

INDEX

Names and terms beginning with “al-” or “el-” are indexed under the first major section; thus Yasser El-Shimy will be found in the S’s.

- Abbasids, 37
‘Abd al-Hamid II (sultan), 46, 62–63, 128
‘Abduh, Muhammad, 44, 47, 52, 136
Abrahamic religions, concept of, 123
Abu Hanifa, 105, 170, 180, 191
Abu Zayd, Nasr, 26
Afghanistan, commitment to sharia in,
34
Agrama, Hussein Ali, 6, 8, 25, 26–27, 28, 29,
31–32, 101–3, 225n78
Ahmed, Dawood I., 76
al-Ahram (newspaper), 70
Alawites, 127, 128
Al-Ali, Zaid, 4, 71, 73, 159–60
Alkan, Necati, 128
Amin, Galal, 15
ancient Egypt and Egyptian national
identity, 1–2
Anis, Ashraf, 200
Arab Spring, 2, 7, 8, 68, 90, 133, 142, 163,
169. *See also* revolution of 2011–13
Arendt, Hannah, 18
Arjomand, Saïd, 21
Armenian Christianity, 122, 125, 180–81,
186, 237n23
Arnold, Matthew, 21
Article 2, Constitutions of 1971–2014:
divinely revealed religions and, 130–31,
132, 145; on Islamic legal authority, 86,
87, 90, 93–94, 104, 108–10, 115; making/
writing constitutions and, 62, 67–68, 70,
75–81; national/cultural identity and, 26,
130; sharia and constitutional provisions,
interplay of, 205–6; women/the family
and, 154–55, 167
Article 3, Constitutions of 2012 and 2014:
divinely revealed religions and, 118–19,
120, 131, 132, 134, 135, 143–47, 205;
judicial autonomy of non-Muslims
and, 176–77, 190–97, 201
Article 4, Constitution of 2012, 86–87,
95–97, 99, 100–101, 104, 105, 106, 112
Article 6, Constitution of 2014, 143–44
Article 7, Constitution of 2014, 99–100,
114
Article 9, Constitution of 1971, 155, 159
Article 10, Constitutions of 2012 and 2014,
148, 149, 159–63, 166, 169, 171, 173
Article 11, Constitution of 1971, 154–55, 158
Article 11, Constitutions of 2012 and 2014,
159, 160–61, 162
Article 43, Constitution of 2012 (Article 64,
Constitution of 2014), 131, 132, 143
Article 44, Constitution of 2012, 203
Article 46, Constitution of 1971, 131–32, 141
Article 53, Constitution of 2014, 161
Article 175, Constitution of 2012, 96–97
Article 219, Constitution of 2012, 94, 96, 97,
99, 104, 115, 167
al-‘Aryan, ‘Issam, 91, 98, 107
Asad, Talal, 23, 25–26, 28, 150, 212n50
al-‘Assal, Safi Ibn, 50, 184–85
atheism, bill to criminalize, 203–5
Australia, lack of formal written constitution
in, 17
al-‘Awwa, Muhammad Salim, 106, 167–69,
204; *On the Political System of the Islamic
State*, 167–68
Ayoub, Samy, 46–47
al-Azhar. *See* ulama of al-Azhar
al-Azhar Ulama Front, 90
al-Aziz, Dina ‘Abd, 200

Badran, ‘Abd Allah, 98
Baha’i Egyptian National Spiritual Assembly
(NAS), 138

- Baha'î News*, 137–38, 139
- Baha'is: Coptic Orthodox Church and, 2; divinely revealed religions, implications of concept of, 118, 119–20, 135; identity documents for, 144, 230n82; as Islamic apostates versus non-Muslims, 136–37, 139–40; personal status law for, 138, 139–40; vicissitudes of, in modern Egyptian state, 118–20, 126, 135–41, 146, 231n124
- Baha'u'llah, 137
- al-Banna, Hasan, 55, 64, 65
- Bano, Masooda, 74
- Barkey, Karen, 46, 121, 123, 127
- Basit, 'Abd al-Masih, 194, 198, 199
- Batiniyya, 127
- al-Bayadi, Safwat, 144
- al-Bayyumi, 'Abd al-Mu'ti, 114
- al-Baz, Muhammad, 200
- Belkhouja, Habib, 171
- Berger, Maurits, 189
- Berger, Peter, 25
- Berkes, Niyazi, 50–51, 124
- Bibawi, Nabil Luqa, 131
- Bier, Laura, 151
- al-Bishri, Tariq, 45, 57–58, 168–69
- Bola (bishop of Tanta), 144
- Braude, Benjamin, 121
- Britain: Druze, failure to recognize, 229n56; early modern marriage law in, 150–51; Jewish interests in Ottoman Empire and, 122; revolution of 1919 against, 61, 64, 65, 142, 153; revolution of 1952 against, 66; withdrawal from European Union by, 22
- Brown, Nathan J., 17, 18, 20–21, 48, 49, 63, 65, 67, 68, 73, 77, 79, 93, 107–8, 217n120
- Cairo Institute for Human Rights Studies, 4, 160
- CARE International Egypt, 172
- Carter, B. L., 64–66, 181, 185
- Catholics: on amendment of Article 3, 144; Armenian Catholics, 125, 180–81; Coptic Catholic Church, 125, 132, 142, 166; French protection of, in Egypt, 122
- Cavanaugh, William, 150, 164
- Charrad, Mounira, 151
