

“Our first free elections”: A View on the Political Transition in Egypt

Farrah Hassen
farrah.hassen@gmail.com

*For delivery at the Western Political Science Association Conference, Hollywood, CA,
March 30, 2013*

Introduction

On June 30, 2012, Dr. Mohamed Moursi officially became known as Egypt’s first freely-elected and Islamist president. Prior to that, the Muslim Brotherhood’s Freedom and Justice Party (FJP), established following the fall of former president Hosni Mubarak on February 11, 2011, swept the People’s Assembly and Shura Council¹ parliamentary elections, *de facto* evolving into the new political establishment. Following decades of authoritarian rule, the turnout and peaceful outcome at the polls suggest that Egyptians remain committed to the electoral process. Compared to the more militant manifestations of uprisings in 2011 in Libya and Syria (the former, which relied on NATO intervention in the ouster of President Mouamar Qaddafi, and the latter, which violently lingers on, two years later), at first glance the new norm of holding elections in Egypt with increased participation from international, regional, and domestic observers to ensure transparency offers a glimmer of hope for neighboring Arab citizens struggling for dignity and justice. Nonetheless, even with the pomp and circumstance of what one member of the Freedom and Justice Party called “our first free elections,”² it is premature to deduce the trajectory of Egypt’s political transition based on elections alone, given

¹ The Shura Council is the upper house of the Egyptian Parliament, created by President Sadat and modeled after the U.S. Senate, albeit with a major difference—with 270 total seats (180 elected and 90 appointed by the President), it is limited in power and decision-making, compared to the People’s Assembly, with 508 total seats (498 elected; 10 appointed by the President). The first post-Mubarak Shura Council elections took place during two-phases from 29 January-15 February 2012. Following the three-phased People’s Assembly elections with an overall turnout of 54%, only 15% of Egyptians turned out to vote during the low-interest Shura Council elections, as I observed. Not surprisingly, the Muslim Brotherhood and Salafist Nour Party benefitted from opposition parties dropping out of the elections, coming in at number one and two, respectively.

² Interview with author, Cairo, Egypt, 2 December 2011.

the broader political, security, and socioeconomic environment. The dismantling of the powerful military-security apparatus institutionalized over time since Gamel Abdel Nasser's presidency (1956-1970) did not accompany regime change, as I witnessed throughout my seven months working in Egypt, prompting the logical follow-up question: What is new in the post-Mubarak new order and what remains the same? While limited in explanatory power, I argue that elections held since 2011 should be viewed as both emblematic of continuity and change in Egypt. How President Morsi responds to opposition demands for reforms while placating his Islamist base of supporters during the remainder of his four year term will help reveal whether Egypt after the Arab uprisings of late 2010-2011 represents a seismic political paradigm shift for the Middle East and North Africa (MENA) region or the same authoritarian model under political Islam packaging.

This paper incorporates on-the-ground perspective from a member of The Carter Center's international election observation mission in Egypt on the mechanics, legitimacy, and outcome of the first post-Mubarak parliamentary and presidential elections held from November 27, 2011 through June 17, 2012. In the process, it seeks to address the following questions: What do the overall electoral results reveal about the trajectory of Egypt's political transition? And, where is the Egyptian "Revolution" of January 25, 2011 going? The ensuing analysis and opinions reflect my views alone, and not The Carter Center.

The Context: The Arab Uprisings, Political Islam, and Democratization

According to mainstream U.S. media reporting,³ the so-called "Arab Spring" narrative goes like this: On December 17, 2010, the self-immolation of 26 year-old Tunisian fruit vendor Mohamed Al-Bouazizi protesting the status quo under long-time President Zine El-Abidine Ben

³ A quick Google search of the phrase "Arab Spring" generates no less than 317,000,000 results. For one example of mainstream media ahistoric reporting, see Jamie Dettmer, "Arab Spring Faces Cold, Hard Reality in Tunisia—Where it All Began," Fox News.com, 20 March 2013.

Ali set off a chain reaction of political uprisings inside and outside Tunisia, with Arab citizens in Egypt, Libya, Yemen, Syria and Bahrain (and momentarily, in parts of Kuwait, Jordan, and Saudi Arabia) inspired to also demand for more democratic rule. While not entirely inaccurate, there are two problems with this understanding. First, is the phrase “Arab Spring,” which this paper deliberately does not use, as it connotes that change is confined to a temporary period of time, when in fact, meaningful change and human development require more than a season, as recent and past history confirm. The slick branding of “Arab Spring”—and its dismal counterpart, the “Arab Winter”—may facilitate news headlines and Twitter hashtags, but it fails to get to the crux of the matter: What forces are behind these uprisings, and how are they connected? Second, the narrative assumes that the recent Arab uprisings are primarily driven by a hunger for democracy, understood in the Western liberal sense, without assessing the related economic, cultural, and religious dimensions of why citizens choose disobedience.

