

Egypt's Constituent Assembly: Contempt and Counterrevolution

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The constitution has taken center stage this week in Egypt's fraught political transition. On Tuesday, Cairo's Administrative Court referred the matter of the Constituent Assembly's legality to the Supreme Constitutional Court, and the SCC is not expected to rule on the matter for at least two months. Advocates for the Assembly saw the Administrative Court decision as affording the constitution-writing body an opportunity to wrap up the work it has undertaken in the past four months.

Ever since the Assembly released a partial **draft** of the proposed Constitution on 10 October 2012, the body has remained subject to almost continuous attack by political forces of nearly all political stripes. Among the most potent attacks was that mounted by Helwan University lecturer Sherif Younis, who announced in the title of his now much-cited **article** that there was "Fascism in Our New Constitution."

To my mind, just as disturbing as the flaws expertly exposed by Younis is the procedure the Constituent Assembly has apparently adopted to gauge the reaction of Egyptians to their work. *Egypt Independent* has **reported** that the Assembly will mount a 'constitution awareness campaign' with a budget of LE60,000, citing the director of the Assembly's media center, Reda Abdel Aziz. A subsequent **report** from *Ahram Online* put the figure for the campaign, dubbed "Know Your Constitution," at LE100,000, citing the Constituent Assembly member Amr Abdel Hadi.

The economic difficulties that Egypt faces are well known. But to think that Assembly members regard their work as worthy of so little exposure is, nonetheless, rather bewildering. After all, how much advertising space or air time will a paltry LE100,000 provide for? If the LE100,000 figure is indeed accurate, the Assembly will spend roughly one-tenth of a piaster or 1.2 millimes per Egyptian, to raise awareness about the Constitution. That amounts to roughly 0.02 US cents per Egyptian.

I fear the meager sum allotted to awareness speaks not so much to the Assembly members' poor regard for their work as for their poor regard for the Egyptian people. Much as was the case under the military dictatorship, a narrow elite has commandeered political power in Egypt to impose change on millions, whom this elite regards with a barely concealed contempt. How else can one explain the absence of the nearest semblance of public consultation during the writing process? Has Egypt in fact unearthed in the Assembly a caste of philosopher kings who can divine the will of the Egyptian people through force of thought alone?

The derisive tone is borne of contempt for an institution made possible by revolution, but which has, as Manal al-Tibi eloquently **explained** in her **letter** of resignation from the Assembly, perversely come to serve the purposes of counterrevolution: "Eventually, the process would create a constitution that would maintain the same primary foundations of the regime that the revolution had risen up to overthrow, while only changing the personnel."

All of this is to say, above all, that *process matters*. If Egypt were indeed able to unearth a caste of philosopher kings to devise a constitution that flawlessly reflected the will of all Egyptians, that would still constitute a betrayal of the revolution. Egypt needs a constitution not merely for the people and of the people, but *by the people*. Rather than foster and steward a substantive public debate about the future that Egypt so desperately needs, the Constituent Assembly has elected to deliberate behind closed doors, in isolation from Egyptians.



[Members of the Constituent Assembly at a public outreach event in Ismailia on 28 July 2012. Photo from Constituent Assembly's facebook page.]

Indeed, until recently, the only substantive details about the document that flowed from the Assembly came in the form of rumors. In this, the Assembly once again emulated the politics of the old regime, whose careful management of information led to the proliferation of rumors about all manner of issues from subsidies to succession – rumors that all too often divided the opposition from within and dissipated the potential for protest. In an important sense, rumors are the antithesis of revolution, insofar as they reflect a lack of transparency in the workings of government.

So much of the media coverage of the Constituent Assembly has focused upon conflicts between avowed Islamists and secularists over the character of the “second republic” that the Constitution will yield. Yet again, this seems a diversion from what is in fact at stake in this constitution-writing process: How can a democratic, pluralistic system of government possibly emerge from an Assembly that stands *above* rather than *among* Egyptians?

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