- Christianity: Armenian churches, 125, 180–81, 186, 237n23, 122; Article 219, lobbying for removal of, 99; family law for medieval Middle Eastern Christians, centrality of, 50, 152; gender equality, Islamic/Christian differences on, 11, 50, 152, 193–200; Greek Orthodox, 122–23, 125, 179–81, 183–86, 193, 237n23; Jehovah's Witnesses, 140, 146; as percentage of Egyptian population, 118; Protestantism, 122, 128, 194–95. *See also* Catholics; Coptic Christianity; divinely revealed religions; judicial autonomy of non-Muslims
- citizenship: maleness and, 148, 153; modern state and, 19, 21, 32–33; in Ottoman Empire, 124; religious community and, 133
- Clogg, Richard, 180
- codification of laws, 45–49, 51, 52
- Cohen, Amnon, 123, 178–79, 183, 238n38
- Cole, Juan, 136
- colonialism and colonial period in Egypt, 48–51, 56, 61, 64, 152. *See also* Britain
- Committee of 10, 74, 160, 162
- Committee of 50, 74, 144, 160
- Constituent Assembly, 64, 69, 71–73, 94, 95, 106, 132, 143–45, 148, 156, 158, 160
- Constitution of 1882 (Egypt), 63, 153
- Constitution of 1923 (Egypt), 24–25, 61, 64–66, 75, 90, 129, 153, 189
- Constitution of 1956 (Egypt): citizenship and, 129; on Islamic legal authority, 90; secularism attributed to, 24–25; on “we, the Egyptian people,” 23; women/the family and, 149, 153–54, 165, 173; writing/making constitutions and, 61, 66–67, 75
- Constitution of 1971 (Egypt): Article 9, 155, 159; Article 11, 154–55, 158; Article 46, 131–32, 141; Islamic legal authority and, 86, 90, 94, 97, 115; judicial review in, 67; making/writing constitutions and, 17, 62, 67–70, 73, 75, 76, 220n50; relationship of religion/politics in, 3, 4; sharia and, 25, 26, 45; women/the family in, 25, 67, 154–56, 158, 159, 165, 167. *See also specific articles*
- Constitution of 2012 (Egypt): Coptic Christian response to, 72, 142–43; critiqued in comparison to 2014 Constitution, 3–4, 24–25, 62, 148–50, 203; divinely revealed religions and, 4, 118, 134, 142–44, 146; Islamic legal authority and, 86, 93–97, 103–4, 115; making/writing constitutions and, 62, 69–74, 80–81; relationship of religion/politics

- in, 3–4, 11, 209n4; sharia and, 24–25; women/the family and, 4, 11, 148–50, 156–63, 164–65, 167, 173. *See also specific articles*
- Constitution of 2014 (Egypt): Article 64, 143–44; Constitution of 2012 critiqued in comparison to, 3–4, 24–25, 62, 148–50, 203; divinely revealed religions and, 117, 118–19, 134, 143–46; Islamic legal authority and, 87, 88, 97–100, 101, 103–4, 108, 114, 204; making/writing constitutions and, 62, 74–75, 80–81; relationship of religion/politics in, 4, 11; sharia and, 24–25; women/the family and, 4, 11, 148–50, 156–63, 164–65, 167, 173. *See also specific articles*
- constitutions, 9–10, 15–33; citizenship and, 19, 21, 32–33; as foundational ideological statements, 16–21, 62, 74; Islamism, rethinking, 29–32; Islamist/secular binary and, 25–29, 41; management of religion by, 22, 24–29; national culture/identity and, 8, 9, 16, 19, 21–24, 29, 32–33, 61, 129; preambles to, 21, 23–24, 66, 94, 96, 100, 117–18, 144, 156–57, 158, 161; sharia, constitutional commitments to, 5–6, 9, 25, 26, 34, 62, 67–68, 70, 75–80, 81, 86; suspicion of the law and, 103; women/the family defined and managed by, 153–56
- constitutions, making and writing, 10, 61–81; Arab Spring and Egyptian revolution of 2011–2013, 68–75; Article 2 on sharia law, 26, 62, 67–68, 70, 75–80, 81; critiquing Constitution of 2012 compared to 2014 Constitution, 3–4, 24–25, 62, 148–50, 203; making of Egyptian state and, 62–66; management of religion/politics relationship and, 7–9; in postcolonial period, 66–68; women's absence from, 153
- Coptic Catholic Church, 125, 132, 142, 166
- Coptic Christianity: on Article 2, 30–131; authority/control of Orthodox Church over Copts, 2, 132–34, 145, 193, 194, 205; Community Council, 176–87, 193; Constituent Assembly/People's Assembly and, 71, 220–21n59; Constitution of 1923 and, 65, 66, 129–30; Constitution of 1956 and, 66, 129–30; Constitution of 1971 and, 25, 130; Constitution of 2012 and, 72, 142–44; Constitution of 2014 and, 144–46; divinely revealed religions and, 119, 120, 123, 125; divorce and remarriage restrictions, 190, 191, 194, 196; family law exemption for, 139; gender equality, Islamic/Christian differences on, 11, 50, 152, 193–200; inheritance law and, 11, 50, 177, 184–86, 190–200, 206, 238–39n52; judicial autonomy of, 121; parliamentary quotas for, 65, 145; personal status law and, 121, 131, 132, 134, 142, 145; polygamy in, 180, 237n17; relationship between religion/politics and, 2; revolution of 2011, participation of Copts in, 133, 142; violence against, 142; on women/the family, 166
