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Middle East Brief

Islamist Understandings of Sharia and Their Implications for the Post- revolutionary Egyptian Constitution

Dr. Aria Nakissa

The first wave of elections in post-revolutionary Egypt, held between November 2011 and January 2012, brought into being a parliamentary majority dominated by Islamist parties. In June 2012, Mubarak-era appointees still serving in the government succeeded in dissolving Parliament by court order. Nevertheless, prior to its dissolution, the Parliament had appointed a one-hundred-member committee (*al-jam`iyya al-ta'sisiyya*) to draw up Egypt's post-revolutionary constitution. And most committee members—like a majority of the Parliament that appointed them—are Islamist in orientation.

Egyptian Islamists, however, are not a homogeneous group. While they share a general aspiration to implement Sharia law, they are divided over exactly what implementing Sharia entails. Divergent orientations on this issue are reflected in the proliferation of Islamist political parties. By far the most influential is the Muslim Brotherhood's Freedom and Justice Party. As the Brotherhood won a plurality (47 percent) of the available seats in Parliament, its views received the largest representation on the constitutional committee. Moreover, in June 2012 the Brotherhood's Mohammed Morsi became Egypt's first post-revolutionary president—and as president, Morsi is in charge of appointing a new committee if the current one fails in its task. Consequently, regardless of what happens with the current committee, it is difficult to imagine a future scenario wherein the Brotherhood does not play the leading role in shaping the post-revolutionary constitution.

This Brief takes a closer look at the concept of Wasatism, a current of contemporary religious thought and an important component of the Muslim

Brotherhood's orientation toward implementing Sharia. While the vast majority of Brotherhood politicians are not themselves religious scholars, their understandings of Sharia are deeply informed by the beliefs and opinions of such scholars—and the same can be said of the voting public. This Brief first discusses the origins of Wasatism, and then examines the implications of this doctrinal perspective for implementing Sharia. It then considers how this approach has found expression in the drafting of Egypt's post-revolutionary constitution.

The Origins of Wasatism

The term “Wasatism” (*al-wasāṭiyya*)¹ is derived from the word “wasat,” which means “middle.” This reflects the fact that its proponents conceive of it as a middle way, blending “authentic religious tradition” (*al-aṣāla*) with “modernity” (*al-mu‘āṣara*). So what are the principles governing this combination of authentic tradition and modernity? Moreover, what is the final product supposed to look like? Addressing these matters requires considering the origins of Wasatī doctrine.

Although pre-modern Islamic jurisprudence adopted a relatively literalistic approach to the interpretation of Scripture, mainstream jurists have never held that following God's will is simply a matter of applying the exact wording of sacred texts. In interpreting Scripture, jurists proceed on the assumption that, generally speaking, God's commands aim at promoting the happiness and well-being of mankind (*maṣlaḥa*): This is the spirit of the law, and a proper reading of Scripture must take it into account. Indeed, some of the earliest and most revered Muslim authorities (e.g., the caliph ‘Umar) held that God's desire to secure human happiness meant that He would not have intended legislation to apply when, owing to changed circumstances, its implementation would result in undue hardship.² At any rate, while pre-modern jurisprudence countenances some departures from the wording of Scripture, they are fairly minor.

Wasatism as a distinct approach to legal interpretation first begins to emerge in the writings of the nineteenth-century Egyptian Azhari scholar Muḥammad Abduh (d. 1905). Abduh argued that some Islamic legal commandments which successfully promoted human welfare in the past were now an archaic hindrance because of the vast changes in human society brought about by modernity. As such, he believed, God would not have wished them to be applied under the circumstances then prevailing.

Abduh's ideas received further elaboration at the hands of his student Rashīd Riḍā (d. 1935).³ Riḍā proposes that Sharia regulations can be divided into two categories: rulings pertaining to worship of God (*al-‘ibadāt*) and rulings pertaining to dealings between human beings (*al-mu‘āmalāt*). The first category comprises the totality of the ritual law (e.g., prayer, fasting, pilgrimage); it also encompasses most rulings related to family affairs (those currently designated matters of “personal status” [*al-ahwāl al-shakhṣiyya*]), including the legal regulation of marriage, divorce, custody, and inheritance. (Family law is regarded as coming under ritual law because in neither case is it seen as appropriate to probe deeply into the precise reasons undergirding legislation;⁴ rather, the believer must simply submit to God's commands.⁵)

