Liberty, Democracy, and Discord in Egypt

If hope was the dominant psychology of the protests that unseated Hosni Mubarak, then fear is proving to be that of their aftermath. The unity of the disparate forces that made history during those 18 days in Tahrir Square has given way to discord. Optimism about Egypt's future and belief in the imminence of the country's return to glory appears to have yielded to a season of grim pessimism, as erstwhile allies impute dark plans to each other. And given that Egypt's revolution is decidedly not over, this dissension in the ranks of its revolutionaries bodes ill for the country's democratic future.

Perhaps the current disharmony could have been predicted. The Egyptian revolution was always a pluralistic one—made up of Islamists, leftists, liberals, and even disgruntled former members of the regime—united most by what they opposed: the Mubarak regime, even if they opposed it for different reasons. It is perhaps to be expected that once the dictator was gone, the coalition would have trouble holding, especially since the fissures between its members had not been mended prior to the revolt. No Czech-style Civic Forum had been established, no grand accord had been reached among the various opposition camps outlining a unified vision for the Egypt they wanted to erect in autocracy's place. They had ridden the whirlwind whipped up by youth, crashed through the surprise masspsychological opening created by the flight of Tunisia's strongman, but short of unseating Mubarak and lifting the boot of the security services off of the necks of Egyptians, no political project bound them. In a way, these courageous opponents of Mubarak mirrored the man they were trying to unseat, who also lacked any kind of political project (save self-aggrandizement and selfperpetuation). The pluralism (and attendant lack of leadership) of Egypt's

Tarek Masoud is an assistant professor of public policy at Harvard's Kennedy School of Government and a Carnegie Scholar. He may be reached at Tarek_Masoud@Harvard.edu.

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If hope was the dominant psychology of the protests, fear is the aftermath. revolt has been hailed as its great strength, but today it appears to be the primary obstacle to translating the revolt against Mubarak into a genuine democratic revolution.

The schism that divides those who just a few short months ago stood united in their call for an end to torture, poverty, unemployment, and corruption is on the face of it a technical dispute over the timing of elections. On one

side stand those who want to move quickly to legislative polls; on the other, those who believe they should be postponed. The former argue that immediate elections are the only way to establish civilian government; the latter that more time is needed for political parties to organize themselves, and that a new constitution (or at least the general outlines of one) should be agreed upon beforehand, so as to ensure that Egypt's next charter represents the aspirations of more than just those who are best at campaigning.

This is more than just a procedural disagreement. The dispute represents a fundamental disagreement over what democracy is, what it should produce, and what its limits should be. The liberals fear that the people will elect Islamists who will erect a new order every bit as illiberal as the previous one. The Islamists fear that the liberal fetish for freedom will go too far, rendering Egypt unable to defend and preserve its culture and faith. At present, each group has turned to the Supreme Council of the Armed Forces (SCAF)—the junta to which Mubarak delegated power on February 11—to arbitrate the dispute, but that organization seems content to play the forces for change off against each other in a bid to retain its preeminence.

In other words, a mere eight months after Mubarak's overthrow, we are left with a political landscape bitterly divided between liberals who—as the jurist Tariq al-Bishri put it—fear democracy and democrats who fear liberty. Five years from now, Egyptians will not remember the precise details of the current quarrel over election timing and constitution writing, but the cleavage that the disagreement represents will not fade so easily. The country's revolutionaries—liberal and Islamist—will have to find some way of managing their differences if they are to have a hope of bequeathing the legitimate government that Egyptians deserve.

Fear of the Demos

The schism appeared quickly. Almost immediately after Mubarak's departure, the SCAF convened an eight-member committee of lawyers and judges to draft amendments to Egypt's constitution. If the fact that the committee was chaired by

a jurist with moderate Islamist leanings, and included in its ranks a decidedly less moderate member of the Muslim Brotherhood, gave liberals pause, then its work product provoked outright panic. The committee generated eight constitutional amendments that implicitly laid out a timetable for Egypt's transitional period: first would come elections for a new

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parliament, which would then be entrusted with the task of writing (or more precisely, choosing those who would write) the country's new constitution.