- Coptic Evangelical Church, 125, 132, 142, 166, 195
- Coptic Orthodox Church, 2, 72, 125, 131–34, 142, 144–46, 166, 185–87, 190, 194–97, 199, 200, 205, 239n70
- Copts 38 (organization), 133
- Council for Juridical Enactments, 46
- Crecelius, Daniel, 89
- Cuno, Kenneth, 44, 48, 52, 151, 169
- Cyril III (Coptic pope), 184
- Democratic Coalition for Egypt, 70
- Democratic Front, 142
- dhimmi* system, 120–21, 125, 178–80, 183, 185, 200, 236n7
- difference, modern national identity and need for, 129–30, 212n50
- Dimbleby, David, 22
- divinely revealed religions, 10–11, 117–233; atheism, bill to criminalize, 205; Baha'is in modern Egyptian state, vicissitudes of, 118–20, 126, 135–41, 146, 231n124; broad support for concept of, 119; constitutional commitments to, 4, 7, 117–19, 143–46; freedom of religion for, 117–18, 126, 131–32, 143; history and development of state recognition of, 120–25; Islamic heterodoxy, treatment of, 127–29, 147; Islamism and, 118, 145, 146; national culture/identity and, 119, 129–35, 141–47, 176–77, 205; non-divinely revealed religions, implications for, 118, 126–27, 135; personal status law for, 121, 125, 131, 132, 134, 142, 145, 176; secularism and religious polarization, 119; sharia and, 120, 125, 135, 145, 146. *See also* Christianity; Jews and Judaism
- divorce and remarriage. *See* marriage and divorce
- Druze, 127, 128, 229n56

- Ebussuud Efendi, 41, 183
 Effendi, Shoghi, 137–39
 Egypt, politics and religion in. *See* religion and politics in Egypt
 Egyptian Arab Socialist Party, 142
 Egyptian Association for Culture and Dialogue, 168
 Egyptian Initiative for Personal Rights, 197
 Egyptian Union of Human Rights Organization (EUHRO), 193
 Elgawhary, Tarek A., 52, 216n89
 Elsässer, Sebastian, 130, 142
 Emon, Anver M., 45, 121, 125, 178
 Erdogan, Recep Tayyip, 22
 European law codes, Egyptian adoption of, 3, 47–48, 54, 59
 Ezdawy, Yousri, 112
- Fadel, Mohammed, 39, 40, 49, 79, 94, 169
 Fahmy, Khaled, 6, 26, 54, 63
 Fakhry Pasha, Husayn, 49
 family/family law. *See* personal status law; women and the family
 Faraj, Abu al-Fadl, 209n4
 Fatwa Council, 102, 225n78
fatwas, 41, 90, 102, 106, 136–38, 225n78
fiqh, 40, 41, 42, 45, 97, 107, 108
 Fouad, Vivian, 133
 Foucault, Michel, 33
 Freedom and Justice Party, 58, 70–72, 91, 96–99, 105, 112–13, 134
 freedom of religion: Baha'is and, 141; for divinely revealed religions, 117–18, 126, 131–32, 143; in Egyptian Constitution of 1971, 67; in Egyptian Constitutions of 1923 and 1956, 24, 64, 65, 66–67; in Ottoman Empire, 63, 123–24; in US Constitution, 9
 Front to Defend al-Azhar, 98
 Fu'ad. Bakhumious, 194, 198
 al-Futuh, 'Abd al-Mun'im Abu, 89, 91
- Gabriel II (Coptic pope), 184
 Gabriel VII (Coptic pope), 237n17
 gender. *See* women and the family
 Gerber, Haim, 41
 German culture and unification of German state, 22
 Ghazaleh, Pascale, 182
 al-Ghazali, 'Abd al-Hamid, 91, 113
 al-Ghazali, Abu Hamid, 26, 102
 al-Ghazali, Muhammad, 85, 87, 102, 171
 Ghibrial, Nabil, 193
 Ghibrial, Najib, 193
- al-Gindi, Muhammad Shahat, 89–90
 Ginsburg, Tom, 76
 Goitein, S. D., 184, 238n40
 Goode, William, 151
 Greek Orthodox Christianity, 122–23, 125, 179–81, 183–86, 193, 237n23
Guardian (newspaper), 148
 Guirguis, Magdi, 123, 180, 181, 185
 al-Gulpayagani, Baha'i, 136
 Guma'a, 'Ali, 74, 114
- Habib, Muhammad, 137
 Habib, Rafiq, 99, 105–6, 108
 Hacker, Joseph, 178, 181
hakimiyya, 75–76
 Hallaq, Wael B., 3, 6, 21–22, 34, 37, 42, 53, 214n38
 Hamrush, 'Amr, 203–5
 Hanafi school of law: Hanification of Egyptian law, 43–44, 108, 169; on inheritance law, 183; on Islamic legal authority, 102, 108, 226n102, 226n104; on judicial autonomy of non-Muslims, 180; married women, economic status of, 169–70; on *maslaha*, 170; on non-divinely revealed religions, 126, 128; sharia and, 38, 43–44, 46–49, 52–53
 Hanbali school of law, 126, 170, 226n102
 Hanley, Will, 63
 Hanna, Fathy Ragheb, 184, 185, 193
 Hanna, Michael, 94
 Hasan, S. S., 129
 Hatem, Mervat, 66–67, 129–30
 heavenly religions. *See* divinely revealed religions
