Egypt: Electoral Systems and Future Paths

Finding the perfect electoral system for a country can often be a difficult task, and many constitutional engineers can speak to this. Even rich and homogenous countries like the United States or France often go through at least one failed system(sometimes many more) and a progression of reforms in order to still realize an imperfect system. Despite this, these cycles of experimentation are crucial, as without them a viable system could never develop within a country. The stakes could not be higher, as it is the difference between civil war and civil peace. This paper will examine this search in the context of Egypt, a country currently going through dramatic changes, in order to find out more about the relationship between political culture and electoral systems and how this could shape the future of this Arab country.

The world has seen several different types of electoral systems develop and be implemented in the past century, as widespread acceptance of the democratic ideal has settled in. In order to examine case studies, one must briefly overview these different systems and in turn in order to be able to define the dynamics of different systems. The first electoral system developed in the modern era, First Past the Post (FTPT), is best represented by the oldest continuing democratic systems of the United States and the United Kingdom. This system usually entails small districts, often single member, with individual candidates being elected by a plurality of the vote (Lijphart, Constitutional Choices for New Democracies, 2006). This system is usually accompanied by a party system, but officials elected in this manner often have independence from their party and in theory should represent the people of their district over the interests of their party. The second predominant type, Proportional Representation (PR) is best represented by countries such as Israel and the Netherlands. In its most pure form, voters

chose from a list of parties, and the party with the most votes gets the highest proportional share in the legislative body (Lijphart, Constitutional Choices for New Democracies, 2006). These two systems can be put on a continuum, with FTPT on one end and PR on the other, with most electoral systems falling somewhere in between. Examples of those middling systems are those that use a mixed system, such as Germany, which elects half of its parliament each way (Lijphart, Constitutional Choices for New Democracies, 2006). As stated in the first section, Egypt has most recently had a FTPT system with some modifications, but at different times, it has had a party list system and a mixed system.

In order to better understand Egypt, we must first look at several examples of electoral systems adopted in the past several decades. Only then can we venture deep into Egypt's history and political culture in order to look at the consequences of these examples. Theoretical discussions of how a system should work are one thing, but the laboratory of a political scientist is the messy stew that is political reality. No discussion of electoral systems can be complete without such examples. Care must be used in choosing these sample countries, as the conditions and culture must be similar enough to that of Egypt to be comparable enough from which to draw conclusions. This restricts the search to the Middle East and those countries with significant Muslim populations, as only these countries are confronting the challenge of integrating fundamentalist Islamic political movements into a secular and democratic system. A further requirement is that the comparable country must have held elections in the recent past in which a fundamentalist political organization had a significant influence. This election or series of elections need not have produced an actual stable democratic order, as a failed election can tell us a great deal about the election process

and the political culture, as Egypt's 2005 elections showed. All of the case studies chosen also need not have been conducted in a completely open and fair manner, although careful choice of at least one example where transparency was present is important. Each of the three following examples(Algeria, Turkey, and Palestine) was chosen because they fulfilled the characteristics described here, and each can tell us some things about how the process in Egypt could evolve, depending on underlying circumstances.

Algeria: Prelude to Civil War

Algeria prior to 1992 had a history somewhat similar to Egypt, both recently and macro-historically. At the crossroads of the Mediterranean, it had been influenced by many of the same historical waves that touched Egypt. However, Algeria's recent history has also been dominated by the war of independence fought against France for almost a decade, which burned an deep seated anti-colonial movement in the country and shifted the order of the political culture in the country. The war was ended in 1962 by the Evian peace accords between France and National Liberation Front(FLN), a catch-all nationalist party with strong Islamist backing (Addi, 1998). The FLN governed the country for the next three decades as a one-party autocratic regime, and only legalized other parties in 1989 with the adoption of a new constitution. Under this constitution, elections were proposed for localities in 1990 and the main legislative branch in 1991. The legislative elections were a two round process, with the second round being a runoff between the two highest vote-getters of the first round (Bouandel & Zoubir, 1998).

The FLN expected to continue to be the dominant political force in Algeria, but a new political movement created in the years before the elections made evident that this was not to be the case. The Islamic Salvation Front (FIS) was founded slightly after the legalization of parties in 1989, and managed to sneak by a clause in the constitution that forbade parties that were founded solely on a religious, ethnic or racial basis (Addi, 1998). The FIS itself had a wide spectrum of beliefs, encompassing everyone from Ali Belhadj, an extremist Islamic preacher, to Abbassi Madani, who was a moderate college professor who stressed the merits of multiparty democracy. This party was seen as a threat to the established order, and religious minorities and their international backers were fearful that this party represented extremist Islamic theology. Increasing their trepidation, and that of the ruling party, the FIS swept the 1990 local elections, taking well over half the vote on the back of a campaign that was assisted by the mosques. This provoked the government to try everything necessary to prevent the FIS from gaining a similar share in the next year's elections, from redrawing the electoral districts to arresting top members of the party, to no avail. FIS won 44% of the seats in the assembly outright, and was headed to a certain two-thirds majority when the military stepped in and canceled the second round. (Bouandel & Zoubir, 1998) This provoked the Algerian Civil War, which would take another decade to fully resolve.