Up until these uprisings, the literature on democratization and the MENA region notably focuses on the prevalence of elections under authoritarianism, using Huntington’s (1991)⁴ post Cold War “Third Wave” theory as a point of departure for exploring why democratization has yet to fully engulf the region. Salamé (2001) poses the pithy yet open-ended question, “Democracy without democrats?”⁵ Schwedler and Chomiak (2006) identify five reasons why authoritarian regimes such as Mubarak of Egypt and Bashar Al-Assad of Syria hold elections:

To carry out a real commitment to democratization; to distract citizens from other crises; to respond to foreign pressure; to display state power; and simply because they have held them in the past.⁶

⁴ See Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991).

⁵ See Ghassan Salamé, ed. *Democracy Without Democrats? The Renewal of Politics in the Muslim World* (London: I.B. Tauris & Co. Ltd, 2001).

⁶ Jillian Schwedler and Laryssa Chomiak, “And the Winner is: Authoritarian Elections in the Arab World.” *Middle East Report*, No. 238, Spring 2006: 14.

More recently, focusing on the theorized roles of elections as safety valve, patronage network, and performance ritual, Brownlee (2011) notes a parallel between the “democratic deficit” in the MENA region and the “electoralist deficit”—the absence of competitive executive elections, in which presidential polls have only resulted in the renewal of incumbent candidates, such as in Egypt (with the 2005 presidential elections), Yemen (1999, 2006), and Tunisia (1999, 2004, 2009).⁷ Eschewing Orientalist explanations for addressing why Arab democratization has failed to take root, Albrecht and Schlumberger (2004) instead investigate the “success” of authoritarianism by scrutinizing political liberalization and deliberalization trends in Egypt, Qatar, and Bahrain. They conclude that the alternating occurrence of both nonlinear processes “is ultimately a function of each country’s political situation at a given moment in time...its given constraints and opportunities.”⁸

Inevitably, any discussion of Arab democratization requires an assessment of political Islam, considering the prominent role of religion in the region. Esposito attributes the Islamist resurgence in the Middle East, South Asia, and Africa since the 1970s to the failures of secular forms of nationalism and Western-backed models of development, with newly independent Muslim societies facing authoritarian rule, poverty, corruption, and illiteracy.⁹ Political Islam, whether formally sanctioned or illegal, would ostensibly provide the way forward. Leaders, scholars, and policymakers alike would soon differentiate between “moderate” and “radical” Islamists: between those advocating the contestation of power at the polls, exemplified by

⁷ Jason Brownlee, “Executive Elections in the Arab World: When and How Do They Matter.” *Comparative Political Studies*, 44.7 (13 April 2011): 815.

⁸ Holger Albrecht and Oliver Schlumberger, “‘Waiting for Godot’: Regime Change Without Democratization in the Middle East.” *International Political Science Review*, 25.4 (2004): 374.

⁹ John L. Esposito, ed. *Political Islam: Revolution, Radicalism, or Reform?* (Boulder: Lynne Rienner Publishers, 1997) 2-13.

Egypt's Muslim Brotherhood, and those justifying force to challenge the status quo, like the Palestinian Islamic Jihad. In conjunction, a reoccurring question arises: Is democracy compatible with Islam? One way of responding to this weighty question is by analyzing an Islamist group—its goals and visions for promoting a society guided by “Islam as the solution.” Egypt's Muslim Brotherhood, founded in 1928 in the city of Ismailia by Hassan Al-Banna, proves instructive and germane to this paper.

In discussing the “accommodationist” strategies of the Muslim Brothers, Egypt's largest opposition group before it evolved into today's political establishment, Abed-Kotb (1995) made a prescient observation that would particularly prove relevant in Egypt following the fall of Mubarak:

Peaceful or violent, democratic or autocratic, political Islam deserves scholarly attention as more than a threat to regional stability; it deserves treatment as a probable contender for future political rule over states with which the West must continue relations.¹⁰

Comprehending who the Muslim Brothers are begins and ends with viewing them as more than just a political party—they are a spiritual worldwide organization that derives its legitimacy from the Qur'an and the *Sunna* (tradition and example) of Prophet Muhammad, and in very much an entrepreneurial sense maximize both into their “political association,” “educational and cultural organization,” “economic enterprise,” and “social concept”¹¹ productions. From the time of its founding to the present, the fundamental objective of the Brotherhood has been the building of an Islamic nation governed by Islamic or *Sharia* law.