 Heo, Angie, 133
 heterodoxy, Islamic, 127–29, 147
hisba, 6, 26–27
 homogeneous political identity in modern states, 19, 23, 63, 212n50
 al-Hudaybi, Ibrahim, 108–9
 al-Hudaybi, Ma'mun, 108
 al-Hudaybi, Muhammad, 157
hudud punishments, 38
 Hughes, Aaron, 123
 Human Rights Watch, 159
 Hussin, Iza R., 36, 48, 49, 54
 Huwaydi, Fahmi, 89
- Ibn Hanbal, 170
 Ibn i-Kemal, 127
 Ibn Qayyim al-Jawziyya, 39
 Ibn Taymiyya, 39–40, 103, 127, 169, 225n77

- identity documents: Baha'is' right to leave religion box empty, 230n82; constitutional right to have, 144
- ijtihad*, 37, 42, 44–45, 93, 171
- inheritance law, 182–86; Article 3 and, 191–97; for Baha'is, 138; Coptic Christianity and, 11, 50, 177, 184–86, 190–200, 206, 238–39n52; in Islamic jurisprudence, 151, 175, 182–83; marriage law in Islamic jurisprudence and, 151; in modern Egyptian legal system, 187–88, 189–90; Muslim calls for changes in, 200; as national law in Egypt, 175, 189; non-codification of, 51; in Ottoman Empire, 183, 185–86, 238n34; personal status law and, 3, 52, 152; sharia on, 171, 182–83, 184, 200; in Tunisia, 171, 200; women and, 170–72, 175, 183–85, 188, 192–200, 238n40, 240n91
- Interim Constitutional Declaration (2013), 99, 143
- International Bar Association, 4
- International Institute for Democracy and Electoral Assistance (IDEA), 4
- International Union of Islamic Scholars, 55, 168
- Iran: Baha'is from, 136; sharia in, 108; theocracy in, 4, 91
- Iraq, commitment to sharia in, 34
- ISIS, 5, 31
- Iskandar, Amin, 131
- Islam as religion of Egyptian state, constitutional commitments to, 25, 54, 64, 65, 66, 68, 70, 75
- Islamic heterodoxy, 127–29, 147
- Islamic legal authority, 10, 85–116; Constitution of 2012 and, 86, 93–97, 103–4; Constitution of 2014 and, 97–100, 101, 103–4; Islamic and non-Islamic, distinguishing, 10, 88, 110–15; Muslim Brotherhood on, 89–90, 91, 95–96, 97–101, 105, 106, 108, 112–14; Salafis on, 91, 94, 95, 97–99, 106; state and ulama, relationship between, 10, 87, 88–90; state law and sharia, relationship between, 104–10; state monopoly on lawmaking, assumption of, 36, 53–54; *sukuk* debate (over Islamic bonds), 87, 97–100, 105, 112–15; of Supreme Constitutional Court, 86, 87–88, 90–91, 94, 95–97, 100, 101, 104–10, 113, 204; suspicion of the law, old and new tensions derived from, 100–104. *See also* ulama of al-Azhar
- Islamic Research Academy, 90, 113, 114, 226n104
- Islamic supremacy clauses, 76
- Islamism: Article 2 on sharia law and, 75–76, 78, 132; Article 3 and, 134, 145; Constituent Assembly, Islamists on, 71; Constitutions of 2012/2014 and, 71–72, 74; defining, 15; divinely revealed religions, concept of, 118, 145, 146; political expression of Islam, advocating for, 330; on relationship between religion and politics, 15–16; rethinking concept of, 29–32; secular/Islamist binary, 3–5, 6, 15, 25–29, 31, 33, 130; violence of 1980s and, 90; women/the family and, 149–50, 152, 163–66, 173
- Ismail, Khedive, 48
- Israel: Druze, recognition of, 229n56; Jehovah's Witnesses and Baha'is, 140; lack of written constitution in, 20
- al-Jabarti, 'Abd al-Rahman, 37
- Jackson, Sherman, 34, 37, 38, 40, 42, 111, 191–92, 214n41
- Jadd al-Haqq, 'Ali Jadd al-Haqq, 78, 136–37
- Jehovah's Witnesses, 140, 146
- Jennings, Ronald C., 236n7
- Jeremiah (bishop), 145–46
- Jews and Judaism: as divinely revealed religion, 118, 120–26, 131–32, 146, 228n31, 229n46; inheritance law and, 182–83, 238n38; judicial autonomy of, 178–79, 180–81; Levirate marriage, 189
- jizya*, 120, 126
- Johansen, Baber, 38
- Jordan, commitment to sharia in, 34
- judicial autonomy of non-Muslims, 11, 175–202; Article 3 and, 190–97, 201; concurrent versus exclusive jurisdiction, 180–82, 187, 237n23; constitutional commitments to, 7, 132, 143; as exemption from national law, 176–77, 188–89, 191–92, 201–2, 206; *millet* system and, 11, 50, 176, 180–81, 186, 191, 201; in modern Egyptian legal system, 186–90, 201; national culture/identity and, 186; origins of concept of, 120–21, 146; in premodern and Ottoman history, 177–86, 200–201; public order concept and, 177, 186, 188–90, 201, 206. *See also* divinely revealed religions; inheritance law; marriage and divorce; personal status law; *specific non-Muslim groups*