The example of Algeria has served as a supposed warning to many governments in the region of the world as what would supposedly happen if their countries were to open up their election process. The popularity of Islamic fundamentalist groups and their ideology in the Middle East serves to ward off autocratic regimes in the area from instituting full democratic reform in their countries in the fear that a party like FIS or MB would gain full control and

institute sharia law (Shirley, 1998). As the above example shows, this fear is not completely invalid, but likely overblown. Specifically in comparison to Egypt, Algeria had a two round system, a large Islamic and supposedly fundamentalist party, and an autocratic regime manipulating the process to help one end. The two election cycles in Algeria were far more open and fair than past elections in Egypt, and the opposition party actually had a chance at winning the process. Algeria's two round system also maximized FIS's potential share, as the party only gained 45% on the first round, yet stood to gain much more than two-thirds of the total seats if the second round had taken place. The lessons here are numerous: manipulating the process only gives the disaffected party more to mobilize against, canceling the elections after a victory of such a party will likely result in great civil unrest, and having a two round system could give a broad-based Islamic party even more seats and influence than was thought possible.

Turkey: Prelude to Stability

The curious case of Turkey, which is one of the more successful democracies in the Middle East despite its history of military coups, provides a striking contrast with the sad tale of Algeria. The modern state of Turkey was founded on the ideal of secularism by Young Turks such as Ataturk, who in 1923 wanted to create a modern secular democracy that would tear up the traditions of the Ottoman Empire. Ataturk sought to make his nation more European, and this desire continues to this day with Turkey's desire to be a part of the European Union.

Despite this urge, Turkish politics also features a strong regressive force that fights against the secular movement. Twice in the years since World War II ended, the military has toppled regimes lead by parties with an Islamic focus at least twice, and at other times overtly threatening to become involved when an outcome that they disfavor occurs. The military sees itself as guarding the legacy of Turkey as a modern secular state, and involves itself whenever it feels that legacy is threatened. Islamic parties have existed in Turkey for most of the modern period despite this, with many of them becoming banned after a military intervention (Ozel, 2007).

While not a democratic tendency, the involvement of the military has resulted in a strong moderating influence on any Islamic party that exists, who police their own party for fear that the military will be given a pretext for involvement. The ruling party in Turkey is the most recent version of the Islamist movement to gain foothold is the Justice and Development Party(AK Party). PM Recep Erdogan, as well as President Abdullah Gul, were both former members of the reformist wing of the Virtue Party (Caha, 2003). This party was banned in 2001 for violating the anti-laicistic clause of the constitution, embedded in first article, stating a founding principle of the Republic as “secularism, social equality, equality before the law” (The Constitution of the Republic of Turkey, 1982). The AK Party ran as the replacement for the Virtue Party in the 2002 elections, where it gained over a two-thirds majority in the legislature. It achieved this because of Turkey’s unique party-list system, which has a very high threshold of 10% for gaining seats in parliament. Even though this rule was brought in to prevent extremist Islamic parties from gaining representation, the 2002 election saw all previous parties fall under that threshold and be eliminated, while the AK Party gained an over two-thirds share while only

getting 34% of the vote (Ozel, 2007). This result made the AK Party the dominant force in Turkey, and it has successfully resisted two efforts to have it declared unconstitutional, even as PM Erdogan was declared ineligible for office (Tavernise, 2008).

The Turkish example provides a viable if somewhat flawed path to democracy in the Islamic Middle East. The evolution of a moderate democratically inclined Islamic party that was not committed to undoing Ataturk's legacy has required several coups and much more political maneuvering. This prospect is not necessarily one that Egypt's military would balk at, as it has involved itself in politics several times over the past several decades. The key difference has been that the Turkish military intervened to reset what it saw as unconstitutional actions and took itself out of the process each time after several years. Egypt has never had sustained and truly civilian leadership since the Free Officers Coup, so democracy has never been given chance, and as importantly, the political culture has not been molded to such a high degree. This latter point is especially poignant, as the Muslim Brotherhood of Egypt is a movement that has only gone through partial evolutions of ideology, and looks much more like the Algerian FIS party or Hamas of Palestine than that of the AK Party of Turkey. The Turkish example also provides another example of a constitutional provision intended to have specific political intent backfiring, with the high electoral threshold giving the disfavored party a massive majority and excluding all the other parties at its expense (Yumak and Sardak v. Turkey, 2008). However, this high threshold has partly served to force parties into the center, and has prevented more extremist parties from emerging. In summary, the lessons to be learned from this example: the importance of a secularization tradition in the country's history, having a moderating influence on political parties to bring them to the center, and as before with Algeria, manipulating the

electoral system to favor an outcome often backfires. Turkey also has a unique identity issue in its history, as it often seeks to join Europe and paint itself as a "Western" country, but its history as the birthplace for one of the strongest Muslim empires often pulls it back from fully embracing this identity. Algeria has no such debates, and has fled from any remnant French influence, even as Turkey applies for admittance into the European Union.