All other issues (e.g., commercial transactions and the penal law) fall into the second category. For Riḍā, commandments pertaining to worship are immutable in nature: They follow from a literalistic reading of the sacred texts. Other rulings are to be determined with reference to a circumstance-specific utilitarian calculus. Where a literal reading of the sacred texts is conducive to human happiness, then the letter

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of the law is still applicable. But where such a reading poses substantial obstacles to maximizing welfare, the texts may be interpreted as either partially or wholly inapplicable to existing circumstances.⁶

Dating back to the Ottoman period, the ancient mosque/University of al-Azhar has functioned as the center of Egypt's religious establishment. Islamic scholars affiliated with al-Azhar initially rejected the ideas of both ʿAbduh and Riḍā. There were a variety of reasons underlying this rejection: Among them was ʿAbduh's and Riḍā's openness to jettisoning the extensive corpus of traditional religious rulings pertaining to "dealings between human beings" (*al-muʿāmalāt*). For traditional jurists, this constituted a radical step.

Nevertheless, at the outset of the twentieth century the grip of these traditional jurists on Egypt's religious establishment was weakening. With help from reform-minded elements within the government, scholars sympathetic to the views of ʿAbduh and Riḍā were promoted to high-ranking religious positions. During the 1930s, they assumed control over al-Azhar's upper administration; by the middle of the century, they had firmly and permanently entrenched themselves at all levels of the university. To this day, ʿAbduh is venerated by the majority of scholars affiliated with al-Azhar as the father of modern Egyptian religious thought.

Wasatism and the Implementation of Sharia

Wasatism as it exists today is based on Riḍā's elaboration of ʿAbduh's legal philosophy. It is the juristic approach taught at al-Azhar, the Dār al-ʿUlūm, and all other state-controlled institutions of religious learning. Wasatism is also the juristic approach adopted by the Muslim Brotherhood. Ḥasan al-Bannā, the founder of the Muslim Brotherhood, was a graduate of the Dār al-ʿUlūm and a disciple of Riḍā. Moreover, many of the Islamic scholars affiliated with the Muslim Brotherhood are graduates of al-Azhar and the Dār al-ʿUlūm.

All of this leads to what may at first appear to be a paradox. When it comes to interpreting Sharia, state-controlled institutions of religious learning and the Muslim Brotherhood might be expected to have opposite views. After all, from Gamal Abdel Nasser (d. 1970) to Hosni Mubarak, the Egyptian government has utilized these institutions to counter the Brotherhood's assertion that Sharia is being transgressed by the state. Accordingly, al-Azhar's highest-ranking authorities are periodically called upon to provide interpretations of Sharia that legitimate government policy. But if the state and the Brotherhood are invested in different understandings of Sharia, how can both subscribe to a single juridical approach (namely, Wasatism)?

Recall that according to Riḍā, although a conservative literalistic approach is required in matters of ritual and family law, on all other matters, the letter of the law may be inapplicable if it poses substantial obstacles to realizing human well-being. This is a very nebulous standard, however. What qualifies as a "substantial" obstacle? Furthermore, who is to judge what "well-being" is? Don't these definitions depend on a prior set of values?

Because it leaves questions like this unresolved, Wasatism as a juridical approach is capable of accommodating very different legal visions. A highly liberal form of Wasatism might hold that outside of ritual and family law, more or less all traditional Sharia regulations are archaic, and constitute major impediments to social and economic progress. On the other hand, a strongly conservative form of Wasatism might deny this assertion, paving the way for a demand that most (if not all) such regulations be implemented. And it is possible to envision a host of intermediate positions.

Top pre-revolutionary governmental religious appointees in Egypt, such as the late Shaykh al-Azhar Muḥammad Sayyid Ṭaṭāwī (d. 2010) and the current Grand Mufti ʿAlī Jum'a, have endorsed a very liberal form of Wasatism. Their perspective is well illustrated in a lecture given by Jum'a shortly before the revolution. In the lecture, Jum'a argues that Egypt's European-style legal system, properly understood, can be seen as more or less fully "in conformance with the Sharia" (*mutābiq li al-Sharia*). Jum'a maintains that whenever Egyptian law departs from Scripture, it can be justified based on Islamic law's flexibility and responsiveness to modern needs.⁷

