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EGYPT'S CONSTITUTIONAL REFERENDUM: WHAT COMES NEXT?

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P R O C E E D I N G S

MS. WITTES: Thank you so much for coming on a rainy Monday morning. Can everyone hear me? Is this microphone working? In the back? Good. Okay.

Well, welcome to the Saban Center for Middle East Policy at the Brookings Institution. We're here on the Monday morning after Egyptians began, although they haven't finished, voting on whether or not to approve the draft constitution produced by the constituent assembly over the last several months. We're going to talk today about how that constitution was drafted; about what its content says. But what I hope we'll be able to focus on in our discussion is not only how we got here but what it means for the future. If we've learned anything over the last two years of watching Egypt undergo this rollercoaster ride of a political transition, we've learned that it's not going to be smooth trajectory. And so it's crucial to look at each of these turning points, including this constitutional referendum, not merely as some kind of milestone on a path but as something that is going to shape a competition over Egypt's future and over the shape of the state and the control of the state; a competition that's going to be going on for some time to come.

I'm delighted that we have two fantastic experts with us to help parse the meaning of these developments. We're joined from Doha by our colleague, Shadi Hamid, and here in Washington, by Khaled Elgindy. You have their biographical information in the packet that you received when you walked in. Suffice it to say that these two gentlemen have been following Egypt's politics very, very closely from well before the revolution. And you can also find a number of their recent writings on the Brookings website. We've got a special page on Egypt set up on the Brookings website that collects all of our recent commentary.

Let me start by just giving you a little bit of a sense of where we stand today with respect to the constitutional referendum. The outcome, of course, is still undetermined because only part of the country voted on Saturday. The other governates will vote next Saturday. What we know. Turnout seems to have been relatively light; maybe as low as 30 or 35 percent. The results that have been released so far indicate that slightly over half of those voting support or approve the constitution, the draft constitution -- 56-1/2 percent according to figures I saw this morning.

I have to note that this includes -- the voting on Saturday included the largest urban centers in Egypt -- Cairo and Alexandria. The voting next Saturday will include more of the rural areas of the country, and in the pre-vote handicapping it was expected that we would see a higher negative vote, a higher no vote in the urban areas where the political opposition is more mobilized and a higher yes vote on the referendum in rural areas where the Brotherhood, it's been demonstrated over the last couple of years, has been able to turn out more of its own supporters.

Now, there's been a lot of focus on how this constitution was drafted and how we got to this referendum. I think the events of the last month show clearly that at least those Egyptians who are eagerly participating in their country's politics are very divided on basic political issues. It's also clear that neither the Freedom and Justice Party, the Muslim Brotherhood's Party, nor the political opposition, feel the need at this point to seek compromise in the face of that polarization. Rather, as one observer noted to me last week, both sides seem with this referendum to be going for broke.

I think what I'd like to open with in this conversation is what the events of the last month or so represent, what they mean for Egypt's future. I'm going to ask our two experts a series of questions, have a bit of conversation up here on the dais, and then open it up to all of you. And Khaled, if I may start with you, I think a lot of, as I watch

the controversy that's erupted in Egypt over the last month, a lot of it has been about the process, almost more than the substance of this constitution. Not only the process of drafting the constitution -- who was in the constituent assembly, who walked out, whether it was rushed, et cetera -- but how that process delineates the divisions in Egyptian policy today. Can you talk a little bit about what upset people so much? Why this process was so controversial and what it says about those divisions inside Egypt?

MR. ELGINDY: In terms of the substance?

MS. WITTES: In terms of the process and the substance.

MR. ELGINDY: Well, on the substance there were some real divisions. There is, of course, the debate about the role of religion in a second republic, in a post-revolutionary Egyptian state. And there were some new elements introduced that hadn't existed in previous constitutions. There was a larger role carved out for religion with a number of articles in the constitution. That had been controversial, not so much for what they did but inasmuch as I think more than as much as they were in what they allowed for. So you had, for example, Article 2 is the standard iteration of the role of Sharia -- the principles of Sharia in defining legislation, but you also had Article 4, which allowed for a role of the Al-Azhar University for the first time, which is an unelected body, a religious body that issues religious opinions. And so this role was very vague, but it was enshrined in the constitution.

You also had probably the most controversial is Article 219, which attempted to define what principles of Sharia actually meant, and in doing so I think the wording, of course, is very vague and I would say it doesn't open -- it doesn't create a religious state, but it opens the door to a religious state that could be enacted through future legislation. So there was a controversy on the role of religion.

