panoply of opposition groups and determines the permissibility of forging partnerships. For example, the *Tawhid* Brigade, an Aleppo-based fighting force, initially called for the formation of an Islamic state. When the Syrian National Council (SNC), the internationally recognized coalition of Syrian opposition groups, emerged in November 2012 under the leadership of an Islamist cleric, it declared its support for a civil state. When the Brigade, which has strong ties to the Muslim Brotherhood and *salafist* organizations, joined the SNC, it nevertheless retracted its call for an Islamic state.

As the opposition descended into internecine warfare in late 2013, attitudes toward the civil state affected partnerships between armed factions. Several rebel forces formed a *salafist* umbrella organization, the Islamic Front, to present an alternative to *jihadi* groups such as *al-Qa'ida's* officially sanctioned branch, *Jabhat al-Nusra* and the Islamic State of Iraq and al-Sham (ISIS). In its founding

pact, the Islamic Front rejected the civil state.<sup>7</sup> In order to join the Front, the aforementioned *Tawhid* Brigade, known for its willingness to cooperate with rival actors in the conflict, dropped its dedication to *al-dawla al-madaniyah*. The Brigade's second reversal speaks to both the organization's ideological flexibility and the need to develop clear positions on *al-dawla al-madaniyah* in order to forge alliances.

Civil society activists who raised the banner of *al-dawla al-madaniyah* in early phases of resistance to Assad's rule were met by violent demonstrations that featured black flags and chants of "no to the civil state." Amid sectarian conflict, intra-*salafist* competition, and shifting alliances, a number of Syrian clerics are consequently working to formulate arguments that legitimize the civil state. They aim to provide an alternative to *jihadi* versions of Islamic rule that have caused Syrians grave suffering.

### ***Iraq's Parliamentary Elections***

The *al-dawla al-madaniyah* concept found expression in the run-up to Iraq's April 2014 parliamentary elections. Yet this is not a product of recent Arab upheavals. In Iraq, the discourse on *al-dawla al-madaniyah* and religion-state relations has been inescapably colored by Iran's theocracy. Lebanese Shi'i cleric, Ayatollah Muhammad Shams al-Din, first advanced the concept in the aftermath of the 1979 Islamic revolution. He championed the integration of Shi'is into territorial states and propounded the idea that the state should be void of religious affiliation. Iraq's Ayatollah 'Ali al-Sistani, who is known for his rejection of clerical rule, has popularized a modified version of Shams al-Din's civil state. Although keen to carve out a role for Islamic law in post-Saddam Iraq, Sistani exhibits firm support for a state in which equal citizenship and a regulated relationship between the political and religious spheres reign supreme.

Iraq's recent parliamentary elections were a referendum on Prime Minister Nuri al-Maliki's continued rule and a test for the defunct Shi'i political alliance. The final results will not be known for quite some time. Throughout the campaign, numerous dissatisfied Iraqi groups, including Shi'i parties worked to unseat him. Maliki's policies, which are widely perceived to be undercutting the spirit of the civil state, have contributed to rising tensions between the ruling political circles in Baghdad and the *marja'iyya* – the religious establishment led by Sistani and three other revered ayatollahs.

Sistani has condemned Maliki's gross mismanagement of the Sunni protests that broke out in the Anbar province in December 2012 and repeatedly insisted that

---

<sup>7</sup> The pact devoted separate clauses to the organization's stances on secularism and the civil state, indicating its perception of them as separate issues.

Maliki address the demonstrators' legitimate demands and build a civil state based on equal citizenship. His representatives acknowledged that the implementation of the de-Ba'athification law was flawed and called on Maliki to solve the Anbar crisis in accordance with the constitution. He also publicly endorsed the legislative effort to block a third term for Maliki.