Jum'a's opinions on the Sharia-compliant nature of Egyptian national legislation conform with the stance of Egypt's Supreme Constitutional Court. Article 2 of the pre-revolutionary constitution states that "[t]he principles of the Islamic Sharia are the primary source of legislation."⁸ Notably, Article 2 speaks of the "principles of the Islamic Sharia" rather than its *rulings*—in order to suggest that adhering to Islamic law does not necessitate literally applying the rulings spelled out in the sacred texts. At any rate, the judiciary in Egypt, invoking reasoning similar to Jum'a's, has held that Egyptian laws do not run afoul of the aforementioned constitutional provision.⁹

The views of state-appointed religious authorities, however, are opposed by other scholars affiliated with the Muslim Brotherhood—including, prominently, Muḥammad al-Ghazālī (d. 1996) and Yūsuf al-Qaraḍāwī. The latter is currently regarded as the informal spiritual head of the Brotherhood, and on several occasions in the past he has been invited to assume official leadership of the organization as "general guide" (*al-murshid al-ʿāmm*).¹⁰

Like more liberal Wasaṭi scholars, al-Qaraḍāwī is perfectly willing to admit that *some* Sharia regulations are no longer applicable in modern circumstances. But he parts company with them in insisting that a great many others are. Whereas Jum'a approves sweeping and systematic changes to traditional Sharia doctrine, al-Qaraḍāwī insists on more modest piecemeal alterations. For instance, he has made an exception to the general prohibition on paying interest for Muslims living in the West who wish to finance the purchase of homes through mortgages. More conservative scholars balk at such a departure from the letter of the law.¹¹ For them, al-Qaraḍāwī's style of jurisprudence is overly subjective, it not being readily apparent why he decides to relax some Sharia restrictions as opposed to others. Yet, for al-Qaraḍāwī's supporters, his stance strikes a pragmatic balance between the excessive rigidity of classical jurisprudence and the lack of sincere commitment to Sharia perceived as characteristic of more liberal forms of Wasaṭism.

Al-Qaraḍāwī's emphasis on flexibility in implementing Sharia serves to legitimate a pragmatic approach to Islamist politics. Hence, Muslim Brotherhood politicians generally endorse the idea of structuring the post-revolutionary Egyptian state on a neoliberal democratic model borrowed from the West.¹² The desirability of such a model stems from its proven ability to deliver socioeconomic development. It should be emphasized, however, that for conservative Wasaṭi scholars, the neoliberal democratic model is not, as it is for liberals, an end unto itself; it is, rather, a pragmatic point of departure for an Islamist political project.

For proponents of Wasaṭism, the challenge is to see how far the neoliberal democratic model can be modified in an Islamic direction without undermining its capacity to deliver development. This entails an experimental approach to politics. Traditional Sharia regulation will be introduced little by little (*tadrij*) rather than all at once, with priority given to areas of the law that involve ritual and family matters. Gradual Islamization will be implemented until further expansion threatens to impose substantial socioeconomic costs. For Wasaṭi scholars, God's concern for human well-being means that He would not demand that Muslims push Islamization beyond this boundary.

For Wasaṭism, the central question then becomes one of discerning the boundary at which further implementation of traditional Sharia regulations would have negative socioeconomic repercussions. For liberal Wasaṭis like Ali Jum'a, Egyptian legislation as it exists at present has already reached that boundary. That is why Jum'a claims, as we have seen, that Egyptian law in its present form can already be seen as Sharia-compliant. Scholars affiliated with the Muslim Brotherhood reject this claim, arguing that it is motivated by a desire to justify the status quo rather

than by a genuine commitment to Sharia. While they may not know exactly where the boundary lies, they are not convinced that it has been reached. For them, implementing Sharia means pushing gradually forward into uncharted waters, exploring how far a neoliberal democratic form of governance can be successfully Islamized. The hope is that such an experiment will produce a state that is both modern and prosperous, but also sincerely committed to Islam. It is worth stressing, however, that the Brotherhood is a "big tent" organization. Wasaṭism, by its very nature, invites a spectrum of viewpoints. Hence, while scholars associated with the Brotherhood are generally more conservative than their government-affiliated counterparts, some are fairly liberal-minded; others are simply undecided. Progressive Islamization is likely to reveal disagreements among these various groups.

