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Potential Consequences Of Egypt's Constitutional Referendum – Analysis

By Richard Rousseau

Egyptian opposition parties are exhorting Egyptians to vote against the proposed new constitution in the hope that the Muslim Brotherhood will accept to negotiate a revision of it. Events in Egypt and in the wake of the post-Arab Spring, however, are not surprising for onlookers: there is little mystery about the turn events have taken.

Egyptian history is being written at this very moment. In the 60 years since the first military coup in 1952, the Muslim Brotherhood has been persecuted, imprisoned and in many instances its aspirations have been doomed from the outset. Now, finally, the worm has turned. The draft constitution Egyptians are voting on is actually a political manifesto, a guide to establishing a new society reflecting the core values of Islam. The religious faith of the members of the Muslim Brotherhood will not allow them to compromise with the secular opposition, whom they consider pagan.

Egypt

Once the referendum votes are counted and Egypt gets its new constitution, an election for a new parliament will be held. President Mohamed Morsi's power will then most likely be offset by a more moderate parliament and the Supreme Constitutional Court. The latter consisting of judges appointed by deposed president Hosni Mubarak, It will expectedly be inclined to interpret the constitution more liberally than the Brotherhood would like. A new constitution, whatever its shortcomings, is, as the opposition rightly insists, a prerequisite for helping Egyptian society obtain the minimum degree of stability essential for economic development.

There is little doubt that the Islamic elite has won the power struggle with the liberal and secular elite, who clearly represent a minority of Egypt's 85 million citizens. Not only does the numerical disproportion between the opposition, whose power base is in the cities, and the Islamists, who are mostly supported by the rural population (80 percent of the total) explain the victory of the Muslim Brotherhood, but the latter's organizational strength proved far superior to that of the opposition, which did not have enough time and financial resources to effectively challenge the Muslim Brotherhood and the 15,000 mosques it controls. These circumstances are the product of many events which have combined to present the opposition with political challenges that it could not cope with for a lack of power and political resources.

The role powerful institutions played in the March 2011 events, particularly, the Egyptian courts and the High Constitutional Court, has also proved a hindrance to the opposition. The High Constitutional Court dissolved by a decree the elected Parliament which was controlled by the

Muslim Brotherhood and their Islamic allies (Salafists) who comprise 75 percent of its membership. The reasons for issuing such a decree were legally marginal at best, and it soon became obvious that the move was politically motivated and, more importantly, dictated by the judges' antipathy towards the Muslim Brotherhood.

Prior to the dissolution of the Parliament, the Court had already appointed a Constitutional Commission to work on a new constitution, and the final document would eventually have been voted upon in a referendum.

President Morsi was cognizant that the judges, after sending the draft document to Parliament, began discussing whether the Constitutional Commission was legal or not. As a delaying tactic, and to forestall their efforts he declared on November 22 that no presidential decisions could be overruled by either the courts or by other governmental agencies.

The Constitutional Commission, which for months had debated a draft constitution, was then ordered by the President to complete its work within 24 hours. Morsi also decreed that the final text of the draft constitution was to be put to a referendum on December 15. The opposition's strategy is to some extent to be blamed for the current situation. The High Constitutional Court acted for political reasons. In the same manner, Morsi's answer was political.

The draft constitution is to all intents and purposes an Islamic manifesto which aims to cement the Muslim Brotherhood's grip on Egyptian society. As agreed in advance, the first paragraphs seal the Brotherhood's alliance with the military and provides the latter with added protection against interference by civilian institutions and powers.

Section 2 states that the principles of Islamic law, the Sharia, form the basis for legislation. Some provisions of Mubarak's constitution of 1971 have also been incorporated in the new draft constitution, but a clause was added which specifies that the interpretation of the law is the responsibility of the Islamic scholars at Al-Azhar University in Cairo rather than the courts.

The draft constitution underlines women's commitments to family and home, a move seen as a reduction in women's rights. It also only gives Islam, Christianity and Judaism, the three recognized religions in Egypt, the right to freely practice their religion. In contrast, it takes away some of the religious freedoms stipulated in the former constitution, as it denies religious rights to Shia Muslims, Baha'i (7 million followers), Buddhists, Hindus and others. These religious denominations will now have freedom of "belief" but not freedom to practice or construct places of worship and faith. This provision poses a contradiction in logic and in actual application. It is difficult to imagine how in a diverse religious society people can be believers but not allowed to outwardly practice their faith.

The draft constitution is reprehensible in many other areas. Whatever the final result of the referendum (few doubt that the new constitution will pass by a large margin), the situation will descend into chaos. Secular Egyptians will not support this constitution because it creates a political and constitutional model that is at least as bad as the one which existed under Mubarak. If Egypt introduces a so-called Islamic council of 'Scholars,' the little freedom Egyptians enjoyed during Mubarak's reign will be taken away for good. The outcome will be a country in economic, social and cultural decline –and one further isolated from the rest of the world.