EGYPT'S ELECTIONS: BALLOTS VS. BULLETS

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If in hindsight Egypt's parliamentary elections scheduled to be completed for both houses by 22 February, 2012, prove to be the initial step on the road to building a democratic political order, it will not be because those who organized them—the generals who comprise the Supreme Council of the Armed Forces (SCAF)—intended that outcome. Smarting from the downgrade of its power, status and rewards under President Mubarak, the military seized control of the state on 11 February 2011 in order to engineer a new order in which civilian political authority would be sharply circumscribed by red lines cordoning off the military's hegemony over national security policy, the coercive agencies responsible for implementing it, and the enlarged portion of the national economy over which it seeks to preside. To that end, its tactics, embodied in the transition roadmap it crafted, were to delay assumption of even partial civilian political rule as long as possible; to fragment civilian political forces; to prevent representative bodies, including parliament and local councils, from gaining substantial powers; to assert its own control over the security and intelligence agencies previously commanded by the Minister of Interior and President; and to ensure that government remained executive centered with the military choosing the executive (President) himself.

Within this framework, elections presented both threats and opportunities to the SCAF. They could serve to legitimate civilian political actors and institutions, hence tilt the balance of power away from the military; or they could divide civilian political forces, thereby discrediting them and the institutions they were seeking to empower. Seeking to fragment rather than consolidate civilian authority, the SCAF crafted a complex and unwieldy electoral law that was designed to distribute votes among secularists, Islamists, remnants of the ancien regime, and traditional notables; to reduce voter turnout and preclude participation by Egyptians living abroad; and to maximize the military's direct role in the electoral process. It coupled this law with what was initially intentional vagueness about the powers of the parliament, followed by an attempt to sharply circumscribe them. The purposes were to render the elections less compelling and meaningful, while ensuring that their outcome would not be a legitimated, coherent and powerful legislative body.

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Hurdles placed on the path to a democratic transition inaugurated through free and fair elections were thus formidable. A national voting system of proportional representation (PR), such as that used in the October Tunisian elections, would have brought many of the newly mobilized youthful revolutionary forces into parliament, as it did in that neighboring country. So the SCAF rejected PR in favor of a mixed, district centered system combining PR with individual candidacies. Pressure from the Muslim Brotherhood, which the SCAF was then courting as a counter-balance to the secular revolutionaries, caused it to amend its first proposal, decreasing from one half to one third the number of deputies elected as independents, while dropping the prohibition on party members running as independents and then rejoining their party once elected. These changes, which helped facilitate the victory of the Brotherhood's Freedom and Justice Party in elections to the lower house, exemplify the numerous missteps of the SCAF in its crafting and implementation of the transition roadmap.

But the SCAF was nothing if not persistent in its heavy handed tactics against its perceived civilian adversaries, of whom initially the secular revolutionaries were deemed to be most threatening. Ordered by the Administrative Court to allow Egyptian residents abroad to vote, the SCAF imposed such demanding registration procedures and so tight a time frame that of the 7-10 million estimated potential émigré voters, at most a few hundred thousand managed to cast ballots. Constituencies were redrawn, expanded in size, and differentiated between the PR list and independent candidacies, both to deter and confuse voters and to undermine the chances of nascent political organizations. International election monitors were initially banned, then allowed on a very selective basis against a backdrop of a campaign to discredit them and their local counterparts. This culminated in raids on 29 December on the premises of 17 NGOs, including three prominent American ones supported by U.S. Government funding. Egyptian organizations had to obtain the approval of the government controlled National Council for Human Rights to be permitted to engage in election monitoring. The Higher Election Committee overseeing the elections appeared beholden to the SCAF. It beat back efforts to disallow from supervising polling stations those judges known to have tolerated election rigging under Mubarak. The military itself assumed responsibility for the "security" of the elections, including that for the ballot boxes. It used this guardianship role in an effort to bolster its own image, dispatching officers in jeeps to counsel voters against believing the promises of candidates.[1] In melodramatic fashion, Air Force Commander and SCAF member General Reda Hafez declared that his service would provide "air cover over the country as a protective measure." Not to be outdone, his naval equivalent stated that ships were being "assigned to secure voting sites at all coastal governorates."[2]

1. Amirah Ibrahim, "Do It Right," al Ahram Weekly, 15-21 December 2011, http://weekly.ahram.org.eg/2011/1076/eg7.htm.
2. Amirah Ibrahim, "Safeguarding Voting Sites," al Ahram Weekly, 24-30 November, http://weekly.ahram.org.eg/2011/1073/fo03.htm.

