

## Dissent and Reform in Egypt: Challenges to Democratization

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### Introduction

Over the last two years, Egypt has witnessed large demonstrations led by new democratic civil society movements, including *Kefaya* (Arabic for “enough”), the Judges Club of Egypt, journalist advocacy groups, civil society coalitions, and other human rights activists. These groups have championed a number of causes including an independent judiciary, contested presidential elections, presidential term limits, and the annulment of emergency law. While most of these demands have yet to be met, some gains, as exemplified by the 2005 presidential and parliamentary elections, have been made.

However, it remains to be seen whether or not this surge of democratic fervor will succeed in pressuring President Hosni Mubarak’s regime to take meaningful steps toward opening the system and allowing for broader democratic participation. Egypt’s rulers have not been seriously challenged by a domestic opposition for over five decades. Behind a fortress of restrictive laws, the regime has managed to undermine nascent political parties and keep them weak, fragmented, and unable to develop any constituency among the people. Civil society is likewise shackled by laws that have constrained their formation and activities.

Since the late 1970s, following Egypt’s peace treaty with Israel, the Egyptian government has received unwavering financial and moral support from Western democracies—particularly the United States. Egypt is seen as a staunch ally in the region, a partner in managing the Israeli-Palestinian conflict and Arab-Israeli relations, and, after the 9/11 attacks, a valuable source of intelligence in the war on terror. The regime has used this support to maintain its suffocating grip on political activity.

Then, starting in 2004, it seemed a new day had dawned for Egyptian reformers. Calls by the United States for Arab governments to democratize resonated strongly within civil society, rapidly escalating domestic demands for radical political reforms. President Bush has often cited Egypt as an example of a developing democracy in the region. But the Egyptian regime is a hybrid of deeply rooted authoritarian elements and pluralistic and liberal aspects. There are strong state security forces, but also an outspoken opposition press and an active, albeit constrained, civil society. In short, Egypt is the perfect model of a “semi-authoritarian” state, rather than a “transitional democracy.”

President Mubarak’s government continues to proclaim its commitment to liberal democracy, pointing to a vast array of formal democratic institutions. The reality, however, is that these institutions are highly deficient. The ruling elite maintains an absolute monopoly over political power. President Hosni Mubarak was elected last September for a fifth six-year term in office. In order for democratic reforms to advance in Egypt, substantial institutional and legal changes must be made.

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Democracy in Egypt must rest on values and institutions guided by those reforms, but this foundation will take time to build. Even radical reforms will not make Egypt a full-fledged democracy overnight, but focusing on incremental steps that can begin immediately will go a long way toward setting the country on a path of genuine reform.

### **Six Aspects of Reform for Democracy in Egypt**

There are six primary institutional and legal changes necessary for the advancement of democracy in Egypt.

- 1) The boundary between government and religion and its related institutions must be better defined. This will allow for the inclusion of Islamic parties in the political process, while not giving them an advantage over others.
- 2) The principles of the constitution, particularly concerning minority rights and the right of religious freedom, must be upheld.
- 3) Constitutional reforms are needed to correct the balance of power between the executive and legislative branches.
- 4) The laws governing the formation and activities of political parties, and electoral laws restricting the participation of political parties in contested elections, must be revised.
- 5) The laws governing the formation and activities of NGOs must be made less restrictive.
- 6) Finally, primary and secondary school curricula must be purged of religious teachings (both explicit and implicit) that foster intolerance and exclusion of the “other.”

#### *The Boundary between Government and the Religious Establishment, and the Inclusion of Islamic Parties*

The main source of injustice in Egypt is the fact that the regime is a firmly entrenched semi-authoritarian entity whose sole purpose is to retain uncontested political power. In order to achieve this purpose, the regime uses Islam in two distinct ways. On the one hand, the regime raises the specter of Islamist empowerment whenever the notion of political reform—which would lead to rapid democratization—is mentioned. Though the government insists that Islam is the basis of legislation in Egypt, it nevertheless cites radical Islam and political Islamists as a threat to the security of the country. Thus, the need to keep Islamists from taking over the “moderate” Egyptian state provides the regime with justification for resisting the implementation of genuine political reforms.

On the other hand, since the early 1970s, when the Sadat government courted the Islamists as a means of combating its political opponents from the Left, as well as enhancing its legitimacy vis-à-vis the potent Islamic opposition movement represented by

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the Muslim Brothers, the regime has adopted a discourse heavily saturated with what it claims is the true Islam. Ironically, the state's adoption of Islamic rhetoric and Islamic symbolism has created fertile soil for further fostering the very Islamist political movement it seeks to suppress. This double-edged sword remains the regime's greatest weapon: it uses "the Islamist threat" to restrict the rights of civil society groups that could challenge the dominance of Islamic political parties, thus ensuring that Islamists remain the only option—an option the West does not support. This hypocrisy guarantees that the regime's reign is secure, despite its apparent failure to stem the tide of Islamism, evidenced by the Muslim Brotherhood's rising popularity. The Brotherhood is also now cashing in on the regime's suppression of all liberal and secular parties and movements over the past three decades—the same period in which Islamists have propagated their message through hundreds of thousands of mosques.

