Abstract

Building on a theoretic foundation that acknowledges the role of authoritarian constitutions in establishing governance legitimacy, this study tracks the function of Egypt’s constitutions in reinforcing the ideological and political underpinnings of the Egyptian state. This pursuit parts ways with normative constitutional analysis in favour of empirical and functional methodological examination. Rather than being optional, this is an inevitable choice. Making recourse to conventional normative approaches in studying Egyptian constitutions can quickly turn redundant, because these constitutions would instantly fail the test of any normative theory of constitutional governance. Yet, these ostensibly static constitutions were considerably active in bolstering the ruling of Egypt’s consecutive regimes and sustaining authoritarian patterns of power that survived multiple political transitions. Further, post the 2011 Revolution, there has been a paradigmatic shift in Egypt’s constitutional configuration of power.

The argument is that the guiding disposition of Egypt’s constitutions, i.e. the creation of hegemonic autocrat, has been replaced with a formula of power division among multiple authoritarian institutions since 2011. This, for the first time, creates a mismatch between a political culture premised on a centralist ruler, and a constitutional structure that does not support this design. Thus, the study asserts that the present moment is an undecided constitutional moment between two power paradigms: paternalistic, and an oligarchic power division among statist actors. The real crossroads moment is whether the constitutional cap on the presidential term will uphold. At this juncture, it will be inevitable to decide which paradigm prevails. Whatever the case may unfold to, these remain to be eventualities within the framework of authoritarian constitutional power.