As for whether Islam and democracy are compatible in their worldview, Abed-Kotb cites member Isam Al-Aryan, who emphasizes, “The Brothers consider constitutional rule to be

¹⁰ Sana Abed-Kotob, “The Accommodationists Speak: Goals and Strategies of the Muslim Brotherhood in Egypt.” *International Journal of Middle East Studies*, 27.3 (Aug. 1995): 322.

¹¹ *Ibid.*, 323.

closest to Islamic rule... We are the first to call for and apply democracy. We are devoted to it until death.”¹² From the perspective of both self-preservation and democracy, they embrace the holding of open multiparty elections. This, however, tells us precious little about what kind of democracy they envision, and whether their framework of law enhances or assaults basic internationally recognized human rights—particularly concerning the rights of women and minorities, including Coptic Christians, presently estimated at 10 percent of the population.

On the economic front, the goal of social justice, exemplified by the duty of all able Muslims to practice almsgiving (*zakat*), competes with the Brotherhood’s preference of elevating the private sector as the “backbone” of the economy and downsizing the public sector. While appropriating the rhetoric of socialism in their preaching of an idealized Islamic society, socialists, they are not. As one prominent example, the Brothers did not oppose the late President Anwar Sadat’s post 1973-war *infitah* policy of opening the economy to privatization and capitulating to the Western-endorsed World Bank/IMF model of development, which included the termination of subsidies on basic foodstuffs leading to major bread riots in 1977. Many members of the Brotherhood would become wealthy through the *infitah* policy, as Abed-Kotb notes.¹³ Tellingly, President Moursi continues to endorse the same neoliberal economic model that partly inspired Egyptians to rise up against the Mubarak regime, requesting in August 2012 a \$4.8 billion dollar IMF loan in order to prop up the sagging Egyptian economy, exacerbated by periods of political instability leading to the decline in tourism and foreign investment.¹⁴

¹² Ibid., 325.

¹³ Ibid., 327.

¹⁴ The Egyptian economy has always been dependent on tourism, whether regional or international. During my seven months working throughout the country, compared to my previous visit in 1998 I noticed the decline in foreign visitors at iconic sites, include the pyramids at Giza, the National Museum in Cairo, and the Sharm el-Sheikh beach resort in South Sinai. See Leslie Wroughton, “Stop-gap IMF Loan Could Prove Lifeline for Egypt.” *Al Arabiya*, 6 March 2013.

In their over 80 year history, the Brothers have undergone a significant metamorphosis and proved their longevity: from their rise in 1928 following Egypt's post-British colonial rule; their dissolution in 1952 and imprisonment of its leaders under President Nasser; the thaw in state-Brotherhood relations beginning under President Sadat in the 1970s and continuing under Mubarak; to their sweeping of the parliamentary elections in 2011-2012 and ascendancy to the presidency in June 2012. Nonetheless, as El-Ghobashy (2005) makes clear, at the earliest point in their history the state never considered legalizing the Brotherhood; only *de facto* toleration.¹⁵ Even while relegated to the underground, they would learn to work around the Egyptian system, from setting up charitable networks on the community level by providing sugar, oil, and flour to needy Egyptians, to eventually embracing the strategy of electioneering during the 1980s, first forming an alliance with the Wafd Party to contest the 1984 parliamentary elections (and winning a small number of seats).

During the 1987 parliamentary elections, the Brotherhood replicated this strategy, this time aligning with the Labor Party. In what would become a reoccurring pattern, on election day observers reported "rampant government meddling," "ballot stuffing" on behalf of President Mubarak's National Democratic Party (NDP), and "outright turning away of voters for opposition candidates."¹⁶ Nonetheless, the Muslim Brothers still secured 36 seats in the People's Assembly. Throughout the 1990s, the government's repressive tactics inside and outside the polls would continue, leading to the detention of 82 of the Brother's middle-aged activists. Ultimately, El-Ghobashy attributes the Muslim Brotherhood's resilience to their adaptation to

¹⁵ Mona El-Ghobashy, "The Metamorphosis of the Egyptian Muslim Brothers." *International Journal of Middle East Studies*, 37.3 (Aug. 2005): 377.

¹⁶ *Ibid.*, 379.

Egypt's electoral authoritarian regime, in order to maintain their "organizational existence."¹⁷ This would later prove decisive during the first post-Mubarak parliamentary elections, putting the Muslim Brotherhood at a major advantage over the rest of Egypt's newly formed political parties and alliances.