Liberals offered several objections to the plan—for example Hisham al-Bastawisi, an activist judge and putative presidential candidate, argued that since the role and powers of the parliament are determined by the constitution, it made no sense to elect the former before writing the latter.² Hassan Nafi'a, a political scientist and leading member of the pro-democracy National Association for Change, argued that the constitutional amendments would extend the transitional period needlessly, since once the new constitution was passed, the parliament that produced it would have to be dissolved and a new one elected.³

It was clear, though, that liberal opposition was not driven by such arcane technical points, but rather by the belief that the SCAF's scheme would work against the cause of liberalism. In a March television advertisement in which several leading Egyptian liberals—including former International Atomic Energy Agency chief Mohamed ElBaradei and Naguib Sawiris, a Christian billionaire and founder of the liberal Free Egyptians Party—called on voters to reject the SCAF's plan, Egyptians were told, among other things, that voting for the SCAF's proposal would mean early elections, which would be won by Mubarak's National Democratic Party (NDP) and the Brotherhood, who would then control the writing of the new constitution. More recently, Mamduh Hamza, a businessman and liberal political activist, declared that "The Muslim Brotherhood and the former NDP members could win 90 percent of the vote if elections are held in September."

The fact that 77 percent of Egyptians endorsed the SCAF's proposal (and the Brotherhood's preferred outcome) seemed to confirm the liberals' fears. Emad Gad, an analyst for the Ahram Center for Political and Strategic Studies, complained that the "Muslim Brotherhood intensified religious slogans and made the referendum a matter of religion. They manipulated the people's ignorance and purported (sic) that approving the amendments was virtuous and would please God, and anyone who rejected the amendments was evil." Thus,

Egyptian liberals found themselves in the odd position of opposing the first democratically arrived at decision in Egypt in more than 50 years. (Although it is worth noting that the low turnout in that referendum—40 percent—provided a fig leaf to those who might wish to claim that the outcome lacked a popular mandate.)

Some liberals held fast to the demand for a new constitution prior to elections, while others changed tack slightly, calling instead for setting broad, supraconstitutional principles that could not be amended, and that would determine the fundamental character of the state. According to ElBaradei, who recently unveiled a Bill of Rights that he hoped would become the heart of any future constitution, such a step was necessary because, "We do not know what will happen in the future. If any faction comes [to power] like in [Nazi] Germany, or if there is a military coup, my rights would still be preserved."

To anyone familiar with the U.S. Constitution and the debates that surrounded it, the Egyptian liberals' stance appears justified, even commonsensical. Democracy untamed can tend toward the tyranny of the majority. Fear of the demos is not just a sensible position, it is a necessary one when crafting institutions that will protect the rights of individuals and minorities. And yet, liberal discourse in Egypt evinces not just a philosophically-based fear of any demos, but a genuine fear of *this* demos in particular. They do not go so far as to endorse the scholar Joel Beinin's assessment of Egyptians as "a people made stupid by 60 years of autocracy" who "don't know how to think about politics" and are unable to tell fact from fantasy. But the relentless liberal push to delay elections and to place constitution-writing outside of the ambit of democratic politics suggests at the very least a dim view of what Egyptians are likely to do with democracy.

It's worth investigating these fears in greater depth. The first is the fear that quick elections would bring back Mubarak's old ruling party. In early March 2011, representatives of the Coalition of Revolutionary Youth argued in a meeting with the SCAF that rapid elections would be "dominated by the danger of the National Democratic Party's return to seats in parliament once again." One could be forgiven for interpreting this to mean that the youth believed either that the Egyptian people were unsympathetic with the revolution (and thus ready to undo it at the ballot box) or incapable of making good decisions. ¹⁰

However, one does not need to believe that Egyptian voters are pro-Mubarak or "stupid" to fear that they would cast ballots for men of the party who nearly one thousand Egyptians died to unseat. As several scholars have argued, elections in Egypt have traditionally been less about policy than about who offers voters the greatest material inducements. In a study of the 2005 parliamentary elections, the scholar Lisa Blaydes found that illiterate Egyptians were twice as likely as literate ones to vote, a fact she attributed to the prevalence of vote buying.¹¹