- Kamal, Karima, 196
 Kamala, Hala, 156, 161–62
 Karaites, 229n46
 al-Katatni, Muhammad Sa‘d, 70
 Kerr, Malcolm H., 49, 171
 Khatti Humayun Decree (1856), 123–25,
 145, 181, 186, 237n23
 Kirkpatrick, David, 94
 Kuru, Ahmet T., 41, 59, 88, 104
 Kyrillos IV (Coptic pope), 199
- Labor Party, 142
 Lane, E. W., 180
 el-Leithy, Tamer, 180, 185
 Lerner, Hanna, 9, 17
 Levirate marriage for Jews, 189
 Lewis, Bernard, 122, 177
 Lloyd, David, 21
 Locke, John, 111
 Lombardi, Clark B., 40, 56, 78–79
- Machiavelli, Nicolo, 18
 MacKinnon, Catharine A., 17, 149
 Mahmood, Saba, 6, 119, 126, 146, 152
 Mahmud II (sultan), 43, 46, 50–51, 122,
 124
 Mahmud, ‘Abd al-Halim, 78
majalla, 46–47, 48, 51
 Malaysia, secular / religious binary in,
 163–64
 Malik (Imam), 170, 179–80
 Maliki school of law, 38, 43, 108, 126, 170,
 179–80, 182, 192, 226n102, 226n104
 Mamluks, 38, 39, 43, 88, 126, 180, 185,
 191–92
 Mansour, ‘Adly, 74, 99, 143
 March, Andrew, 6, 27, 28, 185
 Marcos, Samir, 65, 133, 200, 221n68
marji‘ (reference), 99
marji‘iyya (frame of reference), 58, 98, 105
marji‘iyyat al-Azhar (the frame of reference
 of al-Azhar), 94, 107
 Marqus (bishop), 198
 marriage and divorce: for Baha’is, 136–40;
 Copts, divorce and remarriage restrictions
 on, 190, 191, 194, 196; for divinely
 revealed religions, 50, 125, 145; economic
 protections for women and, 169–70;
 governance of modern state and, 150–51;
 in Islamic jurisprudence, 151; Levirate
 marriage for Jews, 189; mixed Baha’i/
 Muslim marriages, 136–37; monogamy,
 151, 189; non-codification of, 51;
 personal status law, as part of, 3, 52, 125;
 polygyny / polygamy, 151, 180, 233n11,
 237n17; verbal divorce, 204
- Marx, Karl, 152
maslaha, 170–71
 Maspero Youth Union, 133
 Masuzawa, Tomoko, 22
 Maududi, Abu al-‘Ala, 76
 al-Mawardi, Abu Hasan, 38
 McLarney, Ellen, 152, 158, 165
 Mehmed II the Conqueror (sultan), 122
 Mekki, Mahmud, 142
 Messick, Brinkley, 5
 Mikha’il, Milak Tamir, 131
millet system: divinely revealed religions
 and, 121–25, 128, 129, 135, 138, 227n9;
 judicial autonomy of non-Muslims
 and, 11, 50, 176, 180–81, 186, 191, 201;
 women / the family and, 152
- Ministry of Fatwas, 90, 108
 minorities, religious. *See* divinely revealed
 religions; judicial autonomy of non-
 Muslims; *specific religious groups*
 al-Misri, Ahmad Ibn Naqib, 26, 38, 42,
 151
 Mitchell, Timothy, 9, 19, 32
 monogamy, 151, 189
 morality police, concerns about
 establishment of, 148, 159, 166
 Moustafa, Tamir, 8, 9, 29, 78, 90, 150,
 163–64, 176, 222n100
 Mubarak, Hosni, 1, 2, 22, 24, 67, 68, 69, 90,
 92, 142, 220n50
 Muhammad ‘Ali (Khedive of Egypt), 44, 89,
 218–19n8
 al-Muqaffa‘, Ibn, 37
 mural, former American University in
 Cairo, 1–2, 207
 Mursi, Muhammad, 4, 22, 23, 24, 68, 71–73,
 97–99, 143, 149, 158, 160, 205
 al-Musayyib, Sa‘id ibn, 102
 Muslim Brotherhood: Baha’is and, 137;
 Constitution of 1923 and, 64, 65;
 Constitution of 2012 and, 4, 62, 69, 71–74;
 constitution writing / making and, 62, 64,
 65, 69, 70; divinely revealed religions and,
 134–35, 146; Freedom and Justice Party
 (political wing), 58, 70–72, 91, 96–99,
 105, 112–13, 134; Interim Constitutional
 Declaration (2013) and, 143; on Islamic
 legal authority, 9–90, 91, 95–96, 97–101,
 105, 106, 108, 112–14; on Islamic versus
 non-Islamic, 10, 112–14; modern Islamic

- state law and sharia, relationship between, 3, 55, 206; religion and politics, relationship between, 2, 15; removal from public sphere, 204; rethinking Islamism and, 31; on sharia, 55, 58; women/the family and, 150, 155–56, 157, 163, 164–65, 167–69, 173–74
- mutual orthodoxy, doctrine of, 42–44
- An-Na'im, Abdullahi, 31, 56–57
- al-Najjar, Ahmed, 112–13
- al-Najjar, Ramses, 196
- Najm, Ibrahim, 114
- Napoleonic Code, 52
- Nasrallah, Huda, 197
- al-Nasser, Gamal 'Abd: Baha'is and, 140, 146; constitution writing/making and, 25, 66, 222n100; divinely revealed religions and, 118, 132, 146; Islamic legal authority and, 89; judicial autonomy of non-Muslims under, 188; sharia and, 53; women/the family and, 151, 154, 158, 160, 173
- National Council for Women, 162, 172
