

Ulrike Bechmann | Wolfram Reiss (Hg.)

Anwendungsorientierte Religionswissenschaft

Beiträge zu gesellschaftlichen und politischen Fragestellungen 10

Cornelis Hulsman (Ed.)/Diana Serôdio

THE 2014 EGYPTIAN CONSTITUTION

Perspectives from Egypt

With a Foreword by H.E. Amr Moussa

Anwendungsorientierte Religionswissenschaft

herausgegeben von Ulrike Bechmann und Wolfram Reiss

Cornelis Hulsman (ed.)
Diana Serôdio

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Foreword by H.E. Amr Moussa,
Chairman of the Constitutional Assembly of 2013

With contributions from:

Robert A. Forster
Eildert Heiko Mulder

Tectum Verlag

This book is mainly based on interviews with actors involved in the formation of the 2014 Constitution. The interviews are accessible at Arab-West Report: <http://www.arabwestreport.info/en>

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© Tectum - ein Verlag in der Nomos Verlagsgesellschaft, Baden-Baden 2017
eISBN: 978-3-8288-6933-2

(Dieser Titel ist zugleich als gedrucktes Werk unter der ISBN 978-3-8288-3838-3 im Tectum Verlag erschienen.)

ISSN: 2194-8941

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Bibliografische Informationen der Deutschen Nationalbibliothek
Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Angaben sind im Internet über <http://dnb.ddb.de> abrufbar.

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We would like to offer a very special thank you to Dr. Ayman Salāma and Dr. Shirīn F. Ibrāhīm for their invaluable efforts in helping us to insure that the information presented in this report is as accurate as possible.

They gave many hours and spent many sleepless nights sitting with us to review the report. Words cannot describe how thankful we truly are.

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Abbreviations

AWR	Arab West Report
FJP	Freedom and Justice Party
GDP	Gross Domestic Product
IJMES	International Journal of Middle East Studies
NGO	Non-Governmental Organization
SCAF	Supreme Council of the Armed Forces
SCC	Supreme Constitutional Court

Notes on Transliteration

There are a plurality of transliteration systems used for transliterating Arabic texts into English. To ensure consistency, this book uses the IJMES transliteration chart which includes such stylistic functions as transliterating the letter 'g' (Egyptian colloquial) with 'j' (Modern Standard Arabic). The names of places reasonably familiar to the English-speaking reader have been written in their familiar form (for example Tahrir Square rather than *midān al-taḥrīr*). Neither the IJMES wordlist for exceptions nor not adding diacritics to names has been applied for the sake of consistency. The article is *al-*. After the prepositions *li*, *bi* and *fi* the initial 'a' of the article is replaced by *-* (for example *bi-l-Waṭan*). No assimilation to sun-letters was applied. No hamza was used for the article. As for Arabic letterblocks containing more than one word, the different words are connected through *-* (for example *wa-bi-l-Waṭan*). No cases were used for single nouns since these are rarely written in modern Arabic publications. The cases in plural, however, have been used. We used the English plural for transliterated Arabic concepts (*mufti - muftis*). Some Arabic names have been given in the preferred spelling of the person. In case of universities we used the name they use in English (for example Zagazig University). To see a list of alternative spellings, please refer to Appendix I. All Arabic words are in italics with the exception of personal names. No italics have been used in titles and sub-titles. Names of religious groups, currents and scriptures have been capitalized.

Glossary (*Cornelis Hulsman*)

This includes Islamic terms which had different meanings in traditional Islam and that have been partly altered in the discourse of Islamists.

