



# PERSPECTIVES

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## Egypt's Constitutional Crisis: The Military versus the Islamists

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**EXECUTIVE SUMMARY:** Controversy has arisen over who will shape Egypt's constitution – the Islamists or the military-backed secularists. While the former seemingly holds the majority public vote, the latter holds the fire power, thus evening out the political battlefield. But if the chasm between these two opposing camps continues to widen, as may occur due to the recent controversy, civil war could erupt.

A controversial document proposing a new set of constitutional principles in Egypt has caused great fear over the country's political future. If this government-orchestrated doctrine becomes binding before the coming elections, it may lead to major civil strife. Technically, the issue revolves around a document. In essence, Egypt's soul and identity is at stake.

Those who support the adoption of these binding principles – which would have to be adopted as part of any future Egyptian constitution – want Egypt to become a “civic” state, one with civil liberties and irrevocable free election cycles. Opponents, however, claim that the new constitution should be drafted only after the elections, with the commensurate input of the political parties that are voted into government, and should not have to incorporate any of these principles.

This is why the two major political camps in Egypt today line up as they do. On one side of the divide, opposing the new principles, are the Islamists led by the Muslim Brotherhood's political party, Freedom and Justice, the even more militant al-Nour, and the Building and Development party. The latter is the political wing of the al-Gama'a al-Islamiyya, the former terrorist movement that made peace with the Mubarak regime after it was suppressed. Altogether, these three parties could easily win an absolute majority of votes in the coming elections.

On the other side of the divide stands the military's Supreme Council of the Armed Forces (SCAF), the present government it nominated, and most, though not all, of the "secular" parties. While the majority of young Egyptians fit somewhere into this camp, at least one of the more radical youth parties is actually taking the same stand as the Islamists as they share a mutual objective of preventing the military from continuing to rule Egypt.

Even if the political divide isn't exactly fifty-fifty, the chasm between the two camps frightfully resembles the kind of division that might pave the way for civil war. This division hardly reflects public opinion on the matter of the new constitution. Rather, argue the Islamists, the drafting of a new constitution or of a binding document of general principles that would guide the drafters of the constitution *after* the elections was already decided in a March 2011 referendum.

In that referendum, Egyptians were given the choice of drafting a completely new constitution prior to the elections or making do with minor amendments to the existing constitution, which was last modified in 1980, a year before Anwar Sadat's assassination. The Islamists supported only minor amendments with the secular parties almost overwhelmingly supporting a complete revamp. The reason the Islamists only sought minor changes was clear. The 1980 constitution had been modified to placate the Islamists then by rendering religious law (*shari'a*) "the" source, as opposed to "a" source, of Egyptian law. They hardly wanted to see it go.

The referendum outcome was decisively aligned with the position of the Islamists: 77 percent of voters favored minor amendments while only 23 percent backed the "secular" stance – a complete constitution overhaul.

Though these two camps are hardly equal in the electoral sense, they may still be equal in political power. The Islamists have the numbers, but the secular camp,

embarrassing as it may be for the liberals among them, has more fire power and guns, at least for the time being due to their alliance with the SCAF.

The SCAF knows that the issue of binding constitutional principles is of critical importance. That is why it has zigzagged between diametrically opposing stances. In March, it supported the Islamists' position, but now it has moved to placate the opposing minority and to assure its own interests. The draft of new principles written by the government has named the armed forces the guardian of the Egyptian state and its budget immune from parliamentary oversight. The Islamic parties have vowed to overturn such a document.

Will the conflict degenerate into civil war?

Debates over constitutions and constitutional principles have frequently found their resolution in assemblies or constitutional courts but they have also often been decided violently in street fights and even on battlefields.

Egypt may be able to avert such disaster on the basis of three factors. First, although former Presidents Sadat and Mubarak are vilified in present-day Egyptian discourse, and despite their authoritarian legacy, they did maintain a dialogue of sorts with the Muslim Brotherhood. Arrests were certainly part of this "dialogue," yet these leaders did not engage in killings or blood baths as were common under the Syrian, Iraqi and Libyan regimes. The Muslim Brotherhood, at least as a religious and social movement (as opposed to a political party), was always allowed to operate in the open. Most of the Islamists responded in kind by refraining from terror activities. There is, then, a history of mutual restraint.

Second, the Muslim Brotherhood is well aware of Egypt's economic predicament. Unlike Islamic Iran, which reaps \$70 dollars annually from oil and gas that it can sell under almost all political conditions, Egypt is an ecologically fragile state of 80 million people living on 50,000 square kilometers, characterized by an economy with great international exposure. Its economic prospects, therefore, are highly dependent on maintaining good political and economic relations with the US and EU and on the maintenance of regional stability. These factors are critical to its tourism industry, which makes up 12 percent of its GDP. They are similarly vital in preserving revenues from the Suez Canal, expanding industrial exports, and securing international aid. The willingness of the West to deal with the future regime will be highly dependent on the Egyptian military's autonomy and

power in the future regime. Thus, the Islamists might balk at an open confrontation.

A third factor in subduing tensions between the military and the Islamists is ironically the genuine religiosity that characterizes the Egyptian army, including its high command. The Egyptian army, in this sense, cannot serve as a target for the Islamists in Egypt in the same way that the secular Turkish army has been targeted by the Islamist AKP-led government in Ankara.

Mutual restraint and painful compromise will be necessary to avert civil strife in the most important and populous state in the Arab world. Given Egypt's strategic importance, we should be following the issue with considerable concern.

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