- national culture/identity: constitutions and, 8, 9, 16, 19, 21–24, 29, 32–33, 61, 129; difference, need for, 129–30, 212n50; divinely revealed religions and, 119, 129–35, 141–47, 176–77, 205; judicial autonomy of non-Muslims and, 186; making/writing constitutions and making of Egyptian state, 62–66; in post-colonial period, 66–67; sharia and, 57, 60; women/the family and, 149–50, 151–52, 153–56, 173
- National Defense Council, 73
- National Democratic party, 2, 69
- non-Muslims in Egypt. *See* divinely revealed religions; judicial autonomy for non-Muslims; *specific groups*
- Norway, constitution of, 17
- al-nizam al-'amm*. *See* *public order*
- al-Nur, Munir Fakhri 'Abd, 200
- al-Nur Party, 97, 98
- Orgad, Liav, 156–57
- Ottoman Constitution of 1876, 62–63, 218n3, 232n136
- Ottoman Empire: Baha'is in, 141; citizenship in, 124; constitutions, making/writing, 62–64; divinely revealed religions in, 118–25, 135, 145–47, 227n9, 232n136; Egyptian move away from law sources of, 3; freedom of religion in, 63, 123–24; inheritance law in, 183, 185–86, 238n34; Islamic heterodoxy in, 127–29; judicial autonomy of non-Muslims in, 176–81, 183, 185–87, 200–202; Khattī Humayun Decree (1856), 123–25, 145, 181, 186, 237n23; non-divinely revealed religions in, 126–27; secular/Islamist binary and, 6; sharia and, 35, 39, 40–41, 43, 46–51, 59; Tanzimat reforms, 48, 123–24, 128; ulama of al-Azhar under, 88
- Pantazopoulos, Nikolaos, 180
- People of the Book, 121, 122, 126, 135, 137. *See also* divinely revealed religions
- People's Assembly, 69, 71, 90, 91, 92, 97, 113, 220n59, 224n52
- personal status law: Article 3 and, 176, 190–97; for Baha'is, 138, 139–40; codification and, 51–52; for Jews and Christians, 121, 125, 131, 132, 134, 142, 145, 176; Laws of 1920 and 1929, 170; in modern Egyptian legal system, 186–90; origins as term, 52; sharia and, 49–53, 59, 191; suspicion of personal status law courts, 102. *See also* inheritance law; judicial autonomy of non-Muslims; marriage and divorce
- Peters, Rudolph, 48
- Pierce, Leslie, 233n11
- Pink, Johanna, 136, 137
- Plato, 156
- politics and religion in Egypt. *See* religion and politics in Egypt
- polygyny/polygamy, 151, 180, 233n11, 237n17
- polytheists, 126, 128
- preambles to constitutions, 21, 23–24, 66, 94, 96, 100, 117–18, 144, 156–57, 158, 161
- Preuss, Ulrich, 18
- proportional representation: Coptic Christians, parliamentary quotas for, 65, 145; of women, 163
- Protestantism, 122, 128, 194–95
- public order: constitution making/writing and, 63, 65–67; divinely revealed religions and, 132, 137, 139–40; judicial autonomy of non-Muslims and, 177, 186, 188–90, 201, 206; in sharia, 53; women/the family and, 159, 161, 169
- Qadri Pasha, Muhammad, 47, 52, 187
- al-Qaeda, 31

- qanun*, 41
 al-Qaradawi, Yusuf, 30, 55, 91
 al-Qarafi, Shihab al-Din, 38–39, 42, 192
 Qaramita, 127
 al-Qattan, Najwa, 178, 180, 183
 Quraishi, Asifa, 38, 40
 al-Qusi, Muhammad ‘Abd al-Fadil, 107
 Qutb, Sayyid, 75–76
- Reform Charter (1839), 51
 religion and politics in Egypt, 1–11,
 203–6; atheism, bill to criminalize, 203–5;
 constitutions/constitution making and,
 7–9; distinguishing civil and religious
 spheres, 15–16, 111–12; entanglement of,
 9, 27; Islamist/secular binary and, 3–5,
 6, 15, 25–29, 31; modern Islamic state
 law and sharia, relationship between,
 2–7, 34–35, 104–10, 205–8; separation of
 religious institutions and state, modern/
 premodern, 31–32, 35, 111–12; state
 monopoly on lawmaking, assumption
 of, 36, 53–54; theorization of secularism
 and, 7–8. *See also* divinely revealed
 religions; Islamic legal authority; judicial
 autonomy of non-Muslims; sharia;
 women and the family; *specific entries at*
 constitution
- religious violence, myth of, 164
 Renaissance Program, 158
 revolution of 2011–13, in Egypt:
 constitutions/constitution-making and,
 22–24, 68–75, 80–81; divinely revealed
 religions and, 133, 142; Islamic legal
 authority and, 86, 88, 91–92, 99, 115;
 judicial autonomy of non-Muslims and,
 177, 192, 200; massacres of 2013, 73–74;
 relation between religion and politics
 in Egypt and, 1–2, 7, 8, 10; women/the
 family and, 157
- revolutions: of 1919, of Egypt against
 British, 61, 64, 65, 142, 153; of 1952,
 of Egypt against British, 56; American
 Revolution, 18; as foundational
 ideologies, 18, 61
- Rida, Rashid, 44–45, 54, 136, 171, 216n89