There were also controversies on the role of the military. The military, by

and large, kept its status as being above the law, beyond the reach of the state, not a transparent institution, and certainly not subject to civilian role or oversight. That was the key, I think, point of grievance for a lot of liberals and especially for the revolutionary groups in Egypt which saw the military, of course, playing a very insidious role throughout the transition, as well as them propping up past regimes.

The rights environment I think you could argue was, you know, could go both ways. There was new language added about nondiscrimination, about protection of minorities, equality, but there were a lot of caveats like as prescribed by law that were kind of these catchalls that again opened the door to future abuse or limits on citizenship or on citizen rights.

MS. WITTES: So rights were articulated but not guaranteed?

MR. ELGINDY: Rights were articulated but not guaranteed, and actually open to constraint and to limitations through future legislation.

Overall, the system didn't change dramatically. You still had a very highly centralized form of government, still very, very presidential, although it is theoretically a mixed system. It still leaves most of the power in the president's hands. And so in terms of the structure of government institutions and checks and balances, there hasn't been a whole lot new introduced. In terms of the process, I think this is where it has taken a bad situation, ordinary controversies, what might have been considered ordinary controversies, and actually made the situation much worse because at each stage the process was fundamentally flawed and only became more so over time. And we can get into details but I don't want to dominate.

MS. WITTES: Okay. So if I understand you correctly, you're saying a lot of these controversial issues in the draft constitution were inevitable controversies, but the way in which they were ultimately decided made them bigger controversies even than

they would have been.

MR. ELGINDY: Made them bigger. And I don't want to downplay the significance of these controversies. Obviously, you know, for a lot of the revolutionary groups enshrining a role of military, you know, having the military immunity enshrined in the constitution is very problematic, and it's very problematic from a democratic and rule of law standpoint. So I don't want to downplay the significance of these at all, but they might have progressed differently. The substance might have come out differently had the process been different.

MS. WITTES: Okay. Let me take that insight and turn to Shadi at the Brookings Doha Center and ask you, Shadi, given the way in which this process unfolded and the polarization that resulted which you wrote about in a recent piece for *Foreign Policy Magazine*, that the polarization around the constitution actually reflected in your view some broader divisions within Egyptian society. The next step in this competition, if you will, within the Egyptian polity, is going to be parliamentary elections, which as I understand it are supposed to take place just a couple of months after the constitution is approved, assuming that it is ultimately approved. What can you tell us based on what we've seen over the last couple of months about how the competition for parliamentary elections is likely to shape up?

MR. HAMID: Sure. Thanks, Tammy.

So, yes, in theory there is supposed to be parliamentary elections within two months. I think the big question here are liberals and non-Islamists going to be brought back into the democratic process or are there still going to be elements that say the whole process is flawed, rigged, illegitimate, and they start to withdraw. And there was this debate in the lead-up to the referendum where you had parts of the opposition saying boycott because they don't want to grant legitimacy of the process in the first

place and others saying, well, let's try to get our voices heard and limit the margin of victory. So we may have a similar debate for the parliamentary elections, but I think at the end of the day, the major liberal parties are going to participate.

I think in some sense, the result that we saw yesterday -- 56 percent yes -- should actually embolden the liberal opposition. The predictions, at least from the Islamist side were significantly higher, so they're seeing this as a low margin and they're concerned about that.

So with that in mind, if they can get 44 percent, that shows that they're able to translate some of the mass protests we saw last week into some electoral mobilization. Now, I think it's easier to get people to vote no, one word, than to decide to vote for which liberal party or which leftist party, because we have to remember the opposition itself is very divided. And the three leaders of the opposition right now are people who have very little in common. We have a Neo-Nasserist Socialist. We have Amr Moussa, who doesn't really have an ideology but we can maybe call him Neo-Fallul. Then we have Hamid Obaragi, who is a liberal's liberal. So these are people who don't necessarily agree on a lot except their opposition to the brotherhood. So I'm skeptical they're going to be able to have a unified front in the parliamentary election. And that's a big problem because that's going to hurt liberals and leftists as a whole in a PR system where if you divide the vote too much then that depresses your representation.

And again, you know, there still is this concern about their ability to mobilize, as you pointed out, Tammy, outside of the major cities. They haven't really been able to prove that on a district by district level. In contrast, the Brotherhood and the Salafis have that presence in every district. They have their people who are mobilizing the vote and getting their supporters out.