Lebanon: Prelude to Sectarianism

As positive an example that Turkey Is, other experiments with democracy in the area have only had sad or inconclusive fates that are similar to Algeria. This is the case with Lebanon, a country with many stories, located at a crossroad of history just miles north of the Holy Land. The struggle for Lebanon has usually been only a sideshow to that larger conflict, but the consequences for this troubled country have been no mere disruption. Gaining independence in 1941, the birth of Lebanon as a state was itself based upon the sectarian tensions of another country, with Free French leader Charles de Gaulle only granting conditional status to gain political support from Allied leaders. In the ensuing several decades, Lebanon has fought several civil wars, been occupied by Isreal, Syria, the U.S., and Palestinian militants, and suffered the collapse of several hard-fought political orders. The reason for this political fragmentation results from the demographics of Lebanon's population, which at first glance seems divided between Muslim and Christian groups, but in reality is subdivided far beyond any modern attempt to reconstruct it. Because of the political stakes, a census has not been held since 1932, which makes it hard to construct a picture of Lebanon's divisions, both between the

two religions and among them (Khazen, Middle East Institute). Some of these divisions have lasted for centuries, and this means that it is often impossible to reach a consensus among Christians or Muslims themselves, much less the short-lived electoral arrangements such as the 1989 Ta'if Agreement or the recent 2008 Doha Accord (Presse, 2008).

Lebanon was one of Arend Lijphart's models when he presented the parliamentary system as the best for achieving consensus in a divided society (Lijphart, Consociational Democracy, 1969), Unfortunately, to call any political arrangement in this fractious country is problematic, as the majority of agreements reached in the recent past have collapsed or led to the formation of an extremely unstable and unmanageable government (Nizameddin, 2006). The basis for Lebanon's system since 1960 is multi-member districts, in which each sect of each religion has a fixed number of seats, and the highest vote-getter(s) in each sect are elected. The supposed feature of this system is that voters elect candidates for all sects, even though they belong to only one sect. This is supposed to promote candidates who can appeal to all sects while guaranteeing minorities a position in government (Lijphart, Consociational Democracy, 1969). This continues to be the basis for the country's electoral system, even as the different sects argue over how the districts are drawn and how many seats each are entitled to. The districts were intended to be drawn such that they crisscrossed sect barriers and captured many different types of voters in each constituency. The reality has been extensive gerrymandering and districts being drawn to achieve a fixed result, and governments with unclear mandates which have little legitimacy (Khazen, Middle East Institute).

Egypt is not nearly as divided as Lebanon, but it does have significant ethnic and religious minorities, such as the Coptic Christians, who fear the emergence of a popular

democracy with the Brotherhood at the helm (Rosefsky-Wickham, 2002). The lessons to be drawn from the example of Lebanon are somewhat limited by its proximity to the Israeli-Palestinian conflict which has had unfortunate consequences for its stability. Its internal politics have been affected by this in significant ways, such as the infiltration of the PLO and Palestinian militants, which has sparked at least two Israeli invasions and one civil war. But despite this, Lebanon offers a somewhat negative ruling on Lijphart's model of consociational democracy. Lijphart proposed this system several decades ago and pointed to the Netherlands, which itself has deep divisions between religious and ideological parties. He gave this model four different characteristics; grand coalitions, mutual vetoes, proportional representation in the civil service, and community autonomy (Lijphart, Consociational Democracy, 1969). Lebanon has strived to fulfill each of these, with the bargaining parties and international actors pushing them towards the consociational model. While they arguably have achieved these goals, the country has not had a stable government, and the sectarian bickering of the political leaders and the divided control of the government by different factions, such as Syrian-influenced Hezbollah, have pushed it towards insecurity. It shows that a system that is designed to replicate the divisions of a country's internal demographics does not produce a stable or accountable government, and should be regarded with caution in considering its use elsewhere (Nizameddin, 2006).