 Right to Life (organization), 133, 200
 Robespierre, Maximilien, 18
 Rosen, Lawrence, 37, 38, 42, 109
 Rosenfeld, Michael, 129
 Rowe, Paul S., 134, 220–21n59
 rule of law versus rule by law, 17–18
 Rutherford, Bruce, 57, 222n103
- Sabians, 121
 Sadat, Anwar, 67, 76, 145
 Safavids, 127
 Saladin, 182
 Salafis: Article 3 of 2014 Constitution,
 support for, 144; on Islamic legal
 authority, 91, 94, 95, 97–99, 106; modern
 Islamic state law and sharia, relationship
 between, 3; religion and politics,
 relationship between, 15; on women/the
 family, 158, 162, 166–67
 Salvatore, Armando, 36, 56, 130
 al-Sanhuri, ‘Abd al-Razzaq, 49
 al-Sattar, Gamal ‘Abd, 113
 Saudi Arabia: commitment to sharia in, 34;
 Hanbali school of law in, 126; women/
 the family and, 159–60
 Scott, James C., 9, 19–20, 32
 Scott, Sir John, 36
 Secular Copts Front, 193
 secularism: defined, 25, 27–28; Egyptian
 Constitutions of 1923/1956 and,
 24–25, 66; as idea, concept, or frame
 of reference, 58; Islamist/secular
 binary, 3–5, 6, 15, 25–29, 31, 33, 130;
 new theorizations of, 7–8, 9, 16, 33;
 polarization of religions and, 119; on
 relationship between religion and
 politics, 15–16, 111; separation of
 religious institutions and state, modern/
 premodern, 31–32, 35, 111–12; women/
 the family and secular/religious binary,
 149–50, 152, 153, 154, 163–66
 Sedra, Paul, 65, 132, 133, 145
 Selim II (sultan), 127
 Seljuks, 88
 Senior Scholars’ Council, 4, 92, 93, 95,
 98–100, 105, 107, 108, 203, 223n28,
 226n104, 242n2
 separation of religious institutions and
 state, modern/premodern, 31–32, 35,
 111–12
 Seródio, Diana, 159
 Sfeir, George N., 239n61
 Shafiq, Amina, 70
 al-Shafi‘i, 105, 170
 al-Shafi‘i, Hasan, 95–96, 98, 106–7
 Shafi‘i school of law, 43, 44, 126, 151, 170,
 179, 182, 226n102, 226n104
 Shaham, Ron, 181, 239n61
 sharia, 10, 34–60; Baha‘i, lack of precedent
 for addressing, 136; codification and,
 45–49, 51, 52; Constitution of 1923

- not mentioning, 65; constitutional commitments to, 5–6, 9, 25, 26, 34, 62, 67–68, 70, 75–80, 81, 86, 87; defined, 3; divinely revealed religions and, 120, 125, 135, 145, 146; four schools of law of, 34, 35, 41–45, 108, 126, 179–80, 225n78, 226n102, 226nn104–5 (*See also specific schools*); as idea, concept, or frame of reference, 55–58, 59–60; on inheritance law, 171, 182–83, 184, 200; Islamic and non-Islamic, distinguishing, 111; on Islamic heterodoxy, 126; on judicial autonomy of non-Muslims, 179–80; judicial review of, 77–81; marginalization and its consequences, 35–36, 47–49, 53, 54, 59–60; marriage and divorce in, 151; modern state law, relationship to, 2–7, 34–35, 104–10, 205–8; mutual orthodoxy, doctrine of, 42–44; national culture/identity and, 57, 60; non-Muslims appealing to, 180–82, 186; personal status law and, 49–53, 59, 191; premodern ruling polity and, 36–41, 58–59; secular/Islamist binary and, 3–5, 6, 31; shifting interpretations of, 5–6; as state law, 53–55; state monopoly on lawmaking, assumption of, 36, 53–54; status in Egyptian legal system, 3; Supreme Constitutional Court on, 3, 76–81, 172, 174, 206; women/the family and, 162, 167, 170–72. *See also* Article 2; Islamic legal authority
- al-Sharif, ‘Abd al-Khaliq, 105
- shaykh al-Islam, office of, 41, 51, 183
- Shenouda III (Coptic pope), 130, 131, 190
- Sherif, Adel Omar, 76–77, 80
- El-Shimy, Yasser, 73
- Shi‘ites, 91, 127–28, 136
- Shmuelevitz, Aryeh, 177–78, 183
- shura*, principle of, 64
- Shura Council, 69, 71–72, 97–99, 112, 131, 224n52
- Sidhom, Anton, 134
- Sidhom, Youssef, 134, 175, 192, 195, 197, 198–99, 238–39n52
- al-Sisi, ‘Abd al-Fattah, 68, 204
- siyasa shar‘iyya*, 39–40, 54, 55, 56, 58, 79–80, 92, 97, 110, 168, 169, 171, 173–74
- Soliman, Monsef, 193–94, 195
- Sonneveld, Nadia, 160
- Soviet Constitution of 1918, 21
- Starrett, Gregory, 27–28, 163
- state monopoly on lawmaking, assumption of, 36, 53–54
- Stephanous, Andrea Zaki, 194–95
- Stilt, Kristen, 70
- Sudan, commitment to sharia in, 34
- Sufis, 127
- sukuk* debate (over Islamic bonds), 87, 97–100, 105, 112–15
- Suleiman the Lawgiver (sultan), 40–41
- Sullivan, Winnifred Fallers, 9, 111–12, 241n130
- Sultany, Nimer, 8–9, 71, 73
- supraconstitutional principles, 70, 79