Wasaṭism and the Post-revolutionary Constitution

The dynamics described above have found clear expression in efforts to produce a post-revolutionary constitution. Although the constitution itself is still being written, a preliminary draft was released to the public on October 10, 2012. The draft embodies a fundamental tension. On the one hand, the document as a whole is modeled on the constitutions of Western liberal democratic states. At the same time, it is stated that constitutional provisions are valid only insofar as they do not contravene Sharia. The question of how to harmonize liberal constitutional provisions with Sharia is intentionally left unsettled. Mohamed Mahsoub, a member of the constitutional committee and a minister in Morsi's government, argues that "the constitution was designed to regulate disagreement rather than resolve disputes."¹³

This state of affairs has predictably drawn criticism from the minority of secular liberals on the constitutional committee as well as from Western NGOs. Among the most widely circulated criticisms are those expressed by Nadim Houry, deputy director of the Middle East and North Africa division at Human Rights Watch.¹⁴ "The Constituent Assembly has a landmark opportunity to lay the groundwork for respecting human rights in tomorrow's Egypt, but its current draft fails to meet that standard because of vague language or limitations that destroy the essence of many rights." Elsewhere, Houry adds: "The draft constitution contains many loopholes that would allow future authorities to repress and limit basic rights and freedoms."¹⁵

The key "loopholes" threatening to undermine liberal governance stem from the authority granted to Sharia. This authority is established in the decision to retain, word-for-

word, Article 2 from the pre-revolutionary constitution. Retaining Article 2 does not simply represent a continuation of the status quo. What made Article 2 tolerable to liberals under Mubarak was that the last word regarding its interpretation was delegated to state judges inclined toward the most liberal strands of Wasaṭism. But the electoral success of Islamists in post-revolutionary Egypt positions them to alter the composition of the judiciary in favor of less liberal-minded judges. Moreover, some legislators have suggested that the constitution should assign ultimate responsibility for interpreting Article 2 to al-Azhar rather than to the judiciary.¹⁶ Such a proposal would weaken the ability of liberals to control the interpretation of Article 2 regardless of whether Islamists succeeded in altering the composition of the judiciary or not. Exceedingly controversial, the proposal at issue has not made its way into the draft constitution.

At any rate, the authority of Sharia within the draft constitution is not limited to Article 2; its authority is also reflected in other, more specific provisions. Among those that have drawn the strongest criticism from liberals are Articles 8 and 36.¹⁷ Given that it is the simpler of the two, it will be easier to take up Article 36 first.

Article 36¹⁸ states that “the state shall take all measures to establish the equality of women and men in the areas of political, cultural, economic, and social life, as well as all other areas, insofar as this does not conflict with the rulings of Islamic Sharia (*dūn ikhlāl bi aḥkām al-Sharia al-Islāmiyya*).”¹⁹ This provision exemplifies the tension present throughout the entire constitution. It begins by articulating an expansive commitment to liberal notions of gender egalitarianism, but then sharply qualifies this stance by invoking Sharia. Clearly, the ultimate import of Article 36 will be determined by the as yet unclear content ascribed to the “rulings of Islamic Sharia.” On the other hand, it is significant that reference is made to the “*rulings* of Islamic Sharia” rather than merely the “*principles* of Islamic Sharia” (as in Article 2). The choice of “*rulings*” over “*principles*” subtly signals deference to specific commandments as they are spelled out in Scripture, thereby gesturing in the direction of a literalistic hermeneutics.²⁰ Such an approach of this kind is not surprising. Remember that Wasaṭism embraces literalism on two issues: family law and ritual worship. Because legislation dealing with gender is linked to family law, it follows that Article 36 articulates a literalistic orientation with respect to the relevant Sharia rulings.

Article 36 potentially legitimates a variety of laws that liberals oppose. For instance, Egyptian law as it now stands places restrictions on the ability of men to divorce their wives and on their ability to marry polygamously. It also imposes a minimal marriage age for both sexes. For liberals, keeping restrictions of this type in place is necessary in order to ensure

equality between the sexes. Yet, Article 36 would provide grounds for striking down such legislation as illegitimate interference with rights granted under Sharia law.

If Article 36 evinces Wasaṭism’s literalistic tendencies with respect to family law, Article 8 showcases them with respect to ritual worship. Article 8 asserts that “freedom of belief is absolute, and religious rites may be practiced insofar as they do not violate public order. The state will ensure freedom to establish places of worship for Jews, Christians, and Muslims in a manner ordered (i.e., regulated) by law.” Notice that whereas “freedom of belief” is absolute, the practice of religious rites and the establishment of places of worship is delimited by considerations of “public order” and the ordering powers of the “law.” In a Muslim-majority state like Egypt, notions of “public order” will be informed by Muslim sensitivities. To understand why, it is necessary to recognize that the term “public order” (*nizām ‘amm*) as used in Article 8 is a legal term of art. In contemporary Egyptian jurisprudence, the concept of “public order” is complex and multidimensional. Yet, one dimension of preserving “public order” involves giving legal protection to the religious sensitivities of the majority of the populace. An Egyptian court decision from the late 1970s explains that the concept of public order “is sometimes based on a principle related to religious doctrine, in the case when such a doctrine has become intimately linked with the legal and social order, deep-rooted in the conscience of society, in the sense that the general feelings are injured if it is not adhered to.... The definition [of public order] is characterized by objectivity, in accordance with what the largest majority of individuals in the community believe.”²¹ Because the majority of Egyptians are Sunni Muslims, it follows that it is their sensitivities that inform what is meant by public order. Because these sensitivities demand respect for Sharia, ensuring that Sharia is not violated becomes part of preserving public order.