Whether or not to include Islamist parties in the political process has been central to the debates about reform in the Arab world. However, if the state is to abide by democratic principles, Egyptian Muslim movements cannot be denied political rights. All groups must be entitled to form parties and participate in the political process, so long as they do not espouse violence or seek to violate the rights and freedoms of other citizens. The rights of association and participation must apply equally to both secular and religious groups. Egypt's foremost Islamist movement, the Muslim Brotherhood, is presently denied political legitimacy by the ruling regime. Candidates from the Muslim Brotherhood are allowed to run individually, but not as part of a political party bloc.

The inclusion of Islamic parties will not "taint" the political process if the boundaries between state and religion are carefully defined. Policy-making is the right of the government. A democratically elected government should be free to design and implement policies without oversight or control of this process by religious groups or institutions. The constitution should not grant any religious group or religious institution special status or the right to oversee policy decisions.

In Egypt, implementing this demarcation of rights will require, at minimum, modification of the article in the Egyptian constitution which mandates that Islamic *shari'a* is the main source of legislation. An alternative wording of this article could allow more modern concepts of human rights—such as those embodied in international conventions—to be incorporated in the constitution, while still accommodating the religious sensitivities of Muslims. For example, "No law shall be passed by parliament which contradicts an explicit command of *shari'a* that is undisputed by all recognized Islamic authorities."

Delineating this boundary will also help protect against what some scholars refer to as the "Islamic free-elections trap." In this "trap," Islamist groups alter their tactics for the purpose of winning a democratic election, usually by changing their calls for implementing strict *shari'a* (which has always been their ultimate aim) to vehement proclamations that their goal is democracy and a civil government based on Islamic values. Once in power, however, they abandon this new-found admiration of democracy.

But while Samuel Huntington and others may believe that "the problem is not Islamic fundamentalism but Islam," and that Islam leaves no room for the growth of liberal democratic forces in a predominantly Muslim country, these fear-mongering views ignore the fact that no religion speaks with one voice. Though Islamic fundamentalists are seen by many, particularly in the West, as the representatives of "authentic Islam," the truth is that there are many other voices among the Muslims of the world that see no incompatibility

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between Islam and democracy, tolerance, and pluralism. Many other scholars maintain that engaging the Islamists in competitive politics is not a trap but a means of “encouraging the diversity of Muslim political expression.”(2)

The Muslim Brotherhood is the most potent opposition force in Egyptian politics, but their popularity has never been tested. Legitimizing their participation in politics will call into question the halo of purity they live beneath. As long as they are legally excluded from political participation, they cannot be associated with the corruption that taints the rest of the government. By allowing them to participate as a legitimate party, people will soon come to see them as politicians, compromising their ideals for political gain. The process of dealing with the practical political issues of governance will force the Muslim Brotherhood to abandon their meaningless slogan of “Islam is the solution” and instead will obligate them to detail how Islam can solve Egypt’s housing and unemployment problems, or any of its myriad crises of development.

But in order for this to happen, the relationship between the state and Islamic groups must be better defined.

### *Enforcing the Constitution: Rights of Religious and Other Minorities*

The Egyptian Constitution, as written, is irreproachable with regard to the rights of minorities. But these constitutional guarantees are openly disregarded by the state. Egyptian Christians (the Copts), for example, are denied their religious rights and the rights of citizenship.

The Copts are restricted by an elaborate set of institutionalized laws, regulations, and practices. Few Copts are permitted in the top posts of the state’s institutions, including the bureaucracy, the judiciary, the army, the police, local government, and state universities. Other “sensitive” areas, such as the security services and presidential departments, bar Copts completely on the grounds that they are a security risk. The most striking example of legal discrimination against the Copts is the Hamayonic Decree, which governs the construction, renovation, and reparation of churches. The decree enables the state to obstruct, for an indefinite period of time, the maintenance of churches or the building of new ones. Even if approval is granted, local authorities and the State Security Bureau can stop any work they deem a “threat to the security of the state.”

By maintaining laws and practices that discriminate against the Copts, the state has perpetuated a prejudice (that they are “infidels”) against them within society. This negative bias has in turn created—within the context of the current resurgence of Islamic sentiments—a diffused feeling of hostility toward Christians among broad sectors of society. Newspapers, particularly Islamic publications, often carry articles demeaning the Copts and Christianity in general; fundamentalists explicitly denounce Christians in widely distributed pamphlets and cassette tapes; and Friday sermons in mosques decry Copts as infidels, but none of these actions ever elicit a response from the government.