As elections neared, the *marja'iyya* attempted to rein in Islamist parties allied with Maliki. In early 2014, the Iraqi Justice Minister from *al-Fadhila* (Islamic Virtue party) proposed a personal status law that would impose a strict interpretation of Shi'i law that violates international conventions on women and children's rights. Ayatollah Bashir al-Najafi, one of the leading ayatollahs from the religious establishment, swiftly condemned the controversial draft law, which was widely seen as a political maneuver intended to garner votes from radical Islamists. Another influential ayatollah, Sayyed Hussein al-Sadr, issued a *fatwa* declaring it preferable to enact civil laws that comply with international norms. Following this episode, Ayatollah Kazem al-Ha'iri, an Iraqi-born cleric prominent in the Iranian establishment, issued a *fatwa* banning support for secular candidates, similarly provoking a rebuttal from the religious establishment. More recently, one of Sistani's representatives objected to the government's use of Shi'i slogans in the public domain, insisting that the government belongs to all Iraqis. Sistani also instructed candidates to refrain from incorporating religious symbols in their campaign.

Days before the polls opened, Ayatollah al-Najafi delivered a devastating attack on Maliki by outlining his government's failures and urging Iraqis to vote for Ayatollah 'Ammar al-Hakim.<sup>8</sup> This scathing criticism and political endorsement from a cleric of al-Najafi's stature was unprecedented. Never has a fissure between the leading figures of political Shi'ism and religious Shi'ism been so manifest.

Candidates and parties, including newcomers, recognized the need to address *al-dawla al-madaniyah*. In an attempt to cast itself as a vested political player, the Iran-backed militia, 'Asa'ib Ahl al-Haq emphasized its dedication to the civil state on its website. In separate interviews with *al-Hayat*, Muqtada al-Sadr and 'Ammar al-Hakim, both Shi'i leaders of powerful constituencies, voiced reservations about the concept and suggested modifications. Meanwhile, proponents of *al-dawla al-madaniyah* regard it as an imperative tool for reconciliation and inclusive government. Ayad 'Allawi, the head of a major electoral bloc, has positioned the civil state at the core of his platform, and the concept was a driving force that united liberals in the new coalition, the Civil Democratic Alliance. The endorsement and lip service paid to *al-dawla al-*

---

<sup>8</sup> See the Youtube video: <https://www.youtube.com/watch?v=5WcrvtxySz8>.

*madaniyah* in campaigning reflected many candidates' perception that Iraqis are interested in seeing the emergence of a civil state.

The elusive idea of *al-dawla al-madaniyah* and the various meanings ascribed to it in Egypt, Tunisia, Syria, and Iraq underscore the importance of local context when it comes to determining the relationships between religion and state. In 2013 public intellectuals and academics convened in Morocco to discuss the prospects of the civil state. A sobering op-ed in *al-Sharq al-Awsat* recounted one of the meeting's quandaries: How can Arab states institute a civil state without civic culture?<sup>9</sup> Nevertheless, *al-dawla al-madaniyah* is gaining currency because it does not imply a binary division between the political and religious spheres. It connotes a regulated relationship between them and an unyielding commitment to the principle of equal citizenship – a commitment sorely needed in Arab political transitions from authoritarian rule to democratization.

*Rachel Kantz Feder* is a doctoral candidate at the [Graduate School of History](#) and a junior researcher at [Moshe Dayan Center for Middle Eastern and African Studies](#) at [Tel Aviv University](#). She also lectures in [Tel Aviv University's International programs](#).

**The Moshe Dayan Center publishes TEL AVIV NOTES, an analytical update on current affairs in the Middle East, on approximately the 10th and 26th of every month, as well as occasional Special Editions.**

**TEL AVIV NOTES is published with the support of the V. Sorell Foundation.**

**To republish an article in its entirety or as a derivative work, you must attribute it to the author and the Moshe Dayan Center at Tel Aviv University, and include a reference and hyperlink to the original article on the Moshe Dayan Center's website, <http://www.dayan.org>.**

Previous editions of TEL AVIV NOTES can be accessed at <http://www.dayan.org/tel-aviv-notes>.

You are subscribed to the Moshe Dayan Center Electronic Mailing List. Should you wish to unsubscribe, please send an email to [listserv@listserv.tau.ac.il](mailto:listserv@listserv.tau.ac.il), with the message "unsubscribe dayan-center."

---

<sup>9</sup> "Ishkiliya al-Dawla al-Madaniyah" *Al-Sharq al-Awsat*, January 14, 2013  
<http://classic.aawsat.com/details.asp?section=4&issueno=12912&article=767255#.U2XvxIGSyGM>