The Carter Center Egypt Mission: It's "Witnessing," Not "Observing"

Before I even arrived to Egypt to begin my work, The Carter Center¹⁸ made it clear to all 30 plus members of the international observation mission: we are officially called "witnesses" (*mutaba*), not "observers." After a protracted process, the then-military government which filled the power void following Mubarak's ouster, the Supreme Council of the Armed Forces (SCAF), invited former U.S. President Jimmy Carter's Atlanta-headquartered organization to witness both the parliamentary and presidential elections, along with regional organizations such as the South Africa-based Electoral Institute for Sustainable Democracy in Africa (EISA). Under the leadership of Field Marshall Mohamed Hussein Tantawi, for SCAF the question of semantics coincided with the principle of non-interference. The meaning of the Arabic word for observe, *murakeb*, implies that the Egyptian government requires active supervision over its elections, instead of just watching, the traditional practice of election observation. The point was clear and significant: as witnesses, we had to pour the common standards of election observation as outlined in the 2005 Declaration of Principles for International Election Observation¹⁹ through the Egyptian sieve. The contradictions of doing both would soon become apparent, crowned by

¹⁷ Ibid., 391.

¹⁸ In partnership with Emory University, The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and former First Lady Rosalynn Carter, committed to advancing human rights and alleviating human suffering. As part of its Democracy Program, since 1989 The Carter Center has observed over 90 elections in Africa, Latin America, and Asia.

¹⁹ The Carter Center was a signatory member of the Declaration, endorsing it at the United Nations on 27 October 2005, alongside organizations including the African Union, European Commission, National Democratic Institute, Organization of American States, and UN Secretariat, among others.

the reality of witnessing both the parliamentary and presidential elections in a country still under military rule.

As part of its election methodology, The Carter Center typically observes elections in countries emerging out of conflict or in a state of political transition; where an agreement exists from political parties to allow observers complete access to the electoral process; and where the Center believes having observers on the ground will serve to enhance the success of the elections and/or the acceptance of the election results. Its observers evaluate how the electoral process in a given country meets international standards for democratic elections by measuring it against a country's electoral system, legal framework, and its obligations under international human rights law. Before it decides to send an observation mission, the Center monitors political developments in that particular country of interest from Atlanta, and once elections are officially scheduled, considers deploying an election observation mission.

Long-term observers are dispatched three to twelve months before the election day, in order to effectively assess the pre-election environment and evaluate critical issues, such as whether barriers to campaigning exist. They meet with all parties, candidates, and members of civil society in their designated area of responsibility. Short-term observers are usually sent a few days before the election day, to supplement the work of their long-term counterparts and increase the mission's presence in a given country. Following the election day, The Carter Center releases a preliminary statement of their findings, which includes observations during the pre-election period. Observers evaluate all aspects of the election day—from the moment before the polls open, to the tabulation of results and the resolution of post-electoral disputes. At the conclusion of the election mission, The Center releases a final report, which includes their main

findings and recommendations to the state and its electoral authorities for improving future elections.

The 2011-2012 Parliamentary and Presidential Elections

From November 27, 2011-January 14, 2012, Egypt's lower house of parliamentary elections—the People's Assembly—took place during three-phases throughout the country's 27 governorates, due to the required judicial supervision at the polls and the limited number of judges available for the over 50,000 polling stations (and 50 million eligible voters). According to Egyptian law, the electoral system for the 498 elected People's Assembly constitutes a mixed system, with 2/3 of representatives (332) elected using a closed list proportional representation system across 46 multi-seat constituencies. For a party or coalition to be eligible to win these seats, a party or coalition must win at least 0.5 percent of all votes cast in the list races across the country. The remaining third of the representatives (166) are elected from 83 two-seat constituencies.²⁰

In a controversial leftover policy from the era of Nasser, the electoral system stipulates that at least 50 percent of the People's Assembly be composed of designated farmers or workers. The same Constitutional Declaration of March 30, 2011 that mandated this policy removed a previous women's quota in the Assembly. The present declaration only requires that parties include one woman in their PR list of candidates. While working in Cairo, Giza, and Tanta, respectively during the three-phases of the election, it became evident that female candidates were at a particular disadvantage for a variety of reasons—from lack of political experience and training to scant financial and boots-on-the-ground resources. Those who I met with noted their desire for the reinstatement of a quota, in order to help level the political playing field. In this