The prevalence of money in Egyptian elections means that they have traditionally been dominated by local notables and clan leaders in rural areas, businessmen in urban ones. ¹² Both of these groups of elites had traditionally been co-opted by the ruling party. The party's collapse may have diminished these elites' reputations somewhat, but there is no reason to believe that the fundamental logic of Egyptian elections has changed. Thus, even if *elections* were free, voters may not be. The poor, by dint of their dire economic conditions, cannot help but accept

material inducements, which means they will have to vote for precisely the same individuals, or at least the same types of individuals, who in the Mubarak years had run on the NDP's banner. Still, the Egyptian street holds the old ruling party in such poor regard that it's hard to see anybody closely tied to it winning election in the near future, no matter what incentives they can offer.

The second, and perhaps greater, fear of liberals is that the people will usher in

Liberals fear Islamists will usher in a theocracy, or at least a deeply illiberal democracy.

Islamists who seek to erect, if not a theocracy, then a deeply illiberal democracy. This belief stems from two sources. One is that Islamists—and particularly the Muslim Brotherhood—have had more time to organize themselves than their secular, liberal counterparts. The other source is that Islamists' use of religious slogans gives them an unfair electoral advantage in a deeply traditional and religious society like Egypt. ElBaradei, who has welcomed the Brotherhood's participation in Egyptian politics, nevertheless revealed this worry when he called for abolishing religious slogans during elections. ¹⁴

It is hazardous to try to predict the Muslim Brotherhood's electoral fortunes (and thus whether the liberals are correct to be afraid). Still, there is reason to doubt that the movement will be so dominant as some fear. A recent series of high-profile defections from that organization should have proven that the Mubarak-era bogeyman is flimsier than previously thought. In fact, the most recent round of defections from the movement can be traced to December 2009, when members of the movement—some of whom have been described as liberals—were elbowed aside and out of leadership positions. The Brotherhood's organizational fragmentation culminated in June 2011 with the exit of leading members of the group's youth wing.

Moreover, recent polls conducted by the International Peace Institute suggest that fears of a Brotherhood takeover are even more misplaced than the movement's recent organizational hiccups would suggest. In March, when Egyptians were asked whom they would vote for if the election were held today, 12 percent chose the Brotherhood, while 20 percent selected the Wafd party—a

so-called "liberal" party of indeterminate ideological commitments mainly known for being ineffectual at best during the Mubarak period and complicit with the regime at worst. In June, a follow-up poll saw both the Wafd and the Brotherhood's party (the Freedom and Justice Party) tied at 12 percent. This result is also reflected in a Pew poll conducted in March, in which 20 percent of respondents said the Wafd Party should lead the next government, and 17 percent said the Brotherhood should. ¹⁶ Thus, despite all of the Brotherhood's alleged gifts, the people seem to hold it in no greater esteem than they do a party that in the last two decades never managed to place more than a handful of representatives in parliament.

Admittedly, political Islam in Egypt is more than the Brotherhood. There may be as many as 17 identifiably Islamic parties. Some, like the Movement for Peace and Development, and the Center, Pioneer, Renaissance, and Egyptian Current parties, were formed by breakaway members of the Brotherhood—the Center in 1996, the others in the immediate aftermath of the revolution. Others, such as the Virtue Party and the Party of Light, were formed by Salafi preachers. Still others, such as the Party of Construction and Development, and the Party of Safety and Development, emerged respectively out of the Gama'a Islamiyya and the Islamic Jihad, two Islamist militant organizations implicated in the assassination of Egyptian President Anwar Sadat in October 1981. The Egyptian liberal commentator and journalist Ibrahim 'Issa has welcomed this proliferation of Islamist parties, predicting competition between the different groups for the mantle of Islam.¹⁷ However, this is little comfort to others who fear that the Islamists will coordinate their electoral activities to limit fragmentation (the Brotherhood reports that the country's Islamic parties assembled in July to agree on basic principles). 18

