

### **Summary Report of the 2<sup>nd</sup> Roundtable discussion on the “Civil State” discourse**

Within the framework of the Arab Public Policy Roundtable, a second session on the civil state was organized on February 21st after the first roundtable was held in September. Number of academicians and researchers participated in this session, which aimed at discussing the aspired nature of states in light of current events happening in the Arab World nowadays.

Discussion around this topic gains considerably increasing momentum in light of the current debate over the role of religion in society and whether or not Shariah should be considered as primary source of legislation. In addition, discussion around the civil state is revived nowadays in light of minorities’ fears that their political, social, and economic rights would be undermined.

In this context, some analysts suggest that if no clear definition of what a civil state stands for, then policymakers can take advantage of any vague interpretations and consequently pose a threat on both individual rights and public liberties. The most notable of which is women rights given that some ascending powers (particularly Islamic forces) adopt conservative policies toward women rights.

#### **IFI’s research paper:**

During the session, IFI’s researcher, Atallah al-Salim, presented the findings of a research paper done under the framework of the Arab Public Policy Roundtable project. The paper traces the historical origins of the concept starting with “Madina Accord” which was a binding document put forward by Prophet Mohammad in an aim to define rights and obligations between Muslims and non-Muslims. The paper then highlights the intellectual debate in the 1940’s and 1950’s following the establishment of Muslim Brotherhood in Egypt in the late 1920’s. A special focus was given to writings of Hassan al Banna, founder of the Muslim Brotherhood in Egypt, and Sayed Qutb, Islamist theorist and leading member of the Egyptian Muslim Brotherhood. The paper also mentions the role of some contemporary Shia scholars who had a valuable input in developing the civil state concept. However, Salim noted that context and political climate under which the term “civil state “was debated differently depending on the historical context, the political environment, and the perspectives from which scholars are interpreting it.

The second section of the paper was designated to track statements of key political actors in the Arab World around the civil state. Perspectives of the Muslim Brotherhood in Egypt, Syria,

Tunisia, Al-Azhar institution, the Egyptian state mufti, the al-Nour Salafist Party, the Coptic Church in Egypt, in addition to political groups in Libya and Yemen were all mentioned in the paper. Reference was made to statements made by party officials, parties' national programs, and electoral platforms.

### **Discussion:**

One participant said that the term by itself is problematic since it was not coined or developed in the Arab World. To him, the first serious attempt to define such concept was during an intellectual debate between two of the Arab renaissance thinkers, Mohammad Abdo and Farah Antoun.

Abdo contends that rule in Islam is civil by its nature while religion should be the safeguard of ethics and fortifies members of society. Religion is exercised through sharing rituals and worships. During Islamic era, Muslim clerics were both academically and religiously allowed to legislate. The participant noted that the term given to those people "*al-Faqih*" was to change later on to members of parliament or policy makers in our modern language as result of changes in the living and development of institutions.

According to Abdo, the participant says, this kind of discussion is not applicable in the Arab world because no ruler in this area did the same as the Pope who historically tried to manipulate the political authority. In Islamic history, there is no conflict on power and authority. Therefore, the issue should not be framed as separating religion from politics.

The Egyptians modified the personal status law eight times since 1917. "Mohammad Abdo, who was a Mufti back that time, did not oppose the idea that personal status laws move from the hands of *faqih*s to *shura* council or an elected parliament," noted the one participant. Under this principle, the law used to be prepared in Al-Azhar institution and then sent to parliament for final approval. It was at that time that Al-Azhar institution enjoyed a centrist role in the Egyptian society.

Another participant noted that IFI's research paper missed the Arab Renaissance Era, which is worth considering when discussing the civil state. Religion should not solely be the entry point when discussing a critical topic. Therefore, the perspective of liberal intellectuals and groups should be included in the paper.

The significance of the Arab uprisings was also brought to discussion. While alternatives to "the sick man of Europe" (Ottoman Empire) needed around half century to take place, the situation is way different when it comes to the "Arab Spring". "Regimes, big ideas, and ideologies were all brought down in a fast speed," commented one participant.

What is misleading about the term "civil state" is that irrespective of its connotations, it is always put in contradiction with autocracy or police-lead state, one of the participants noted.

He further explained that term itself indicates the nature of the state as being independent from any political autocracy or military dictatorship, but does not tell anything about the state's identity unlike other ideological driven states. This ambiguity may sometimes mix up the term "civil state" with secularism.