By the time of the first round of elections on 28 November, however, the SCAF was already aware that it had badly miscalculated in bolstering Islamists to counter the secular revolutionaries. The election law that favored the Brotherhood's Freedom and Justice Party; the courting of Salafis and even the former jihadis of al Gamaa al Islamiyya, who were discharged from prison and allowed to form their Reconstruction and Development Party; the apparent provision of material resources to Islamist candidates, or at a minimum tolerance of foreign funds flowing to them, coupled with condemnations and actual prohibition of democracy support funding from the U.S. and EU;[3] and other measures had helped tilt the balance way too far. So as the elections approached the generals in the SCAF, fearful that the Islamist Frankenstein they had helped create might turn against them, sought desperately to undermine the Brotherhood in particular. It successfully induced the Wafd Party to break away from its electoral alliance with the Freedom and Justice Party. In early November it declared a set of supra-constitutional principles, the net effect of which would have been to prevent the parliament from overseeing the military while ensuring that the SCAF would be able to orchestrate the writing of the new constitution, thereby depriving the parliament of that responsibility. On 22 November the head of the SCAF, Field Marshal Tantawi, implied a Sampson option of bringing the entire civilian edifice down by mooting a referendum in which Egyptians would be asked to choose between rule by the army or by civilian politicians. This was followed up by the creation of a new government of "National Salvation" and by an "Advisory Council," the former of which was stated to be responsible to the SCAF, not to the about to be elected parliament, thereby depriving Islamists of the fruits of their anticipated electoral victory. Justification for the new Council was provided by a spokesman for the SCAF, who asserted that since the new parliament would not be representative, the more broadly based Council was needed. The intent, to further undermine parliament's standing, incensed the Brotherhood. It immediately boycotted the Council and was soon followed by at least a third of the Council's overwhelmingly secular members who resigned in protest against the military's intensified crackdown the weekend prior to the first round of elections.

On 16 December, two days before the second round of voting, the SCAF ordered troops to attack protestors who had been camped in front of the Prime Minister's Office since the appointment of the "Government of National Salvation" in order to prevent it from convening. The timing and viciousness of the assault suggested that the SCAF was seeking to distract attention from the elections and possibly to create a crisis which could be used to justify what in effect would be a coup against the outcome of the transition process which the SCAF itself had orchestrated. The atmosp-

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3. Former U.S. Ambassador to Morocco, Marc Ginsberg, claims that he was informed by military intelligence sources that an emissary of the SCAF met with members of the Muslim Brotherhood and other Islamist organizations in April for the purpose of establishing bank accounts through which money could be funneled to them. See "Unholy Alliance: Egypt's Military and the Muslim Brotherhood," The Huffington Post, 6 December 2011, http://www.huffingtonpost.com/amb-marc-ginsberg/unholy-

here of crisis was then further intensified on 2 January when the SCAF, operating through an editor known to be close to it, released a story in "independent" daily, al Masry al Youm, that the U.S. was behind efforts to deprive Egypt of external funding, causing the U.S. Embassy to react within hours with a denial. The SCAF was clearly positioning itself to justify taking steps to "protect the nation."

So while the election outcome to the lower house is now clear in that Islamists won more than two thirds of the seats contested, the broader political consequences remain uncertain. The key question is whether the SCAF, having through its fear and contempt of youthful revolutionary forces contributed to the electoral triumph of Islamists, can live with that result, or will chose the "Sampson Option." Since the strongest of the Islamist forces, the Brotherhood, is unlikely to precipitate an immediate challenge to the SCAF, a game of political cat and mouse between them seems more likely, especially since the SCAF has signaled that it is indeed ready to pull the political house down. The SCAF will presumably also now seek common cause with secular forces fearful of Islamist preferences being enshrined in a new constitution. It has begun to position itself to control the presidency. Its first Prime Minister, former General Ahmad Shafiq, was joined on 2 January by former General and Deputy Director of General Intelligence, Hossam Kemal al Din as announced nominees for the post. If neither of those candidates succeed in gaining popular support, the SCAF will likely turn to the present front runner, Amr Moussa, knowing that he would respect the military's red lines and counterbalance the Islamists, while not provoking them unduly.

Although the rather bumpy, potential road to a quasi-democratic transition may be more likely than a second coup (the first having been staged on 11 February), it is not certain that this path will be followed. Tensions between and even within the key political actors are steadily mounting. The aging leaders of both the Brotherhood and the SCAF cannot be certain of the loyalty of the younger members of their respective organizations, so they may be less cautious in dealing with their opponents. The various secular groupings, to say nothing of Copts, are increasingly apprehensive and possibly also inclined to risk taking. In sum then, the first post-authoritarian, free and fair elections may make some contribution to a democratic transition, but they have not been decisive. And they could well cause counter-reactions or miscalculations that derail the transition into military dictatorship, Islamist authoritarianism, or political chaos.