- Supreme Constitutional Court: on divinely revealed religions, 132, 141; establishment, powers, and duties of, 77–78, 86, 101, 222n100; Islamic legal authority of, 86, 87–88, 90–91, 94, 95–97, 100, 101, 104–10, 113, 204; on judicial autonomy of non-Muslims, 239n69; relationship to other legislative bodies, 10; revolution of 2011–2013 and, 71, 72, 74; on sharia, 3, 76–81, 172, 174, 206; state-legislated law upheld by, 77, 80; on women/the family, 79, 162, 172–73
- Supreme Council of Armed Forces (SCAF), 1, 69, 70, 92, 93, 142, 220n50, 224n52
- suspicion of the law, 100–104
- Syria, commitment to sharia in, 34
- Tadros, Mariz, 133
- al-Tagammu, 93
- al-Tahtawi, Rifa‘a, 44, 49
- takhayyur*, 45
- talfiq*, 45
- al-Tallawi, Mirvat, 158, 159, 161, 162
- Tamarod, 72–73
- Tanzimat reforms, 48, 123–24, 128
- taqlid*, 42, 44, 214n41
- Tawadros II (Coptic pope), 72, 191
- al-Tayyib, Ahmed, 92, 100–101, 106–8, 114
- ta‘ifa*, 123, 127, 188, 197
- Thomas (bishop of al-Qussia), 194, 195
- Thomas, Paul, 21
- Tucker, Judith, 240n91
- Tunisia: inheritance law in, 171, 200; secularism and Islam in, 163
- Turkey: attempted military coup in (2016), 22; sharia in, 108. *See also* Ottoman Empire
- Twelver Shi‘ite tradition, 91

- ulama of al-Azhar: atheism, bill to criminalize, 203, 204; Baha'is and, 136; codification and, 48; Constitution of 2012 and, 88–97, 103–4; Constitution of 2014 and, 97–100, 101, 103–4, 108, 114, 144; constitutional commitments to, 7, 86, 87, 90–91, 99–100, 114; divinely revealed religions and, 135, 142, 146; expectations regarding Islamic legal authority of, 85–86, 89–90, 204–5; on Islamic versus non-Islamic, 10, 88, 110, 112–15; judicial review of sharia and, 78; on relationship between religion and politics, 2, 92; relationship to ruling polity and state law, 10, 87, 88–90, 92, 102–10; revolution of 2011–2013 and, 24, 72, 73–74; Senior Scholars' Council, 4, 92, 93, 95, 98–100, 105, 107, 108, 203, 223n28, 226n104, 242n2; sharia schools of law and, 44; *sukuk* debate and, 97–100, 105; on women/the family, 162
- United Kingdom. *See* Britain
- United States: American Revolution, 18; Constitution, 9, 18, 156; "religious," defining, 156, 241n130
- al-Wafd, 93, 200
- Warner v. Boca Raton*, 111
- al-Wasat Party, 105
- Wasil, Nasr Farid, 95
- al-Watan* (newspaper), 65
- Watani* (newspaper), 134, 175
- Weitz, Lev E., 50, 152
- Wickham, Carrie, 96
- Williams, Raymond, 22
- women and the family, 11, 148–74; basis of society, constitutional statement on family as, 148, 149, 154, 155, 159, 160, 163, 166, 173; centrality of family law for medieval Middle Eastern Christians, 50, 152; Christian/Islamic differences on, 11, 50, 152, 193; in Constitution of 1882, 153; in Constitution of 1923, 153; in Constitution of 1956, 149, 153–54, 165, 173; in Constitution of 1971, 25, 67, 154–56, 158, 165, 167; in Constitution of 2012 versus 2014 Constitution, 4, 11, 148–50, 156–63, 164–65, 167, 173; constitutional commitments to, 7, 17, 25, 67; constitutions, definition and management by, 153–56; Coptic Christian family law, as exemption, 139; economic protections, 160, 162, 169–72, 173–74; equality between men and women, state commitments to, 157–58; inheritance law, for women, 170–72, 175, 183–85, 188, 192–200, 238n40, 240n91; Islamic/Christian differences on gender equality, 11, 50, 152, 193–200; Islamism and, 149–50, 152, 163–66, 173; modernity and authority of the family, 150–53; morality police, concerns about establishment of, 148, 159, 166; national culture/identity and, 149–50, 151–52, 153–56, 173; proportional representation of women, 163; relationship between religion/politics and, 2; revolution of 1919 against Britain, role of women in, 153; revolution of 2011, role of women in, 157; secular/religious binary and, 149–50, 152, 153, 154, 163–66; sharia and, 162, 167, 170–72; state's role in, 166–73; Supreme Constitutional Court and, 79, 162, 172–73. *See also* personal status law
- Wood, Graeme, 5
- Wood, Leonard, 47, 48, 53–54
- Yemen, commitment to sharia in, 34
- Zakhir, Kamal, 193
- Zalat, al-Qasabi Mahmud, 107
- Zaman, Muhammad Qasim, 37, 170–71
- al-Zawahiri, Muhammad, 226n105
- Zeghal, Malika, 28, 33, 90, 150, 163
- Zionism, 140
- Zoroastrianism, 126, 137
- Zubaida, Sami, 38, 39, 128
- Zulficar, Mona, 143–44, 162–63