²⁰ See Law Concerning the People's Assembly (Law Number 38 of 1972, as amended), < <http://aceproject.org/cro-en/regions/mideast/EG/Law%20No.%2038%20of%201972%20-%20english.pdf>>

same vein, some civil society election observers questioned the validity of the worker/farmer quota and pointed to its discriminatory elements—a “farmer” in today’s Egypt is not necessarily the impoverished farmer from Nasser’s time seeking empowerment, but rather, someone more financially equipped who owns land.²¹

Before assessing the outcome and legitimacy of the three-phased parliamentary elections, the political environment on the eve of polling merits discussion. To be blunt, I arrived in Cairo one week before the commencement of elections with the smell and sight of tear gas in the air, used on Mohamed Mahmoud street near the reviled-Interior Ministry by security forces against protestors demanding the end of continued military (SCAF) rule. Before the elections, they also demanded that presidential elections immediately follow the parliamentary elections, in order to hasten the transfer of power to civilian rule. The clashes between protestors and the police began on November 19, 2011 and lasted for 6 days, resulting in deaths and injuries.²² Many of the revolutionary youth who had earlier celebrated in Tahrir Square after the fall of Mubarak quickly realized the less than revolutionary attributes of the SCAF caretaker government. Just as disconcerting, Egypt’s State of Emergency Law from 1981 remained in place²³ and the use of military tribunals continued, marring the pre-election environment and complicating the country’s political transition.

While a separate paper is required to effectively assess the details of the parliamentary elections and compare them to Egypt’s previous elections, here is the abridged version. As the January 24, 2012 Carter Center Preliminary Report explained:

²¹ Interview with author, Giza, Egypt, 13 December 2012.

²² See BBC News, “Egypt: The Legacy of Mohamed Mahmoud Street,” 19 November 2012.

²³ On 25 January 2012, Field Marshall Tantawi announced the partial lifting of the State of Emergency of Law. On 31 May 2012, the law expired.

While there were shortcomings in the legal framework, campaign violations, and weaknesses in the administration of the elections, the results appear to be a broadly accurate expression of the will of the voters.²⁴

To be sure, on the observable level, I did not witness ballot box stuffing or blatant voter intimidation by remnants of Mubarak's former NDP party (in Arabic, known as *felool*). The first two phases of voting were particularly memorable (close to 59% and 65% voter turnout, respectively), given the long voter queues circling outside schools (Egypt's polling stations), with the notable presence of women, youth, the elderly, and the handicapped—the latter, valiantly lifted in their wheelchairs by members of the military to their second-floor polling station, due to the lack of handicapped-accessible polling stations in Egypt. The euphoria in the air was palpable, particularly among the organized Muslim Brotherhood, whose vast campaign war chest was evident, compared to first-time independent candidates and opposition party alliances, such as The Revolution Continues and Egyptian Bloc Alliance. The latter, which included the post January 25 Revolution Free Egyptians Party of wealthy Coptic businessman Naguib Sawiris, could not compete with the organizing clout and name recognition of the Muslim Brotherhood.

In a further display of their campaigning prowess, the Brotherhood's Freedom and Justice Party set up booths with lap tops directly outside the polling stations, to ostensibly "assist" voters with locating their polling place by typing in their national ID number. From an election observation point of view, this action blurred the lines between legal and illicit campaigning, given that Egypt's electoral law mandates a 48 hour campaign silence period before the elections. In another example of the blurring of lines, on an unobservable level, the fact that the Brothers have historically distributed basic foodstuffs to Egypt's impoverished—justifying the

²⁴ See The Carter Center Preliminary Report on All Three Phases of the People's Assembly Elections, <http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/Egypt-Peoples-Assembly-Elections.pdf>

practice as religiously mandated almsgiving—may be viewed as an unfair advantage, akin to vote buying. More than once, such an allegation was presented to me and other observers, typically by a non-FJP member or supporter. Observers, however, are not journalists. And according to election observation conduct, are not allowed to interfere in the electoral process—even when they hear (but do not see) allegations of misconduct. Ultimately, in the final tally of the first post-Mubarak People’s Assembly elections, with a 54% overall voter turnout, the FJP picked up 216 out of 498 elected seats. Following them with 111 seats was the newly formed Salafist²⁵ Nour Party. Outside this Islamist bloc, the New Wafd Party came third, with 38 seats, and then the independents, with 22 seats.²⁶ There was no question that after decades of waiting in the wings, the Muslim Brotherhood was ready to embark upon the next stage of its political metamorphosis.