No polls have yet ascertained the likely vote shares of the entire Islamic bloc, and data on public attitudes on the need for Islamic politics is ambiguous. For example, the 2005 World Values Survey asked Egyptians to rate, on a scale of 1 to 10, the degree to which having "religious authorities interpret the laws" forms an "essential characteristic of democracy." The question anticipated almost perfectly the Brotherhood's 2007 proposal to establish a body of religious scholars which would vet all laws to ensure that they conformed to the Shari'a. Two-thirds of Egyptians answered the question with an Islamist-friendly rating of 8 or above (with 47.9 percent assigning a value of 10), with no significant difference between voters and nonvoters.

Before we conclude, however, that Islamists are poised to capture 66 percent of the vote, it is worth noting that, in the same survey, 64 percent of voters who admitted voting for the ruling party gave the proposition a rating of 8 or above as well (with 46.3 percent assigning it a 10). In other words, significant numbers of people who profess to believe deeply in the need for religious authorities to oversee

law were nonetheless perfectly willing to vote for a party widely recognized as opposed to that goal, presumably because there were other things these voters cared about more. Thus, although religion is undoubtedly important to Egyptian voters, it remains to be seen how important it is. Egyptians may want their representatives to promise to enact policies derived from the holy texts, or they may simply want leaders who share their values, respect the faith, pray, and shake their fists at insults to the Prophet Muhammad, but otherwise make policies in a pragmatic manner without ostentatious reference to religious ideology. The latter is a relatively low bar that all but the most resolutely secular politicians can clear.

Some might claim that it is not a fear of the Brotherhood that motivates the secularists' desire to postpone elections, but simply the recognition that liberal forces need more time to prepare. ElBaradei and others have argued that a truly representative parliament could only be elected after liberal forces had a decent interval to organize themselves. ²⁰ But it is difficult to credit this claim. After all, Czechoslovakia held legislative elections a mere six months after the Velvet revolution. The liberals of that country—every bit as oppressed as their Egyptian counterparts under Mubarak—needed no extended preparatory period to ready

themselves and the people for democracy. The need for more time is strictly a function of the belief that liberal forces need to catch up with the Brotherhood, which somehow has achieved a head start. But the notion that the Brotherhood emerges from the Mubarak years with an unfair advantage over liberal forces seems strangely at odds with reality. The group, after all, has been effectively banned for 60 years, and during Mubarak's later years its leaders and members were routinely harassed

The idea that the Brotherhood has an organizational head start seems strangely at odds with reality.

and imprisoned. If the movement has a "head start" over liberals, it is not because it had an easier time under Mubarak, but rather—as Brotherhood members are likely to aver—because they have worked harder. No delay in elections will change this.

Thus, Egypt's liberals find themselves in the position of having fought in democracy's name, only to realize that democracy is not quite what they seek. Having unseated the tyrant, they looked around, and found the demos wanting as well. Whether because they believe the people to be impoverished, illiterate, fanatical, or easily manipulated, liberals fear that democracy cannot be counted on to produce the right results, and so want to take measures to defend liberty from the people. The irony here is that Islamists—whose level of commitment to democracy has long been the subject of fevered speculation—are the ones calling for the people's will to be heard.

Fear of Liberty

What liberals describe as simply the taming of democracy by constitutional principles is described by Islamists as a continuation of the dictatorship that routinely denied the people's will because it feared for its own preeminence. Though to us, the former is clearly not morally equivalent to the latter, Islamists do not see it this way. To them, the liberals seek to appropriate the Egyptian people's power to decide their fate. By July 2011, the dispute had become so tense that the Muslim Brotherhood and other Islamist forces declared their intention to stage a million-man march in Cairo in defense of "identity and the will of the people." In a statement announcing the planned protest, the Brotherhood declared, "The people spoke during the March referendum, and it is incumbent on all to listen. And they took their decision, and it is incumbent on all to comply. However, a small group did not respect this popular desire, and called for framing the constitution, in clear contravention of the results of the referendum, and in clear abuse of the right of the constituent body that will be elected by parliament and which will frame the constitution."