"The conflict nowadays is not between Muslims and seculars as it is portrayed in media; rather it is a conflict of who gets into power," said one participant adding that the Islamic current is following the exact path of other parties that monopolized power like the Baath, pan-Arabists, and leftists. This was evident when the Tunisian Prime Minister, Hamdi Jebali, threatened that he will resign following the assassination of an influential opposition leader in February. Soon after he made such indications, Jebali was challenged by Rachid Ghannouchi who is the leader of Ennahada movement. The latter refused Jebali's resignation at the beginning indicating that this step will eventually weaken Ennahada's power in the eyes of its people. The participant noted that the debate between the two was significant knowing that they both belong to the Muslim Brotherhood and Ghannouchi's statements over that incident reflected that Muslim Brotherhood will not easily share the political power with other groups.

The Arab uprisings are similar to the ideas brought upon the Renaissance Era. Protestors were not chanting slogans calling for the liberation of Palestine nor advocating for working class rights. The slogans were internal driven ones and this is indicative knowing that Arab populations were calling for modern, democratic, and civil states.

At this point, participants agreed that there exist three essential characteristics for a civil state. The state should be not military, non-religious, and surpasses one's primordial affiliations- one's belonging to a kin, sect, tribe, or certain ethnicity.

Does the legitimacy of the new regimes stem from elections only or is it the "religious legitimacy" that counts? This question took a considerable time of participants' discussion. To some participants, the legitimacy of a regime is derived from the extent the regime delivers equal and adequate services. This point of view referred to the Iranian model as a successful one since the Iranian regime maintained a clear cut between theoretical premises of the state on one hand and its functions (ensuring delivery of services) on the other hand. Another participant suggested that it will be more useful for Arabs to look at the Turkish experience rather than the Iranian one. When discussing the challenges of the Arab uprisings, one should note that the new rulers have to deal with political institutions which were put in place during the mandate era- Egypt's institutions, for instance, are inspired from the British. This could be a reason of why the Muslim Brotherhood failed at the level of institution building.

In an attempt to simplify the "civil state" term, it was suggested that "good governance principles" be applied which includes accountability and transparency. However, this was opposed by most of the participants who said that this term is vague, misleading, broad, and

too technical. In addition, applying such principles will eventually lead to broadening the scope of freedoms as to include socio-economic rights which participants agree not to include in the civil state components.

Drawing on the tremendous scientific, industrial, political, and social transformations which took place in Europe during the 17<sup>th</sup> and 18<sup>th</sup> century and later gave birth to the French Revolution, one participant noted that the product was a democratic state indicating that the path France went into could be very similar to the current political turmoil happening in the Arab world. Thus, people are struggling for democracy and this is basically what is meant by the civil state term, as he puts it later.

“The Arab population took to the streets to call for freedom, change of power, and modernity.” Those values should be guaranteed and incorporated into the political institutions. There needs to be a formula which respects all parties and involve them in the political game, illustrated a participant. Under such a formula, no political group will assume full control of the political process. In this sense, the question, as formulated by the same participant, is: How should different political groups transform the conflict from one based on power sharing to managing different ideas and visions under state’s institutions? In this context, the civil state should be based on separation of powers, checks and balances, and ensuring equality of rights and obligations among all members of society.

#### **Concluding remarks:**

- Most participants agreed to move from theoretical discussion to more practical one. Topics suggested for the upcoming sessions are: the economy, socio-economic development, and in-depth topics related to the political process.
- There is a need to discuss the nature of states rather than their identities: Power dynamics, state resources, and administrative reforms. By doing so, researchers will have a clearer picture instead of getting lost in rigid concepts and notions.
- There is a need to re-define what a democratic state stands for away from the traditional and classical definition of democracy which is symbolized by ballot box only. New forms of participatory democracy mechanisms are being advocated and those are proving more useful and have advantages on the long run.
- The Issam Fares Institute will need to expand the scope of the research by taking into consideration participants’ views and opinions.

This report was written in Arabic by Rasha al-Atrash, translated and edited by Atallah al-Salim.

**Annex: List of participants:**

- Rami Khoury, Director, Issam Fares Institute for Public Policy and International Affairs
- Radwan al-Sayed, Professor of Islamic Studies, Lebanese University
- Imad al-Hout, Member of Parliament, Al Jamaa al Islamiyya
- Adib Nehme, Regional Adviser on Social Stastics, ESCWA
- Karam Karam, Head of Research, Common Space Initiative for Shared Knowledge and Consensus Building
- Mohammad Ali Mokalled, independent researcher and writer, retired professor at the Lebanese University
- Al Sadeq al-Faqih, Executive Director, Arab Thought Forum
- Khalil Gebara, Lecturer, Political Sciences department, American University of Beirut
- Randa Antoun, Professor of Political Sciences, American University of Beirut
- Rayan El-Amine, Programs Manager, Issam Fares Institute for Public Policy and International Affairs
- Atallah Al-Salim, Research Assistant, Issam Fares Institute for Public Policy and International Affairs