Egypt’s presidential elections took place from May 23-June 17, 2012, and included a two-day run-off on June 14, given that neither of the candidates during the first round reached the required 50% plus one threshold. 46% of voters turned out during the first round,²⁷ substantially less than the number who turned out during the first round of the People’s Assembly elections. Less than 50% voted for President Moursi during the run-off against former NDP member and Prime Minister Ahmed Shafiq. Using the presence of presidential campaign banners as an unscientific metric in my area of observation in Port Said, Damietta, and

²⁵ The Salafists practice a more conservative version of Sunni Islam, compared to most members of the Muslim Brotherhood. They believe in returning Islam back to the practices and traditions of the Prophet Muhammed. It is believed that they receive some of their funding from Saudi Arabia, given similarities to their Wahabbi brothers over Islamic interpretation. Politically and economically, their policies resemble that of the FJP, with occasional differences. On a personal level, one is more likely to receive a straight answer to a question from a member of the Nour Party, compared to the more politically savvy and slick FJP.

²⁶ For a useful overview of the parliamentary elections results, visit <www.jadaliyya.com>

²⁷ Presidential candidates during the first-round included lawyer Khaled Ali; Islamic thinker Mohamed Selim Al-Awa; former MB member Abdel Moneim Aboul Fotouh; former Arab League Secretary-General Amr Moussa; and leftist and Karamah Party member Hamdeen Sabbahi. Mohamed Moursi and Ahmed Shafiq received the highest number of votes during the first round, prompting the run-off.

Daqahaliya (the northern end of the country), they seemed less noticeable compared to what I witnessed during the parliamentary elections. The axiom of “all politics are local” appeared to be reinforced, given that parliamentary members represent a specific community, whereas a presidential candidate must attempt the Herculean feat of representing the country’s 80 million citizens. Given the prolonged parliamentary election cycle, election fatigue also set in among voters, as issues concerning the state of the economy and security began to take precedence. From an election observation perspective, the delayed accreditation from the Presidential Election Commission (received less than seven days before the start of round one) limited the pre-election observation period for The Carter Center, other international observer groups, and even domestic observer groups. We were not able to witness crucial procedures, such as assessing the voter’s list, and observers (and the media) were subject to the unusual 30-minute time limit inside polling stations. New restrictions had been imposed on our work, compared to the seemingly more organized parliamentary elections administered by the High Election Commission. For The Carter Center organization itself, working under such constraints proved challenging, as far as being able to effectively witness and assess an election. It begs the unanswered question of why SCAF would allow such developments, given that they invited international observers to Egypt to begin with. Notwithstanding such obstacles, Egyptians seemed more aware of voting procedures, and in comparison to the parliamentary elections, polling seemed less chaotic, even with the increase of crowds due to shrinkages in the number of polling stations.

Two days before the presidential run-off race, the Supreme Constitutional Court ruled on June 14, 2012 that one third of the parliamentary seats were unconstitutional since parties fielded candidates for seats reserved for independent candidates, leading to the dissolving of parliament

and the military assuming legislative control until the holding of new elections. In a separate ruling, the Court found the “political isolation law” unconstitutional, which would have prevented Ahmed Shafiq from participating in the run-off due to having served under the old regime. At the end of the final election day, SCAF issued a Constitutional Declaration adding special privileges for the military and inserting itself in the constitution drafting process. The occurrence of these events during the close of the elections punctuated a low point for the trajectory of Egypt’s political transition. Just as Egyptians were electing their first Islamist president, SCAF had increased its powers. In response, President Carter stated:

I am deeply troubled by the undemocratic turn that Egypt's transition has taken. The dissolution of the democratically-elected parliament and the return of elements of martial law generated uncertainty about the constitutional process before the election.²⁸

On July 8, newly inaugurated President Morsi attempted to bypass the Court’s binding decision by issuing a polarizing decree allowing for the parliament to reconvene until new elections were held, only to be overruled by the Court on July 10, 2012. As of now, Egypt remains without a People’s Assembly, and the repeat of elections scheduled for April 2013 have been postponed indefinitely.

Analyzing the Electoral Results: From Euphoria to Disillusionment

Both the parliamentary and presidential electoral results represent change and continuity in present day Egypt. Using elections as a narrow level of analysis, compared to the previous elections, the 2011-2012 parliamentary and presidential elections did represent a break from the past, as far as increased transparency, fairness, the presence of international observers, and voter turnout are concerned. But they also represent continuity, given that they occurred under the not-so-new security environment dominated by the military, and the State of Emergency Law and military tribunals remained in place as voters went to the polls—a visual and political

²⁸ See < <http://www.cartercenter.org/news/pr/egypt-prelim-061912.html>>

contradiction. While President Moursi forced SCAF head General Tantawi into retirement as one of his earliest political acts in August 2012, the move more correctly speaks to his consolidation of power, to leave no doubt about his legitimacy as president, rather than an innate desire to revolutionize the Egyptian state.

