

## ***Middle East Dialogue...Glorious Past, Uncertain Future***

### **THE EGYPTIAN CONSTITUTIONS OF 2012 AND 2014: A COMPARATIVE ANALYSIS**

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Discussions on what place religious law should hold in a constitution have dominated the drafting process of two recently passed constitutions in Egypt. The constitutions passed in December 2012 and January 2014 offer distinctly different solutions to the problem. While both texts include the statement that all legislation derives from the principals of the *sharia*, they offer different interpretations what this statement means. The constitution of 2012 may be seen as an attempt to put the statement into practice by providing a range of provisions that specify various aspects of *sharia* law. Islamic scholars were to be consulted on draft legislation. All rights and freedoms granted in the constitutions were construed as limited by the principals of *sharia*. Furthermore, specific demands of Islamic law were included in the constitutional text, such as the prohibition of blasphemy, the limitation of religious freedom to the three Mosaic religions, the fostering of Islamic foundations (*awqaf*) by the state, and the introduction of Islamic forms of taxation. A core principal of Islamic governance – the principal of consultation (*shura*) – informed the design of the legislature and other state organs. The constitution of 2014 on the other hand, limiting itself to the general statement, returned to a more secular reading of it, relating its interpretation to the judiciary and incorporating a clause that commits Egypt to international treaties and conventions on human rights. The two constitutional texts are shaped by a diverging rhetoric. While the constitution of 2012 emphasizes moral and ethical standards of citizens acting out of a sense of solidarity and compassion, the constitution of 2014 calls on the national duty of its citizens to uphold security, the care for a common heritage and the active participation in the economic development of the country. While the first had incorporated an article on blasphemy, the second abolished it, introducing the prohibition to desecrate the national flag.