The state’s official language is saturated with Islamic symbols. But the state’s discourse is distinguished not only by what it says, but also by what it leaves unsaid. The Copts are estranged from the polity. At present, there are very few Copts willing to face the perils of political participation. While proselytizing is encouraged for Muslims (*nashr al-da’wa*), it is strictly prohibited for non-Muslims. In fact, in Egypt it is illegal to preach any religion other than Islam in public.

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The firmly entrenched and institutionalized state discrimination against the Copts and other minorities continues to belie the regime's commitment to basic human rights, to say nothing of democratic principles. Prospects for reform rely, for the time being, on the president's willingness to enforce the constitution and treat all Egyptians equally. Measures such as lifting the Hamayonic Decree and ensuring equal opportunity in the civil service and military are essential elements of any such reform.

### *Constitutional Reforms: Correcting the Balance of Power between Executive and Legislative Branches*

Egypt's authoritarian, president-centric government is the product of a flawed constitutional balance of power. Not only does the constitution grant the president powers that enable him to dominate the entire political system, it fails to establish accountability to parliament and places him above all three branches of the state. The president is assigned the task of maintaining the proper balance of power between the branches, thus ensuring that there will be no checks to his centralization of power.

The sweeping presidential powers embodied in the Egyptian constitution must be cut back. The process of changing the constitution is very difficult, but it is not impossible to introduce significant democratic modifications. The last modification of the constitution, in March 2005, was for the selection of the president via a contested multi-candidate election, instead of the traditional yes-no referendum on a candidate nominated by parliament. This amendment took only one week to pass. Other democratic modifications that curb the power of the executive should be possible, as well.

For example, increased independence of the judiciary and unimpeded judicial supervision of elections—in all their stage—are two essential means of facilitating reform and safeguarding its progress. Without a serious reform of the present electoral system, which affords the ruling National Democratic Party (NDP) overwhelming dominance in parliament, and constitutional reform that would roll back the sweeping powers currently granted to the president, any attempt at revising the relationship between the legislative and executive branches is bound to be futile. Only when the parliament has become sufficiently diverse can the devolution of power from the executive to the legislative branch truly begin.

### *Laws Governing the Formation and Activities of Political Parties and their Participation in Elections*

The current law requires that new political parties be licensed by the Political Parties Commission, which is dominated by the ruling NDP. As a result, the process of forming a new political party is very difficult. In addition, the law prohibits the formation of religiously-based political parties, a caveat which has been used to ban the Muslim Brotherhood.

No restrictions should be placed on the formation of political parties, provided that their platforms do not call for violence or the violation of the rights of others. But the government should also not be allowed to give support or privileged status to any parties, as is currently the case. This would limit the creation of "paper parties" that survive on such support.

The present endemic weakness of Egyptian political parties is a major hindrance to democratic reform. In order to bolster party strength, a two-stage process of election reform

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would be helpful. In the first stage, voting for all legislative bodies will be by party slates, with only a very limited space allowed for independent candidates. Also, to encourage greater mass participation, an electoral system that allows for proportional representation with a low threshold (say 2 %) should be adopted. This will encourage the creation of parties which would be able to develop a voting record and a constituency through parliamentary participation. After a decade or so, parties will be able to prove whether or not they are sustainable.

### *Laws Governing the Formation and Activities of NGOs*

Egyptian law restricts the formation and activities of civil society associations. The government will close down any NGO if it engages in political activities or activities other than those for which it is specifically licensed. These two restrictions act as a sword of Damocles; they also open the door for abuse by Egypt's authoritarian government. The vagueness of these and a number of other clauses in the law allow for the arbitrary closure of NGOs.

No restrictions should be placed on the formation of NGOs, or on their freedom to interact with their international counterparts. Under the current law, Egyptian NGOs must seek government approval before associating with international organizations. Additionally, they may not accept funds from foreigners or from Egyptians living abroad without prior approval from the government. In practice, such approval is granted only to NGOs beholden to the government.

The government not only regulates NGOs' relations abroad, but meddles in their internal affairs as well. The government reserves the right to place a representative on the board of trustees of domestic NGOs. This place is guaranteed through a small monetary contribution, and is used to monitor NGO accounts and veto board actions. This state interference, along with the restrictions mentioned above, must cease in order to allow Egyptian NGOs to function more effectively.

### *Removing Religious Teachings that Foster Intolerance and Exclusion of the "Other" from Primary and Secondary School Curricula*

History and religion textbooks assigned to secondary and high school students in Egypt are replete with teachings that demean women and foster hatred toward non-Muslims. A striking example of this is the textbooks of students in the Azhar high schools. (4) To quote only a few examples from the textbook currently in use:

- "If a Muslim kills a non-Muslim (an infidel), he is not subject to capital punishment since the life of a 'superior' cannot be forfeited for killing an 'inferior.'"
- "The blood-money for a Christian or Jew is one-third that for a Muslim, and for a woman it is half that for a man."
- "There can be no stewardship of a non-Muslim over a Muslim, but the infidel Christians and Jews can be each other's guardians, since all infidels are of one kind."