Despite holding the “first free elections,” the structure of the military-security apparatus, buttressed by the Ministry of Interior, stands in the way of meaningful institutional reform on the road to Egypt’s political transition. So do the challenges of poverty, unemployment, illiteracy, the marginalization of women and other minorities, and the culture of impunity. Roughly half of Egyptians cannot read, as I observed more than once at polling stations. Representing continuity of the past, candidates who found campaign violations during the parliamentary elections and attempted to seek recourse through the administrative courts found them at best unresponsive.²⁹ One of The Carter Center’s major recommendations included the precise improvement of judicial mechanisms in order to enhance the legitimacy of the electoral process.

Before I left Egypt at the end of the presidential elections, the disillusionment among certain Egyptians over the viability of elections as an indicator of political progress seemed to come full circle. While observing the presidential elections in Port Said, the number of voters who went to the polls during the run-off to deliberately invalidate their ballots as a form of protest stood out, with 13,629 total invalid votes out of 239,897 valid votes. At one particular polling station, I noticed ballots with political messages directed at SCAF, the Presidential Election Commission, and the candidates themselves. They included the following: “The Constitution comes first;” “Thanks for fraud;” “The Revolution Continues;” “Down with SCAF;” “Egypt is a country not a military coup;” “Both candidates have no honesty;” “Shafiq is

²⁹ Interview with author, Giza, Egypt, 18 December 2011.

a murderer;” and “I am not convinced.” This reality speaks to the lingering divisions in Port Said following the first round results, in which leftist candidate Hamdeen Sabbahi swept with 104,516 votes, followed by Shafiq with 41,487 votes. Many of my interlocutors expressed disillusionment following the news that Moursi and Shafiq would enter into the run-off, questioning the legitimacy of the results at the aggregation level and beyond. The call for boycotting the election, which independent and now former Port Said MP Badri Fargali had promoted (along with the Port Said Youth Collaboration, among others), seemed to pick up among undecided voters ahead of the run-off. Of the 436,703 registered voters in Port Said, 253,526 actually voted—others stayed at home or as the invalid votes confirm, took to the polls to spoil their ballots and indicate their dissatisfaction with the overall political process, exacerbated by the dissolution of Parliament and SCAF’s expanded powers just as the run-off occurred. Ultimately, Fargali explained his decision to boycott the presidential elections like this:

I am boycotting the election and when people come up and ask me who they should vote for, I tell them neither Moursi or Shafiq will help us realize the goals of the Revolution. We need economic and social development. We need to combat poverty and illiteracy. We need social justice.³⁰

Meanwhile, the Revolutionary Process...

Perceptions of how Egyptians view the revolution also matter, and these are in turn connected to the larger question of where the country’s transition is headed.³¹ Since Mubarak’s ouster, *thawra* or “revolution” has been used alternately by the government, military-security apparatus, liberals, leftists, Islamists and everyone in between to refer to the uprising in Tahrir leading to the fall of the old regime. January 25, the start date for the 18-day mass protests,

³⁰ Interview with author, Port Said, Egypt, 14 June 2012.

³¹ This section has been adapted from a previous article I wrote for the web-based *Foreign Policy in Focus*, published on 7 December 2012. See Farrah Hassen, “The Roundabout Road Back to Tahrir,” <http://www.fpiif.org/articles/the_roundabout_road_back_to_tahrir>

brought together youth, the elderly, unions, movements like the 6th of April and the organizing clout of the Muslim Brotherhood, and is commemorated as a national holiday. According to a government fact-finding commission, at least 846 Egyptians were killed during clashes with security forces over the course of three weeks and countless others have lost their lives during subsequent confrontations.

On the one hand, the term “revolution” has become a normal part of the public discourse. But on the other, the actual implications of dismantling one order and replacing it with another are difficult to discern. Depending on whom you ask, the “Revolution of January 25” happened, never happened, is still underway, or has been hijacked and derailed by the new Brotherhood-dominated political establishment. While working in the Upper Egypt city of Assiut during the one-year anniversary of this “Revolution,” I witnessed a small demonstration of mostly young people and some middle-aged professionals organized by the 6th of April Youth Movement calling for the “continuation of the Revolution” and the “end of military rule” under the Supreme Council of the Armed Forces. Less than a few miles away, another, more cheerful gathering of families organized by the local wing of the FJP waved Egyptian flags to celebrate the holiday.

