

The Russian Draft Constitution for Syria: Considerations on Governance in the Region

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In the following, I will take a perspective founded partly on my profession and partly on my experiences of fieldwork in Syria. I am a Professor of Islamic Studies and my research in Syria has focused on one religious movement in Damascus. To understand and analyse this movement, I have adopted a perspective in which I consider it significant to understand religion, and a religious movement, as part of society and not separated from it. One aim has been to think about the role and function of religion in everyday life. In order to illuminate some recent experiences and to link this perspective to governance and the Russian draft for a Syrian constitution, I begin with two excerpts from interviews with Syrian religious leaders carried out in Beirut in early January 2017.

For some time now, I have been conducting interviews with Syrian religious leaders in Beirut. They travel from Damascus and we meet in a hotel in downtown Beirut. Some I have known for almost 20 years. We used to start the meetings by catching up on recent developments in Damascus and Syria generally. One of my friends is an older gentleman, born in the 1930s, who is currently approaching the age of 80. He stated that in conversations with his friends, many of them are psychologically fatigued and virtually refrain from commenting on either their personal situation or the war in the country. Furthermore, my friend stated that conversations often end with phrases such as *al-hamdu lillah*, in this context a comment that reflects their shattered view on life in general, as well as the view that only an abstract God can know what is going to happen to Syria.

Another religious leader participating in a meeting in Beirut stated that before March 2011 he had been a proponent of parties founded on religious values and that he had viewed the composition of a party representing true Islam as the key to making Syria a prosperous country. His idea was that the correct interpretation of Islam moulded through a political party would create ethical guidelines with which to build a successful society. However, in January 2017 he had completely changed his mind. Due to his experiences of the war, he now

considered that religion in any form should be as far from politics as possible, and that his earlier ideas about an Islamic party were immature.

In my mind, these two stories are examples of views that are not always heard which point to two difficulties in relation to the creation of a new constitution in Syria. The first story represents the almost depressed stance taken towards the war in Syria - the feeling of hopelessness that runs deep and which increases every day the crisis continues - a hopelessness linked to the feeling of Syria and Syrians as abandoned and/or desolated. If this is a representation of the general mood of Syrians, it is hard to see to what extent suggestions about a new constitution from any foreign actor would be positively received. Hence, a point I would like to emphasise is that if, as stated in the draft constitution, the constitution is going to be adopted by a nation-wide referendum, then Syrians should be involved in its drafting. This is in order to anchor the new constitution among Syrians, independent from whether they are in the state of Syria or not. In addition, it is important to gain confidence in political processes among the Syrian population. A referendum about a constitution will not be of any substantial value if the reason why it is taking place is not understood by a large portion of the population. The experience of free and fair elections in Syria is limited.

The second story perhaps reveals a position taken by religious leaders who are not linked to the Syrian regime or to Islamist movements like the Islamic state, Jabahat Fatah al-Sham (former Jabhat al-Nusra) and Ahrar al-Sham. I am referring to the religious leaders who were prominent individuals in Syrian society before March 2011 in villages, urban neighbourhoods and in the media. Religious leaders who have performed a balancing act between the people and the regime.

In the Sunni case, these leaders were often linked to global and local Sufi networks, to economic interests and to political ambitions. Still, the secular character of the Russian draft constitution could perhaps be first understood as undermining the role of religion and religious leaders in society. However, at the same time if there were religious leaders already in favour of a separation between religion and politics they may understand this form of writing as working in their favour. It should also be noted that the draft constitution does not mention Islamic jurisprudence as a major source of legislation like the Syrian constitution of 2012. To abolish Islamic jurisprudence from the legal framework of Syria may be a difficult

task, but I am not sure that all religious leaders would be against it. My friend mentioned above would probably state that in a contemporary context it would be more beneficial to think of Islamic jurisprudence as a provider of ethical guidelines to the modern Muslim in everyday life, rather than being an explicit source for the legal system.

Both stories represent Syrian voices beyond the regime and the Islamist movements, as well as the voice of many of who are not in Syria any more. Among some, a tiredness exists concerning the role of religion in the Syrian war. There is also a general feeling of despair regarding what is considered as non-existent support for Syria and Syrians in the conflict. Among religious leaders who are not on the side of Islamist movements or a Christian militia for that matter, nor subject to the regime, the text of the draft constitution could represent an opportunity for a new structure, especially if the draft constitution also implies an abolishment of the Ministry of Religion (*Awqaf*).