Muhammad Mursi, the president of the Brotherhood's Freedom and Justice Party, recently threw down the rhetorical trump card, describing those who called for a constitution first as "Zionists and agents of Israel and America." 22 Dr. Abdallah Darwish, a prominent Salafi imam, called on secularists to "sow this secular seed outside Egypt, for we have known since our childhood that we are an Islamic and religious state." ²³ But the Islamists' venom belies the modesty of the liberals' demands. After all, most liberals had, after the March 19 referendum, abandoned the quest for a new constitution before elections, and were instead calling only for the elaboration of general principles intended to guide the constituent assembly that would be selected by the parliament. Moreover, the principles that liberals wished to put to parchment—guarantees of freedom of thought and expression for all Egyptians—were ones to which the Brotherhood has paid a vigorous and well-document lip-service in recent years. In fact, the very name chosen by the Brotherhood for its own political party, the party of Freedom and Justice, is one that echoes this supposed commitment to liberal values. And most importantly, the most high-profile constitutional concern of the Brotherhood (and of Islamists more broadly)—the place of Islamic law as the principal source of legislation—has been almost unanimously accepted by the liberals. The three proposals of constitutional principles that have garnered the greatest attention—by ElBaradei, al-Bastawisi, and the grandly-named National Council (made up of jurists and intellectuals)—have all affirmed the place of Shari'a in the constitution.

Thus, if Egypt's Islamic identity is under threat, as the Brotherhood claims, it is only a particularly thick version of that identity that goes far beyond pro-forma

testimonials to Shari'a. Islamists fear that embedding liberal principles in the constitution would then protect behaviors the movement deems un-Islamic and out of keeping with Egyptian culture and traditions. These behaviors do not include anything so quotidian as laws governing how women dress, but rather the freedom of intellectuals, writers, and artists to engage in expression counter, or insulting, to Islam. When liberals state that freedom of expression is inviolable, for example, the Islamists envision finding themselves one day bereft of legal resources to combat newspapers that publish cartoons insulting the prophet of Islam, or Christian evangelists who call people away from the faith.

The Brotherhood, fundamentally, believes that freedom must be bounded by respect for God's law. They talk about judicial independence, but they also

believe in "erecting a value system in society that is derived from Islamic law, and that is hegemonic over the judicial system and the legislative and executive branches." As Hamdi Hassan, a leading Brotherhood member, put it to me in 2007: "There is a difference between freedom and democracy in Islam [and in the West]. Freedom in Islam is a freedom that conforms to rules. If we compare it to the traffic light, does freedom mean that when I find the light is red, I can pass under it with my car? There are limitations on freedom

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in Islam. Nowhere, in any nation or in any set of laws, do we find what we call unconstrained freedom." As Mursi put it in a speech to some women voters from the University of Zagazig in 2005, "unconstrained freedom leads to unconstrained vice." The suspicion of liberty goes beyond the Brotherhood. In a conversation with Hazem Salah Abu Ismail, now an independent Islamist candidate for president, I was told that just as liberals believe that the Shari'a is a religious imposition upon them, so too do Muslims view liberalism as a religious imposition, requiring them to swallow values which are alien to them.

Just as liberals want democracy to produce the "right" results, so too do Islamists. In 2007, as noted earlier, the Brotherhood went so far as to propose establishing a council of religious jurists whose job would be to vet all laws to ensure they conformed to the Shari'a, but this proposal was quickly tabled in a political environment in which the Brotherhood needed to retain liberal goodwill in the fight against Mubarak. Now, when liberals are not needed allies against Mubarak, but rather competitors in the race to shape Egypt's future, we might not expect the Islamists to be so accommodating.