Egypt, Crossroads of Civilization

Egypt is one of the most geopolitically important countries in the world, as it forms the gateway between worlds, and as such it is one of the oldest civilizations in the world. Since the pharaohs, the Egyptian state has been governed in a top-down autocratic way, often by foreign powers, with the people of Egypt having little say in their fate. Once known as the "breadbasket

of the Mediterranean", the ancient world relied on grain imports from Egypt, and was thus a target for invasion and capture. Both the Greeks and Romans built their empires on Egypt, and these grain imports would then form the food that the populations of Rome and later Constantinople would come to rely on. After the Empire was defeated by the Arabs in 645, the loss of Egypt represented the collapse of the Byzantine Empire as a significant territorial unit outside of Anatolia and led to a severe population decline in Constantinople itself due to grain shortages (Mercer, 1999). Ever since the Arab takeover, Egypt has been ruled by the Muslims, with the exception of 150 years of colonial domination by the French and the British. Despite being a crossroads of history, the final irony is that while Egypt is still a geopolitical flashpoint, the ravages of conquest and war have left a ravished polity. This society, one that was once self-sufficient enough to support the extensive polytheistic traditions of the Pharaohs, is no longer able to support even its own population (Rosefsky-Wickham, 2002). The toll from years of economic stagnation and overpopulation has had dramatic effects, and despite having extensive arable land and reserves of oil and natural gas, Egypt imports 40% of its grain and has recently become a net importer of oil (Miller, 2010) (Mercer, 1999).

For 58 years, Egypt had been ruled by autocratic state with only transient hope of political change or reform. However, in December 2010 political unrest in bordering Tunisia set the stage for dramatic change for Tunisia, Egypt and states beyond. This wave of unrest eventually forced out Hosni Mubarak, the 82 year old autocrat who had run Egypt for the past 30 years, and threated the state on which he had built his power. The story of Egypt's future is far from being written, and the system that its current leaders choose will have dramatic consequences for both Egypt and the surrounding area. The legacy of Mubarak has created a

political vacuum, one that is beginning to be filled with drastically competing visions, most importantly that of the Muslim Brotherhood (MB). An Egypt with the Brotherhood at the helm might affect relations with Israel and the United States, governance of the Suez Canal, and dramatically change the food and energy markets of the region and the world (Pew Global Attitudes Project, 2011).

The story of modern Egypt starts in 1952, when Gamal Nassar and the Free Officers deposed the British-backed monarch. They promised an end to the corruption that had tainted it for years as well as land reform that was desperately desired by many in Egypt. The army initially formed a provisional government known as the Revolutionary Command Council, which was to rule for 3 years. Among its important acts was the complete ban on the Muslim Brotherhood, a ban that lasted for decades until the modern day. This army coup turned into the personal presidency of Gamal Nasser, who ruled the country until his death in 1970. This led the stage not for any reform, but for Anwar Sadat, another army officer, to take charge. Sadat is famous for signing the Camp David Peace Accords, which provided for Egypt to recognize the state of Israel and become one of the enforcers of a new order in the Middle East. Sadat himself was assassinated in 1981 by a Muslim Brotherhood member over his role in this agreement, but after Hosni Mubarak took over, the accords lived on and the new government imposed a state of emergency to curb the activities of the Brotherhood. When Mubarak took over, he promised to prepare the country for a democratic transition, but the attempts at democracy over the coming years were regime-directed and heavily controlled. While regime opponents like the Muslim Brotherhood found space to assert themselves in arenas such as professional associations, the state controlled the public sphere and the security

services were given open license to go after potential dissent. In recent years, elections have become more open, with independent candidates not affiliated with the ruling National Democratic Party(NDP) winning as many as a fifth of the seats in the Majlis in 2005. While the 2005 elections were the most open in Egypt's history, the Muslim Brotherhood-led opposition suffered a crackdown and a jailing of many senior leaders after the elections were over (Rosefsky-Wickham, 2002).

The Muslim Brotherhood, the fundamentalist group that today is the largest political grouping aside from the ruling NDP, has played a massively important role before and during the Free Officer's regime. The group was founded in 1928 to promote fundamentalist Islamic values in opposition to British colonial rule and was originally focused on charitable work, and it continues to have extensive influence in the unregulated sector of charitable organizations in Egypt today. After sparring with the British, the MB backed the 1952 coup, but fell out with the junta after it lost popular support. After a member of the MB attempted to assassinate Nasser in 1954, the regime banned the organization and jailed many of the members. This has had a very radicalizing influence on the group to this day, as many of the senior members have spent decades in concentration camps and prisons, giving them little incentive to seek compromise. After Sadat took over in 1970, he sought a thawing in relations with the MB and released many senior members of the group which had been jailed. This was part of a regime strategy to play them off against leftist groups, and it gave the Brotherhood new energy and purpose. The Brotherhood assisted the Islamic student movement that grew throughout the 1970's in skirmishing against leftist group on college campuses and in the elections for the leadership of professional organizations. While the thaw in relations with the regime only lasted until the

Camp David accords in 1979, it gave the MB a new arena in which to compete. The group aggressively pursued this strategy in the 1980s, running candidates in elections to head Egypt's professional associations. This allowed them to take control of these groups and use them to expand their message. Even as the regime cracked down on this in 1992, these gains belied the Brotherhood's strength among Egypt's educated unemployed, a powerful class that was and continues to be unsatisfied with the economic benefits of the Nasser era social contract. As mentioned above, the MB continues to have a strong presence in Islamic charities and non-governmental organizations. This presence is very substantial, such that it allowed them to respond to the 1992 Cairo earthquake faster than the government (Rosefsky-Wickham, 2002).