In Syria before March 2011, citizens and people living in Syria without full citizenship rights, such as Palestinians, were not equal under the law or in the labour market, or in society in general. Scholars of Syria have pointed out how the current regime negotiates with various ethnic or religious groups, especially minority groups. The primary goal is to create loyal groups of citizens who may receive benefits due to their support of the state. Hence, depending on ethnicity or religious belonging, you are evaluated as a citizen and at group level you are subject to a negotiation, the result of which gives your community a certain status.

Although perhaps an inherited practice from Ottoman times, the different possibilities for careers within the state for Kurds, Palestinians, Alawis, Sunnis and Shi'as are founded on ethnic or religious belonging. Appointments to most positions, especially higher ones, in state administration always have an ethno-religious component. This practice of appointments is not in agreement with the text of the draft constitution concerning individual rights and the role of civil servants, but at the same time it is a practice that has characterised Syrian society for a long time.

Moreover, it should be noted in this context that the question of majority and minority in Syria is a security issue. The question of majority and minority also becomes of interest in a

situation where the question is not only about political power, but also about access to power and to, for example, the labour market. In general, the policies of the regime are to create a state of distrust among the various groups in Syrian society and to negotiate with these to ensure that they – the state - become the sole provider of safety as well as opportunities. Notably, the protests in March 2011 were directed towards the abuse of power by state officials, the non-accountability of civil servants and the wide-spread occurrence of corruption. Two of the most prominent slogans in the 2011 and 2012 demonstrations were the right to dignity and the right to freedom. In this context, the problem was the regime - the authoritarian Syrian state – which was the reason for the uprising in 2011 – a state primarily concerned with security issues, and not with developing functional state institutions.

Syria is conceivably – in terms of the points I have made above – an example of a state that developed a policy of distrust. Connected to this are the cracks in the social contract – the term “social contract” is here simply understood as an agreement giving legitimacy to the role of the state and the individual in society. I presume that in the eyes of most Syrians, the authoritarian and hierarchical Syrian state and its institutions lacks trust, especially regarding the fulfilment of a number of rights that are inscribed in the current constitution as well in the draft constitution. There is a classic deficit in confidence, citizens do not trust that the state will fulfil its responsibilities. If the idea mentioned earlier is correct, i.e. that Syria is an example of a state that has created and monitored distrust between different groups of Syrians, then this is linked to the deficit in belief about the capacities of state institutions. If this assumption is true, the cracked social contract has a hierarchical as well as a horizontal dimension. In relation to the draft constitution there is, in my opinion, a huge rift between the description of the social contract in the draft constitution and the everyday realities of Syrians before March 2011, not to mention the situation after March 2011. However, support for the idea to have more Syrians involved in the creation of a draft constitution could also be part of a healing process in Syrian society.

The ongoing war has changed the demographic map, the social relations, the political life, the economic realities and the religious landscape in Syria. Yet, when peace finally comes, the vacuum it will create regarding the role of religion, religious communities and religious leaders is unclear. Certainly, this space could be filled with new understandings of religion and/or Islam.

Syria will never be the same again, but to speculate about the outcome is difficult. However, there are two interlinked points concerning the many questions that need to be addressed regarding the youth in Syria. Firstly, 50 % of the Syrian population before March 2011 was under the age of 25. In 2017, the role of youth is rarely, if ever, raised in discussions about current Syria. However, the voices of the young need to be part of the negotiations, as well the reconstruction, of the country after peace is achieved. Secondly, if the assumption is correct that young Syrians are turning away from religion and from performing religious practices since they think “religion”, in whatever conceptualisation, is the reason for the conflict, then a well-defined constitution developed from a secular perspective could receive considerable support. Perhaps the major challenge on this point is to organise the participation of young Syrians in the drafting of the constitution and the peace process in general.

Finally, from a broader perspective the discussions in Syria resemble discussions about constitutions in many African and Asian countries, as well as the wider Middle East. Syria's most recent referendum on the constitution was in 2012 and Egypt has had about 10 referendums on the content of their constitution since 1971. In addition, NGO representatives have, for example, on many occasions expressed their hope that a new constitution will be the tool to put their respective countries back on track. Their hope is that the constitution as a document could heal social frustration, resolve gender relations and close gaps between the government and citizens and, hence, establish a healthy social contract between the citizens and the state. I do not see any reason for optimism regarding the issues discussed above at this point. However, one thing that is clear from the Syrian conflict since March 2011 is that it has changed and that it has unexpectedly taken roads not anticipated, and that it will do so again.