Notice that Article 8 not only invokes the principle of public order with respect to the regulation of religious rites; it likewise does so, though more subtly, when it states that places of worship will be established “in a manner ordered by law (*‘alāal-nahw alladhī yunazzimuhu al-qānūn*).” In other words, the government will regulate the establishment of places of worship in a manner dictated by considerations of public order, and hence in a manner informed by Sunni Muslim sensitivities. The implication is that heterodox Muslim sects (such as the Shia) are not guaranteed the right to establish places of worship.

Liberals insist that such interference in religious matters is not acceptable. For them, living in a modern democratic state implies respect for the rights of all individuals to practice their beliefs however they see fit, irrespective of the general public’s sensitivities. But whereas some religious

scholars are sympathetic to this sort of argument, a number of more conservative figures find it incoherent. An oft-stated criticism is that liberal discourse on “freedom of religion” presumes a Western Christian concept of religion, wherein religion consists in inner private belief coupled with ritual. Conservative scholars, however, stress that Islam (unlike Christianity) additionally embraces a long list of legal prescriptions, regulating, for example, how to marry, divorce, inherit, and the like. For Muslims to practice their religion accordingly involves doing all of these things according to Islamic law.²² This is precisely why some form of Islamic state, according to this perspective, is necessary if Muslims are to freely practice their religion.

To recapitulate, the manner in which Articles 36 and 8 are phrased leaves the door open to a wide range of different interpretations. Sharia *could* be invoked to qualify the rights proclaimed in these Articles; then again, it might not. Even if it is so invoked, it is not clear whether qualifications made in the name of Sharia would slightly restrict liberal rights or sweepingly negate them. If Articles 36 and 8 make it into the final constitution, that will likely invite an ongoing, back-and-forth tug-of-war between Islamists and liberal secular forces—and the manner in which these Articles are interpreted at any particular moment in time will reflect the relative political strength of these two sides. The issues raised by Articles 36 and 8 are emblematic of the tensions that run through the constitution as a whole—and they presage the kinds of political engagement that the constitution invites.

Conclusion

Conservative proponents of Wasatism are comfortable with the notion of an open-ended constitution whose provisions will acquire meaning only through future political battles. Generally speaking, they believe that the Egyptian people are religious, and that popular religiosity will engender sustained electoral support for implementing Sharia insofar as it does not undermine economic development. For conservative Wasatis, an ongoing political process would, they believe, enable the gradual organic emergence of a synthesis between liberalism and Sharia. In their eyes, the process in question represents the natural development of democracy in Muslim societies.

Liberals have a more ambivalent attitude toward elections. For many liberals, majority rule in and of itself is not the same as democracy. In their view, majority rule qualifies as democracy only if it guarantees protection for liberal lifestyles. This is true even if such precludes political alternatives supported by an electoral majority. In the eyes of many liberals, Islamists have not yet accepted true democracy—and this is reflected, they believe, in their refusal to promulgate a

precisely worded constitutional document embodying secular liberal values in a permanent and unambiguous fashion. From this perspective, rather than embracing democracy, Islamists have embraced majority rule, planning on using the results of elections to fill out the meanings of an intentionally vague constitutional document. Liberals fear that a process of this type could produce legislation significantly at variance with secular liberal sensibilities.

The differences of opinion which have surfaced with regard to the constitution indicate the types of struggles likely to characterize Egypt's post-revolutionary political landscape. These struggles will determine what “Islam,” “democracy,” and “liberalism” mean in the Middle East in the wake of the Arab Spring.