As elections evolved under the Mubarak regime, the Brotherhood began to compete in them, at first in partnership with other parties, then as independent candidates. Their influence in the political culture is very great in Egypt, as they are the only significant opposition group that does not have some connection to the government. This lack of connection and their size has meant that the Egyptian security services have targeted the Muslim Brotherhood more than other opposition activists, and the regime has highlighted this fight when justifying their need for American foreign aid. But even as the regime was accepting this aid, the position of the MB also forced the Mubarak regime to shore up its Islamic credentials to minimize the impact to their right flank. The regime has de facto treated the MB as the official opposition, and they are well positioned to have a large amount of influence on the post-Mubarak Egypt (Rutherford, 2006).

Elections in Autocratic Egypt

Elections in Arab Socialist Union-dominated Egypt after 1990 were a modified version of the first-past-the-post system, with two seats being allocated for each of hundreds of districts throughout the country. A crucial part of the system was that half of the seats in each district being reserved for farmers or workers. This rule allowed for large amounts of corruption and patronage, as it allowed the ruling party to favor candidates and outcomes by manipulating who was given the status of farmer or worker. Elections were held in rounds, with a candidate needing 50% of the vote to win outright, and should that threshold not be reached, a second round was held with the two top vote getters. Starting in 1957, the Egyptian regime held elections roughly every five years for seats to Parliament. In the Nasser and Sadat eras, the only party allowed to compete in elections was the ASU. This party grew out of the Free Officers Coup, and stood in support of the populist agenda of the new regime, which included large increases in the state sector of the economy, nationalizations of banks, shipping, and heavy industries, and land reform. In 1976 Sadat allowed the different ideological groups within the ASU to compete in for seats, and this was an early attempt at pluralism. While the establishment Arab Socialist Organization won the most seats, it was still a notable development and opened up the Egyptian system to some degree. This experiment was followed by actual multiparty elections in 1979, where the opposition parties won about 10% of the seats up for election. In 1984, the Mubarak regime instituted a party list election, and allowed the Muslim Brotherhood to run candidates on a list with the Labor party. In the ensuing 1987 elections the party list system was limited, and a candidate-based system was introduced,

this system becoming the only one after the complete elimination of party list based seats in 1990. Elections after this date were conducted in the manner described above.

The 2005 election deserves special attention, as it was one of the most competitive and open conducted in Egypt before the fall of the Mubarak regime, and it was conducted under judicial oversight and international monitoring. Prior to the election, the NDP held 417 out of 454 parliamentary seats or 92% of all seats and the Muslim Brotherhood held only 17 seats, or 4% of the total. While the NDP control of Parliament was never contested, the MB and other parties won enough seats to multiply their voice and pose a threat to the regime. This election featured the low turnout, apathy and corruption that were present in every election to this point, but since it was observed by many, it focused both internal and international attention on the practices of the regime (El-Ghobashy, 2006). Many prominent members of the regime lost their seats in the parliament, and many prominent regime opponents gained seats. The ruling NDP's share of the seats was reduced from 92% to 68% and the MB's share was increased to 19%, with other parties and independents dividing the remaining portion. By itself, this result represented a 100 seat loss for the NDP and a momentous loss of clout for the regime, which became fearful at the MB's growing power (El-Ghobashy, 2006). It also increased scrutiny of the MB itself, especially among minority Copts and Jews, who feared that the groups hardline position towards Islamic fundamentalism will gain power. The results of this election caused the regime to crackdown on the Brotherhood, arresting hundreds of leaders both before and after the election and sending many of them away to jail for years on political crimes (Rosefsky-Wickham, 2002).