<i>al-Karāma</i>	Literally: Dignity. Name of leftwing nationalist political party inspired by the thoughts of late president Jamāl ‘Abd al-Nāsir
<i>al-Nūr</i>	Literally: The Light, name of largest Salafist political party
<i>al-Tajammu‘</i>	Literally: Assembly. Name of leftist political party
<i>al-Wafd</i>	Literally: The delegation, name of the oldest political party in Egypt, founded in 1918, banned between 1952 and 1978, since then called New <i>al-Wafd</i> Party
<i>Bahā’ī(s)</i>	Member(s) of the Bahā’ī faith, a monotheistic religion that emphasizes the spiritual unity of all human kind. Its founder was Muslim and most early followers came from Islam. Their claim of having a prophet after the prophet Muḥammad is not accepted by traditional Muslims.
<i>fulūl</i>	Literally: Remnants. Derogatory term used by opponents of the Mubāarak regime to describe those with a close association with the Mubāarak regime.
<i>Ḥisba</i>	The Islamic concept of accountability based on the <i>Qur’ānic</i> verse “Enjoin what is good and forbid what is wrong,” giving the government the duty to coercively command right and forbid wrong in order to keep everything in order according to the <i>Shari‘a</i> . Islamists have made this the right of, giving any Muslim to bring another before the court for violating religious principles.
<i>House of Representatives</i>	Egypt’s unicameral chamber (post-2014)
<i>infitāḥ</i>	Literally: Opening, term used for President Anwar al-Sādāt’s liberal economic open door policy in the 1970s

<i>People's Assembly</i>	Egypt's lower bicameral chamber of Parliament (pre-2014)
<i>Qur ān</i>	Muslims believe the <i>Qur ān</i> is the compilation of God's revelations.
<i>shaykh(s)</i>	Islamic teacher or scholar. Plural in Arabic: <i>shuyūkh</i> . In this text we used English grammar to make it plural since it has become a word that has more or less been adopted into the English language.
<i>Sharī'a</i>	Body of legislation derived from <i>Qur ān</i> and <i>Sunna</i> .
<i>Shūrā</i>	Consultation
<i>Shūrā Council</i>	Egypt's upper bicameral chamber of Parliament (pre-2014)
<i>Shī'a</i>	Major branch of Islam
<i>Sunna</i>	Major branch of Islam, representing the vast majority of Muslims worldwide
<i>Sunnī</i>	Adherent of the Sunna Islam, adjective for Sunna
<i>Tamarrud</i>	Literally: Rebellion, name of a movement demonstrating against President Mursī in 2013

Foreword (*His Excellency Amr Moussa*)

I am pleased that the Center for Arab-West Understanding has conducted this unique scientific study on the creation of Egypt's Constitution of 2014. I had the honor of leading the Committee of Fifty that was tasked with drafting it.

Through the constitutional referendum held on January 14 and 15, 2014, a large majority of Egyptians approved the amended Constitution which lifted the gloomy conditions that had been imposed upon the people's free will and thought. Conditions that had deprived them of a democracy that promotes self-determination in all aspects of their lives, whether political, economical, cultural, or social.

It goes without saying that I might agree or disagree with some of the opinions or comments that occurred in this comprehensive and comparative study, which has finally seen the light after one and a half years of the sustainable efforts of this venerable scientific Center.

This text is thorough in its analysis of complex constitutional and legal issues, resulting in an ambitious comparative work examining the differences between the Constitution of 2012 and the amended one of 2014. Additionally, this text provides an accurate assessment of the human rights conventions ratified in the Constitution, which have been endorsed to assert the State's commitment to implementing these conventions. Compared to previous Egyptian Constitutions of years past, the current one endorses an unprecedented guarantee of compliance to human rights.

Aside from the uniqueness of this research, the study is an indispensable foundation for further studies. Furthermore it is a reliable reference for researchers and experts, Egyptian and non-Egyptian, as they reckon the Constitution to be a general, universal document that reflects the aspirations and the ambitions of any nation and its societal developments envisaged for the future.

Finally, I am much obliged for the valuable effort of this study. I would like to take this opportunity to thank all members of the esteemed Committee of

Fifty that I had the honor to chair in drafting the current Constitution. Thus paving thus the right path, and laying undoubtedly and unquestionably, the horizons of freedom, democracy and development for the Egyptians: the sons and daughters of the country of the oldest of civilizations.

H.E. Amr Moussa, Chairman Constituent Assembly of 2013, Presidential candidate in 2012, Secretary-General of the League of Arab States, 2001-2011, Minister of Foreign Affairs, 1991-2001