



Member of Turkish Parliament in Chamber

Nation-State, Freedom and Religion in Discussions of the 1923 Constitutional Committee: Reconsidering the Relationship between Religion and Politics in the Constitutional Kingdom of Egypt

SATO Tomonori

(Ph.D. Student, The University of Tokyo)

This presentation reevaluates the relationship between religion and politics in the early era of the Constitutional Kingdom of Egypt. It mainly analyzes interpretations of the 1923 constitutional committee members about the nation-state, freedom and religion.

Egypt had been under the British protectorate since the outbreak of the First World War. Massive national demonstrations broke out for the improvement of its status in 1919 (the 1919 Revolution). As a result, in 1922, Egypt was granted formal independence with some reservations. The 1923 constitutional committee was established soon after its independence. The committee submitted the 1923 constitution draft to the government and the King in 1922, and it was enacted in 1923. It gives parliament the power to legislate and monitor the government as well as stipulates the equality of all Egyptians under the law. It also guarantees that their freedom such as that of expression is safeguarded. The 1923 constitution seems to realize the principle of the separation between private and public, or religion and politics.

Almost all of the previous research concerning the 1923 constitution examines it from the standpoint of secular nationalism or liberalism. For this reason, the question of how the drafters of the 1923 constitution actually perceived or interpreted the relationship between religion, freedom and the nation-state has not been fully discussed. Therefore, this previous research has simply argued the secular nature of the 1923 constitution and the nation-state of that time in Egypt. In order to complement such a problem, this presentation sheds light on the 1923 constitutional process from the following three aspects.

First, this presentation investigates how the constitutional committee members perceived the relationship between

religion and the nation-state. It analyzes discussions about some drafts of Article 3 of the 1923 constitution, which stipulates the equality of all Egyptians under the law. For example, there was a debate on a draft which stipulates that “Egyptian nationals cannot be exempted from military services or other duties with the reason of their religious norms.” The majority of the committee members argued that the duties imposed by the state should take precedence over the religious ones. However, some of them also insisted that Islamic principles should not be infringed even by these duties.

Second, the question of how the constitutional committee members perceived the relationship between politics and religious identities is examined. Many committee members supported a draft article concerning the rights of the minority, even though some argued that the word, *minority*, should be ruled out. In another discussion, a controversy over a fixed number of seats in parliament for the religious minorities rose up. A long debate between the supposedly few supporters and the other opponents of this issue took the latter’s side in the end. However, it was settled by a complicated logic. A leading opponent stated that Egyptians should not pursue religious interests but national interests. However, he also implied that politics and religious identities were so much connected and thus, when pursuing national interests, Egyptians should also pursue Islamic values.

The last section traces interpretations of the committee members about freedom. For instance, during a debate on freedom of religious belief, sensible considerations to Islamic values resulted in restricting the meaning of the freedom. The original draft “Freedom of religious belief is absolute” was not considered appropriate because it might allow renunciation of religion or religious conversion at individual will. Therefore, the committee decided to change the draft to “Freedom of creed is absolute.” This allowed Egyptians to embrace creeds only of the religions accepted in Egypt. On the other hand, the committee rejected a proposal to remove a draft article concerning freedom of religious observance for the purpose of introducing the liberal principle into the constitution.

From the debates examined above, two different ideological tendencies among the committee members can be found. The first one emphasized legal equality and the national interests. It was based on the idea of the modern nation-state. The second one argued that the religious factor must influence not only the private sphere but also the public sphere such as political lives. Thus, it also believed in the need to distinguish between Muslims and non-Muslims, and to give sensible considerations to the former or the latter.

Both of the two ideological tendencies were also found in the final report and the explanatory report submitted to the government by the constitutional committee. They emphasized the liberal principle and the rule of law, but at the same time, repeated the need for the state to regulate freedom in order to preserve religious values.

The 1923 constitution, taking the constitution of Belgium as its model, seemed to establish the principle of the separation of religion and politics. However, behind the text of the 1923 constitution was the entanglement of various interpretations. One of them argued the need for religious considerations in politics, which might end up negating the liberal principle. Unlike the evaluation much of the previous research has presented, even the committee members themselves did not clearly embrace such liberal concepts as legal equality and freedom. Thus, it is more appropriate to consider the 1923 constitution as a historical text that blurred the distinction between religion and politics.

It does not mean that the 1923 constitution was neither a liberal nor modern constitution and that the liberal principle was not respected by authorities. It is important to remember that the 1923 constitution cannot be understood truly without considering various interpretations regarding religious values, freedom and the relationship between religion and politics. The historical process, from the 1919 Revolution to the promulgation of the 1923 constitution and institutionalization of parliament, cannot be explained simply with secular nationalism or liberalism.