The regime also pursued other, less overt methods to try to curb the MB's influence. In 2007, the government amended the constitution to make it harder for Brotherhood members to run as independents and solidified the ban against religious parties. The next year, the regime prevented MB candidates from running in local elections, and mandated that there must be at least 64 women in the next Parliament (El-Rashidi, 2010). This crackdown was occurring in the run up to the next parliamentary elections in 2010, in which the Brotherhood stated that it intended to run candidates for 30% of the seats available. While there was a split in the opposition forces as to whether to push for a boycott of the elections, which were widely expected to be unfair, many of the largest opposition parties including the Brotherhood and the New Wafd ignored these calls and fielded candidates. However, as the first round of the elections passed, it was evident that the regime was trying its hardest to prevent a similar result to the 2005 elections. The government prohibited international monitors, curbed press coverage, and cracked down on citizens trying to participate. The process was rife with reports of vote rigging, vote buying, intimidation and ballot stuffing, and as a result the MB and other parties pulled out of the second rounds. The results were seemingly favorable to the regime, as the Brotherhood only claimed one seat and the NDP's share rose to 81% (El-Rashidi, 2010). However, this election was one of the underlying issues that led to the fall of the Mubarak regime months later in waves of international criticism and massive protests. The conduct of the regime during these elections was a final straw for a populace that was burdened with high corruption, economic stagnancy and the brutality of the secret police. These elections also solidified the image of the MB as a principled organization standing against the regime, and

they played a central role in the street protests in January of this year (Pew Global Attitudes Project, 2011).

The history of the political culture under authoritarian leadership can only tell us so much about the political culture that will emerge once open elections occur. Mubarak and his regime achieved in curbing any political movement that could challenge him from the center, and it attempted to co-opt any from either the socialist left or the Islamic right. Now that Egyptians seem to have the opportunity to govern their future, new political movements could emerge on any one of these political axes, or the NDP could reform itself to a degree that it is electorally viable. The events occurring in the Middle East were and continue to be unpredictable to most scholars, and as such the MB's outsized influence in Mubarak Egypt may fade as Egyptians experience the full choice of its democratic options. Past experience with elections in Muslim countries tells us many different things, and these will be described in the next section (Rosefsky-Wickham, 2002).

Political Culture in Post-Mubarak Egypt

As the case studies have shown us, there are a number of paths that Egypt's transition could take, some of them with the potential for very negative consequences for Egypt and the world. The next question to be answered is that of figuring out what the goals are of Egypt's future electoral system. What will the players in the game, such as the NDP, MB, other political parties and the military, seek in the new constitution? Will they seek to extend the status quo, or will they divide into sectarian and political conflicts, creating political divides that will

complicate the transition? Or will the opposition unite behind an Egyptian Nelson Mandela who will usher in a new era that reconciles the past and creates a new future?

The most important player in the transition is that one that will direct it, which is the Egyptian military. This institution was behind the rise of Nasser and Sadat, and is thus unafraid to intervene in political affairs. The military was also seen to be behind Hosni Mubarak's final fall, and throughout the protests top generals signaled that the troops would not fire on protesters. In Mubarak's final week, the murmurs in the military seemed to indicate that the military was working to remove him, and at one point it released a cryptically worded but clear statement that protesters would soon get what they were seeking. Despite the military's ouster of Mubarak, it is unlikely to allow a widespread change to the way Egypt is run or its international obligations, because of the billions in aid it receives per year from the United States as part of the Camp David Peace Accords. This will be one of the most powerful deterrents to a strong Islamist Iranian-style takeover taking place, and the military will seek to make the transition as peaceful and orderly as possible.

The Muslim Brotherhood's response to the regime collapse has largely been muted, and their role in Mubarak's downfall was at times outpaced by events and the strength of the protesters in Tahrir Square. In Mubarak Egypt, the MB had a concrete place as the country's strongest opposition group, and had indirectly cooperated with the regime for years in choosing to engage it in areas that only the government approved. During the final years of the Mubrak regime, the Brotherhood went through many changes, some of them precipitated by the leadership purges after the 2005 elections (Rosefsky-Wickham, 2002). A faction of the party split off at this time, calling itself Al-Wasat, pledging more moderation and the primacy of

secular politics. The younger guard of the party continues to fight against the old leaders of the party, many of whom have been jailed at some time, for control of the party and its agenda (Rutherford, 2006). These upstarts are looking to transition the party into a vehicle for reform, and they look to Turkey's AK Party for inspiration. Almost immediately after the presidential elections were announced, the Brotherhood announced it would not field candidates, presumably to quell fears that it was seeking too much power. Despite this, other opposition parties and religious minorities campaigned against the proposed constitutional referendum for fear that its early elections would give the MB, as a large political grouping, an upper hand in the fall elections.

These reforms were proposed by the military to open up Egypt's system and pave the way for fall elections, which was a key demand of the Tahrir Square protesters. Despite the campaign against them, they passed by a wide margin, which sets the stage for the military to set aside the 1971 constitution in favor of a temporary document based upon the amendments which had passed. This provisional constitution specifies that the new government is to draft a permanent document after elections to be held in the fall of 2011 (Ahmed, 2011). The results of these elections will determine the fate of Egypt's future, and whether it will take its place next to Algeria and Lebanon as failed cased studies of Arab democracy. These elections take place among a population that is restive, with a low regard for the United States and Isreal, and high ratings for the Brotherhood and political leaders who have expressed skepticism about maintaining the Camp David Accords. According to one recent poll, a majority of Egyptians favor scrapping the accords, a move likely to jeopardize the support of the military, which

depends on American foreign aid which is dependent on these accords (Pew Global Attitudes Project, 2011).