Closing the Ranks

The contention between liberals and Islamists comes at a time when both groups must cooperate if they are to usher out the last remnants of the military regime that has, as analyst Steve Cook puts it, "ruled but not governed" Egypt since 1952. The SCAF's leaders constantly avow their commitment to democracy, declaring that they have no appetite for the business of day-to-day administration. The country's current de facto president, Defense Minister Muhammad Hussein Tantawi, even told the U.S. Director of National Intelligence Dennis Blair in December 2009 that one thing he learned from his days as Egyptian military attaché in Pakistan was that militaries that involve themselves too deeply in domestic affairs are "doomed to have lots of problems." But this aversion to policing the streets does not mean the armed forces are devoted to democracy. For just as liberals and Islamists seek to limit democracy according to their own normative commitments, the military seeks to limit it so that it does not interfere with its power and prerogatives.

Thus, instead of a genuine democracy in which the military is subject to civilian oversight, the SCAF wants to retreat to some more palatable, more democratic-looking version of the status quo ante. At a conference of national political forces to discuss Egypt's constitution, Mamduh Shahin, a member of the SCAF and the assistant to the minister of defense for legal affairs, declared that the military should have a special place in the new constitution, including "some kind of insurance so that it is not subject to the whims of the president of the state." He also called for provisions that would prohibit the discussion of military affairs in parliament, noting (incorrectly) that this was accepted practice in the United States "in light of the presence of secrets relating to the armed forces that cannot be discussed openly." He proposed adopting what he described as a Turkish measure that prevents parliamentarians from raising any interpellation specific to the armed forces.²⁸

Some of Egypt's revolutionaries, most notably the April 6th Movement, have made the military junta their primary target, calling for it to cede more power to civilian authority and to move more quickly to satisfy the demands of the protesters (including expediting trials for Mubarak and his confederates). But to date, both the established liberals and Islamists are more likely to look to the SCAF as the neutral arbiter or referee in their fight, as opposed to the last vestige of a regime they fought to uproot. Abu 'Ila Madi, founder of the Brotherhoodsplinter Wasat Party, declared in July that "the members of the Supreme Council of the Armed Forces are respectable Egyptians who have done great services for Egypt." The Brotherhood's leader, Muhammad Badi'a, on July 14 called for

people to stand by the SCAF and "appreciate its role in the defense of the revolution instead of criticizing it," comparing the Egyptian military favorably to those in "neighboring countries in which the army kills its people."³⁰

The liberals, for their part, have also proved willing to court the military. Mirvet al-Tilawi, former minister of social affairs, declared "we are in a stage that requires the military to exercise oversight over all those who have power," instead of the other way around. One prominent leftist politician in April 2011 declared to me his hope that the Egyptian military would commit to intervening in politics if the "secular character" of the state was threatened. And in July, Hisham Bastawisi, the Egyptian judge and potential candidate for the presidency, proposed a set of constitutional principles governing civil—military relations, which included barring parliamentary discussion of the military's budget, making all laws regarding the military subject to SCAF approval, and giving the SCAF a veto over presidential declarations of war.

Whether by accident or by design, the schism among Egypt's revolutionaries means that the SCAF can rest easy knowing that its dominance is unlikely to meet the kind of unified challenge that toppled Mubarak. And yet, if Egypt is to move decisively beyond the Mubarak period, the forces of liberty and democracy will have to stop putting pressure on each other, and start applying it to the SCAF in a bid to get it to give up some of its powers and accept a diminished role in running the country.

This does not mean that Islamists and secularists can or should paper over their differences. The conflict that attends the debate over the timing of the constitution will pale in comparison to the conflict over the substance of that document. But that conflict must be managed lest it serve as an excuse for the military to extend its tutelage. Recent events provide reasons for optimism. As Islamists and secularists seemed headed for a clash of dueling million-man marches in Tahrir on July 29, a last-minute deal was worked out. Instead of two contending protests, the Islamists and liberals would stage one large march of unity. Practically every political grouping of importance from across the entire political spectrum signed on, promising to focus only on the shared goals of bringing Mubarak to justice, rooting out the NDP, and ending military trials for civilians, among other things.

To many, it looked as if some of the cohesion that characterized those 18 days in Tahrir had returned. The deal did not hold, however, as Salafis associated with the Nur Party defected and pressed their calls for Shari'a. But the groups must try again. Crafting a national front, and making it into a durable instrument that can stand up to the military's power, must now become the principal goal of Egypt's liberals and democrats alike.

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