Endnotes

- 1 References to Wasaṭism often come in the formula “al-wasaṭiyyah wa al-i`tidāl,” where “i`tidāl” means moderation. Sometimes “i`tidāl” is used alone. See Yūsuf al-Qaraḍāwī, *Kalimāt fi Wasaṭiyya al-Islāmiyya wa Ma`ālimihā* (Cairo: Dār al-Shurūq, 2008), p. 13. Other phrases include “al-madrasa al-wasaṭiyya” and “madrasa al-wasaṭ.” See, e.g., Yūsuf al-Qaraḍāwī, *Dirāsa fi Fiqh Maqāṣid al-Sharī'a* (Cairo: Dār al-Shurūq, 2006), p. 155, and Yūsuf al-Qaraḍāwī, *al-Ijtihād fi al-Sharia al-Islāmiyya* (Kuwait: Dār al-Qalam, 1999), p. 233.
- 2 See Muhammad Biltāji, *Manhaj `Umar bin al-Khattāb fi al-Ḥishrī* (Cairo: Dār al-Salām, 2006).
- 3 For a brief overview of Riḍā's legal theory, see Wael Hallaq, *Sharia: Theory, Practice, Transformations* (New York, Cambridge University Press, 2009), pp. 504–8.
- 4 So, for example, to ask why men can marry four women rather than three is similar to asking why there are five prayers a day instead of seven.
- 5 The fact that family matters are akin to ritual matters is implicit in Riḍā, but is made more explicit by other jurists. See, for example, Abd al-Wahhāb Khallāf, *Ḥilm Uṣūl al-Fiqh* (Cairo: Dār al-Ḥadīth, 2002), pp. 29–30.
- 6 See Rashīd Riḍā, *Yusr al-Islām wa Uṣūl al-Tashrī' al-'Amm* (Minneapolis: Dar Almanar, 2007), pp. 157–73.
- 7 Jum'a's argument is recorded in a videotaped lecture that I purchased outside of the Sulṭān Ḥasan mosque, entitled “al-Tajriba al-Miṣriyya”
- 8 “Mabādi' al-Sharia al-Islāmiyya al-maṣdar al-ra'isi li al-tashrī.”
- 9 See Rachel Scott, “What Might the Muslim Brotherhood Do with al-Azhar? Religious Authority in Egypt,” *Die Welt des Islams* 52 (2012): pp. 139–40.
- 10 [Huda Al-Saleh, “A Conversation with Sheikh Yusuf Al-Qaradawi,” *Asharq Alawsat*, December 26, 2010.*](#)
- 11 See, for example, Yāsir Burhāmī, “Al-Radd `alā istidlāl al-Qaraḍāwī fi jawāz al-ribā fi dār al-kufr,” [*Islamwqy.com*.](#)*
- 12 For more on the Islamist willingness to craft policies based on a neoliberal point of departure, see Bruce Rutherford, “What Do Egypt's Islamists Want? Moderate Islam and the Rise of Islamic Constitutionalism,” *Middle East Journal* 60, no. 4 (2006): pp. 707–31.
- 13 [Gregg Carlstrom, “Political Clash over Egypt's Constitution,” *Aljazeera.com*, October 20, 2012.*](#)
- 14 See, for example, [“Musawwada al-Dustūr al-Misrī tuthīr al-Jadal,” *Aljazeera.net*, October 12, 2012.*](#)
- 15 [“Egypt: Fix Draft Constitution to Protect Key Rights,” *Human Rights Watch*, October 8, 2012.*](#)
- 16 Al-Azhar would be granted this authority in a proposed Article 4.
- 17 The original Arabic text of these two Articles can be found at: <http://www.dostour.eg/sharek/topic/rights-duties/>*
- 18 In the latest draft of the Egyptian constitution, Article 36 has become Article 68.
- 19 Translation taken from [“Letter to Members of the Egyptian Constituent Assembly,” *Human Rights Watch*, October 8, 2012.*](#)
- 20 For more on this issue, see [Dina Ezzat, “Rights Watchdog Fears for Freedoms under Draft Egypt Constitution,” *Al-Ahram*, October 14, 2012.*](#)
- 21 Quoted in Hussein Ali Agrama, “Secularism, Sovereignty, and Indeterminacy: Is Egypt a Secular or a Religious State?” *Comparative Studies in Society and History* 52, no. 3 (2010): pp. 505–6.
- 22 See, for example, Yūsuf al-Qaraḍāwī, *al-Islām wa al-'Almāniyya: Wajhan li Wajh* (Cairo: Maktaba Wahba, 2011), and Yūsuf al-Qaraḍāwī, *al-Taṭarruf al-'Almāni fi Muwājaha al-Islām* (Cairo: Dār al-Shurūq, 2001).

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