Conclusion: Writing Egypt's Future

The case studies mentioned earlier, as well as Egypt's history, tell us many things about Egypt's way forward. While it would be folly to propose an exact system for the country to use, this research can point towards several specific recommendations for the framers of the new Egyptian constitution to follow:

(1) **Maintain and enforce the ban on exclusively sectarian parties-** Bans such as these are common throughout the Middle East and the world, and are intended to prevent divided countries from being riven by parties based upon one religion or ethnicity. To be clear, this rule should not be interpreted to favor one political outcome, such as the manipulation seen in Algeria and Lebanon. The focus should be on banning anti-system parties that will threaten the core principles of a democratic and largely secular state. Other countries try to prevent the existence of these parties in other ways, such as requiring wide support, or in Lebanon's case, encouraging sectarian candidates to seek the votes of all people. However, the case studies mentioned above point towards a ban such as the above being a successful mechanism to force the moderation of political parties. The collapse of Algerian democracy in 1991 might have not been prevented, but a clearer enforced ban on parties with sectarian intent could have quelled fears of the military. Similarly, Turkey's ban has also been

largely successful, and today's AK Party is mostly devoted to maintaining the secular nature of the state, even if many of the members hold more radical unreformed beliefs. Egypt has a similar ban, and the Mubarak regime used it too keep the MB out of the political process. The Brotherhood should be allowed to participate, but only if it commits to maintaining the democratic system and civil rights.

(2) **Create a strong judiciary as a check on the government-** Even though the Turkish military has been extremely influential in its political system, the influence of the judiciary in keeping the country from being dominated by an Islamist party. Turkey has strong anti-laicistical provisions rooted in its constitution, and a judiciary which has proven itself willing to enforce them. The Constitutional Court has banned major parties in the past for not adhering to the constitution, and it has reviewed the AK Party twice, finding it legal in both cases. Egypt's framers should look to this part of the Turkish example, and not rely on the military to be the final check on the government.

(3) **Resist the temptation to favor certain political outcomes with electoral rules-** As seen in Algeria, perceived bias by officials can provoke pre-election violence, ruining whatever fragile credibility that the government had built. Algeria's government merely changed the electoral districts, but whatever its intentions, the violence gave the military a pretext to cancel the elections. Egypt has had a history of electoral manipulation, with the government changing the rules to promote the fortunes of the NDP and bullying other smaller parties, both Islamic and secular.

(4) **Don't set high electoral thresholds-** Egypt has experience with this issues, as the autocratic regime set high thresholds to get on the presidential ballot, and the ruling party manipulated the farmer/laborer set-aside to maximize its seat potential. This prevented the emergence of credible small parties in the center, and contributed towards the empty political center that Egypt has today. Many of the leaders of these parties are weak, and those of the ruling NDP party are of questionable credibility, raising the potential that Egypt will need several elections to truly sort out its political system. Because of this, the creation of small parties should not be discouraged by a high electoral threshold that makes it difficult to get into the legislature. This will avoid a situation like Turkey, whose 2002 election eliminated parties counting for over 50% of eligible votes.

(5) **Strive for ideological accountability-** In Lebanon, constitutional framers tried to create a system that would force voters of different sects to vote and work together. However, the party system has still divided across sectional lines in both places, as well as along ideological lines. This makes forming a government extremely difficult, as seen after the most recent Belgian elections, where a government has yet to be formed. Without a clear ideological system, voters have no choice but to select based upon their own interests and create a fragmented system. Recent accords have only made this issue worse. Egypt should move away from this model, as it has proved for unreliable and unstable government in not only Lebanon, but other countries such as Italy and Belgium. The framers should strive to create broad-based national parties that give voters an ideological choice.

Since the fall of the Mubarak regime, several proposals for wholesale changes to Egypt's electoral system have emerged. Those proposing systemic change have argued that the old system has discredited itself, and cannot adequately create a new political order from the broken system that now exists. The loudest call has come to propose a shift to PR for Egyptian elections, advocated by several scholars on the area, most prominently by Paul Salem and others at the Carnegie Middle East Center (Salem, 2011). While an electoral system that adheres to the principles set out above need not totally overhaul Egypt's current system, this proposed system deserves due evaluation in recognition of the juncture that the state is in right now.