“The revolution has yet to succeed,” argued a university student at a traditional coffee shop. He raised questions about his job prospects following graduation. “Change takes time,” he conceded, wistfully staring at the street traffic. Whether in Cairo, Alexandria, Mansoura, or Port Said, such a divide still reverberates throughout much of the country, going well beyond a friendly disagreement over semantics and striking at the heart of the matter: Who should drive policy in the new Egypt? And what should it look like? As one self-described “revolutionary” student admitted, “With the Muslim Brotherhood and Salafists we saw eye-to-eye on ending the

Mubarak regime, but did not imagine that could even happen. We never discussed our visions for Egypt should the regime fall.”³²

In Lieu of Conclusions: Egypt’s Political Purgatory

Following in the tradition of Jervis in *Perception and Misperception in International Politics* (1976),³³ it is tempting to title this final section, “In Lieu of Conclusions,” given that more questions than answers remain about the trajectory of the Egyptian state’s political transition. For now, Egypt remains in political Purgatory. By contextualizing and analyzing Egypt’s first post-Mubarak parliamentary and presidential elections, this paper has argued that it remains too early to conclude where Egypt’s political transition is headed, based on elections alone, given the broader political, security, and socioeconomic environment. The lingering military-security apparatus stands in the way of meaningful institutional reform, as do the challenges of poverty, unemployment, illiteracy, marginalization of women and other minorities, and the culture of impunity. In more recent months, President Morsi’s November 2012 ill-advised constitutional declaration power grab³⁴ has increased public disillusionment over his leadership and the larger political process, and has effectively splintered Egypt’s already divided opposition: between those who embrace the streets, and those looking to contest the dominant Muslim Brotherhood at the ballot box, in order to recalibrate power. The constitution referendum

³² Interview with author, Cairo, Egypt, 26 June 2012.

³³ See Robert Jervis, *Perception and Misperception in International Politics* (Princeton: Princeton University Press, 1976).

³⁴ On 22 November 2012, seeking to end the drawn-out process of drafting Egypt’s Constitution—a process that featured prominent withdrawals by liberal, leftist, and Christian members of the constitution drafting assembly—President Morsi took matters into his own hands, temporarily granting his decrees and laws immunity from judicial review until the adoption of a new constitution and the election of a new parliament. In a vaguely worded clause, the president also claimed the right to take “all necessary measures” against “danger that threatens the January 25 revolution, the life of the nation, national unity, or safety,” opening the door to potential abuse. The ensuing chain reaction led to the fast-tracking of the constitutional process on 30 November 2012. See *Egypt Independent*, “Morsi Issues New Constitutional Declaration,” 22 November 2012, <<http://www.egyptindependent.com/news/morsi-issues-new-constitutional-declaration>>

held on December 15 and 22, 2012 led to the adoption of the controversial draft constitution, with 63% yes votes out of a scant 32% total voter turnout. Among its contentious aspects, Egypt's new constitution maintains in Article 2 that "principles of Islamic Sharia are the principal source of legislation." Article 10 affirms that a woman, but not a man, must reconcile her "duties" "toward her family and work." Article 198 keeps open the military tribunal option by establishing that "Civilians shall not stand trial before military courts except for crimes that harm the Armed Forces."³⁵ How President Moursi responds to the increased calls for reform from the opposition—among the demands include forming a national unity government and amending certain constitutional articles—while assuaging his base of supporters will help provide some answers to the questions of what has changed in today's post-Mubarak Egypt, what remains same, and what both bode for neighboring transitions in Tunisia, Libya, and eventually, Syria.

Just as importantly, the question remains over whether the same movements that converged at Tahrir Square and evolved two years ago can cooperate to achieve comparable goals, rooted in elevating the rule of law and creating a more just and democratic Egypt. With the eventual repeat of parliamentary elections at a yet to-be-determined date, how much of politics will continue to be played out in the streets or else confined to the ballot box? In between these two dichotomies lie the larger issues facing President Moursi and Egyptians— moving forward in its political transition; ending regressive laws that promote assaults on basic human rights; and ensuring socially responsible economic policies addressing poverty, illiteracy, and inequality. Referring to the current Islamist rebirth in Egypt, Libya, Syria, Tunisia, and Palestine,

³⁵ See English translation of Egypt's approved draft constitution, <<http://www.egyptindependent.com/news/egypt-s-draft-constitution-translated>>

Agha and Malley (2012) inquired³⁶, “Which is the detour, which is the natural path? The same should be asked about Egypt’s political transition.

³⁶ Hussein Agha and Robert Malley, “This Is Not A Revolution,” *The New York Review of Books*, 8 November 2012. <<http://www.nybooks.com/articles/archives/2012/nov/08/not-revolution/?pagination=false>>