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- “It is mandatory to kill an apostate (unless he repents), as well as one who abandons prayer out of laziness (unless he repents).”

### **The Role of the United States and the European Union in Promoting Democracy in Egypt**

The six issues described above must be addressed for real democracy to flourish in Egypt, and while pressure from civil society groups inside the country must be the basis of reform, pressure from Egypt’s Western allies will greatly speed the process.

Over the last three years, the United States and the European Union have detailed how the promotion of democracy in the region will go a long way toward enhancing the security of Western democracies. But so far their efforts at democracy promotion in Egypt have fallen short of what had been hoped for.

The EU has continued to focus on traditional economic development, with no more than 10% of its funds going toward political reform efforts. The EU works mainly with governments rather than civil society organizations, and they have proceeded with extreme caution. Even though the EU’s bilateral agreement with Egypt (the Barcelona Accords) includes conditionality that links EU support to Egypt’s progress with reforms, the EU relies on positive incentives (more funds, access to European markets) and shies away from challenging the autocratic Egyptian government when they routinely fail to honor their promises. This is seen by both the government and reformers in Egypt as a marked unwillingness to implement genuine reform.

The efforts of the United States have not fared much better. The United States repeatedly declared that its relationship with Egypt would be tied to the regime’s progress in implementing genuine political reforms, but this initial enthusiasm for rapid democratization soon waned. With more serious issues on their agenda, the United States did little more than provide modest funding for a few activist NGOs and express concern at the frequent acts of repression of civil society perpetrated by the Egyptian government. It is very discouraging to Egyptian reformers that the United States, despite its bold rhetoric in support of liberal forces in Egypt, seems highly reluctant to provide concrete assistance to liberals by applying serious pressure on the Egyptian regime.

Compounding the problem of Western ineffectiveness is the lack of coordination between the United States and the EU. The failure to adopt a joint strategy for democracy promotion in the region has allowed Egypt to delay reforms by playing the “idealist” U.S. approach to reform (which envisions rapid results through strong pressure) against the “realist” EU approach (which represents a belief that significant political reform might require a generation or more). These approaches are not mutually exclusive, however. The US approach could be applied on a smaller scale, particularly with regard to the persecution of individual activists or organizations, while the more measured EU approach could be applied to the reform of government institutions.

If the US and the EU were to coordinate their efforts by taking a greater interest in long term reform issues, while simultaneously addressing individual cases, great progress could be made by political reformers in Egypt. On a broader scale, support for electoral and judicial reform would help to lay the groundwork for a smooth transition to democracy. On a smaller scale, more vocal opposition to the arbitrary arrest and abuse of

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political activists would encourage reformers while simultaneously increasing government respect for the rule of law.

Unfortunately, Western efforts to promote democracy in the Middle East have focused largely on free and fair elections, while neglecting the infrastructure necessary to maintain the democratic process in the long term. In the absence of viable democratic institutions, most elections in the region will lead to illiberal Islamist parties coming to power. Years of political repression have stunted the development of a viable secular opposition, but Islamists have created a large constituency through the use of mosques and long established social service networks. While not denying the importance of free, contested elections, a parallel effort should be made to build institutions and lay the groundwork for a real democratic transition. This includes not only a strong judiciary that could hold current and future government officials accountable, but also the electoral reforms outlined above, which would serve to build a constituency for the secular opposition.

Encouraging broad political participation in Egypt will be no easy task. The long period of authoritarian rule has created a feeling of general apathy and cynicism among Egyptians. This is amply demonstrated by the extremely low voter turnout (18 %) in the last parliamentary elections. Unless this attitude is changed, there can be no meaningful political engagement. However, *Kefaya* and similar fledgling democratic movements indicate that there is still considerable vitality in Egypt's civil society. These beginnings—if supported morally and politically by the United States and the EU—can develop a momentum that will open wide spaces for civil society-driven political reforms.

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### Notes

1. S.V.R. . Nasr, "Democracy and Islamic Revivalism". *Political Sciences Quarterly*, 110 (Summer 1995): 279.
2. S.V.R. . Nasr, "Democracy and Islamic Revivalism". *Political Sciences Quarterly*, 110 (Summer 1995): 279.
3. Cited in Moheb Zaki; *Civil Society and Democratization in Egypt, 1981-1994*, (Cairo: Konrad Adenauer Foundation & The Ibn Khaldun Center; 1995) p. 198.
4. Textbook for the Azhar High School Students: *Al-Iqna'*, (Cairo:Azhar , 1997).