Salem's argument is that a majoritarian system, as exists now, would give extremist parties like the MB a much higher likelihood of getting an unrepresentative share in Parliament. This rests on the classical understanding of the Algerian case example: that the majoritarian nature of its electoral laws allowed FIS to run away with almost two thirds of the seats in the legislature. Salem argues that adopting PR with a threshold would give the MB its representative share in Parliament, which most sources agree is not a majority (Salem, 2011). PR might even give more religious parties a chance to compete with the Brotherhood, and edge it away from its violent rhetoric with regard to Israel and the transformation of secular society. The evidence from the Algerian and Turkish case studies tend to support the idea that this system could work for Egypt. While Turkey produced a fairly unrepresentative result in its 2002 elections, a lower threshold would have produced results in line with other developed countries with more parties and either side of the spectrum. As a result, adopting this system could prove

promising for the Egyptian constitutional engineers of the future, provided that the parties that emerge are not based solely upon religious or ethnic lines, but instead are more ideologically divided.

While following these recommendations should help Egypt avoid the failures and mistakes of other states in the region, the shape of the political culture of a future Egyptian democracy will take many years to form. Getting the rules right only has so much influence, as the parties and the candidates must chose to obey and react to the rules and follow them, or else the rules will be meaningless. The response of the Muslim Brotherhood, the candidates for the Presidency, and other political actors that emerge over the coming years will have a crucial say in whether this system endures. As this process unfolds, the rest of the region and the world await the outcome, as Egypt's future stability, or lack thereof, would have consequences that go far beyond the banks of the Nile or Tahrir Square.

Bibliography

The Constitution of the Republic of Turkey. (1982). Turkey.

Yumak and Sardak v. Turkey, 10226/03 (European Court of Human Rights July 8, 2008).

Addi, L. (1998). Algeria's Army, Algeria's Agony. *Foreign Affairs*, 44-53.

Ahmed, A. (2011, March 30). *Egypt to announce new working constitution.* Retrieved from CNN: http://articles.cnn.com/2011-03-30/world/egypt.constitution_1_new-constitution-emergency-laws-egypt?_s=PM:WORLD

Bouandel, Y., & Zoubir, Y. (1998). Algeria's Elections: The Prelude to Democractisation. *Third World Quarterly*, 177-190.

Caha, O. (2003). Turkish Election of November 2002 and the Rise of "Moderate" Political Islam. *Alternatives: Turkish Journal of International Relations*.

Collombier, V. (2007). The Internal Stakes of the 2005 Elections: The Struggle for Influence in Egypt's National Democratic Party. *Middle East Journal*, 95-111.

El-Ghobashy, M. (2006). Egypt's Paradoxical Elections. *Middle East Report*, 20-29.

El-Rashidi, Y. (2010, 12 12). Egypt elections: What went wrong? *El- Ahram*.

Khazen, F. (Middle East Institute). Political Parties in Postwar Lebanon: Parties in Search of Partisans. *Middle East Journal*, 605-624.

Lijphart, A. (1969). Consociational Democracy. *World Politics*, 207-225.

Lijphart, A. (2006). Constitutional Choices for New Democracies. In L. Diamond, *Electoral Systems and Democracy* (pp. 74-85). Baltimore: Johns Hopkins.

Meitel, Y. (2006). The Struggle over Political Order in Egypt: The 2005 Elections. *Middle East Journal*, 257-279.

Mercer, S. (1999). The Evolution of World Grain Trade. *Review of Agricultural Economics* , 225-236.

Miller, D. (2010, 08 24). Egypt's energy crisis stirs public unrest. *Jerusalem Post*.

Nizameddin, T. (2006). The Political Economy of Lebanon under Rafiq Hariri: An Interpretation. *Middle East Journal*, 95-114.

Ozel, S. (2007). Turkey Faces West. *Wilson Quarterly*, 18-25.

Pew Global Attitudes Project. (2011). *U.S. Wins No Friends, End of Treaty With Israel Sought.* Washington D.C.: Pew Research Center.

Presse, A. F. (2008). *Lebanese Leaders Sign Historic Agreement.* Beirut.

Rosefsky-Wickham, C. (2002). *Mobilizing Islam : religion, activism, and political change in Egypt.* New York: Columbia University Press.

Rutherford, B. (2006). What Do Egypt's Islamists Want? Moderate Islam and the Rise of Islamic Constitutionalism. *Middle East Journal*, 707-731.

Salem, P. (2011, 02 04). Egypt Needs a National Security Council and Proportional Representation. *Los Angelos Times*.

Shirley, E. (1998). Is Iran's Present Algeria's Future? *Foreign Affairs*, 28-44.

Tavernise, S. (2008, July 31). *Turkish Court Calls Ruling Party Constitutional .* Retrieved from New York Times: http://www.nytimes.com/2008/07/31/world/europe/31turkey.html?fta=y.