So I think it's going to be challenging, but at the very least, liberals and

leftists should be able to improve upon the result last year. They only got about 20 percent in the previous 2011-2012 elections. So 20 percent, they can improve on that, but the question is are -- I think liberals and non-Islamists in Egypt have a tendency to miss opportunities and to not build on their successes. So there's a real question of whether or not they're going to be able to sustain momentum over the next two months and really get their act together organizationally speaking.

MS. WITTES: Thanks, Shadi. You know, you talked a lot about the competition between liberals -- although, as you note, there's a lot of differentiation within what we're calling the liberal camp or the opposition camp -- and the Brotherhood. But there was also, both in the last set of elections and in the constitutional debates, competition within what we might call the Islamist camp, between the Brotherhood and Islamist groups further to the right, Salafi groups. I wonder, Khaled, perhaps first, if you can talk a little bit about what we see in the constitution. What does it show us about where the Salafis got what they were asking for and where the Brotherhood got what it was asking for in that competition?

MR. ELGINDY: Yeah. I think a lot of the process has been dictated by this intra-Islamist dynamic, particularly the Muslim Brotherhood's almost obsessive fear or concerns about the Salafis, who are obviously much more conservative but are competing for the same core constituency, at least as they view them. And so that has tended to push the brotherhood further and further to the right in terms of their decision-making. And that also has to do with the fact that the Brotherhood is generally dismissive of the liberal non-Islamist opposition. And so they see the greatest political threat to their political base coming from the Salafis.

And so we see the introduction of things like Article 219, which was a nod to the Salafis but without giving them as much as they would have wanted. And

there were even some concerns that Salafis might actually vote no because they didn't see enough religion or Sharia in this constitution. Of course, I don't know for certain. I doubt that that's the case. I think both Salafi parties and the Muslim Brotherhood have defined this referendum in very stark religious terms. That is what they've used to mobilize this vote. They've even resorted to sectarian tactics.

So for the Islamists, it's very pro Sharia, anti-Sharia; pro-Islam, anti-Islam. This is the way that the battle has been couched or framed in the Egyptian -- in the political environment in Egypt.

MS. WITTES: Of course, it's easy to do that with a constitution where you're voting yes or no. As Shadi pointed out, once you get into parliamentary elections, that competition within the Islamist camp might open up. Right?

MR. ELGINDY: Right.

MS. WITTES: And it's a question of who can claim most credibly to represent the true vision of Islamism or of an Islamic state.

Shadi, what do you expect? There were some people who argued that the Brotherhood gave the Salafis too much in the constitution because they wanted to scoop up some of the vote in the parliamentary election. What do you expect to see in M. B. Salafi competition in the parliamentary race?

MR. HAMID: Yeah, well, it's worth noting in the constitutional debates the Brotherhood felt sandwiched. And the Salafis were putting a lot of pressure on the Brotherhood from the right, as Khaled pointed out, and there was actually just until fairly recently, the Salafis were threatening to withdraw; either withdraw -- sorry, to vote on for the constitution because they felt it wasn't sufficiently Islamic. So some of them wanted to have Article 2 to be more explicitly about the rulings of Sharia instead of the principles.

So what I would actually argue is that this constitution, for all its faults, is

a compromise between the liberal vision of a constitution and the Salafi vision. It's somewhere in the middle. And that makes sense because the Brotherhood members were the median voters in the constituent assembly. And this shows how the presence of Salafis drags the whole political spectrum to the right. And I do think there are real deep divides here in the sense that how do you split the middle between a liberal vision and a Salafi vision? They're obviously very far apart. And liberal by definition in a set of rights and freedoms that are nonnegotiable. So it becomes difficult to see how you come up with a resolution that pleases both sides. And I think that's going to be a general problem that we're going to keep on seeing come up in some of these controversial ideological debates.

Now in terms of the Brotherhood-Salafi relationship and how that's working out, even though they work together and are increasingly working together, the Brotherhood looks at Salafis like little brothers who, you know, who cause trouble and sometimes you've got to keep them in line. They've got to have their time out. They have this kind of paternalistic tone. And I've always noticed that. In private conversations with Brotherhood members and leaders, this really comes through. There's a sense that these Salafis, where did they come from? They just started politics back here. We've been doing politics for 80 years. So there's definition that part of it.

Now, Salafis also don't like being treated in that kind of way. They want to be greeted with respect obviously s they kind of -- so they have their own issues with the brotherhood. One example of this was after last year's parliamentary elections, I remember I was in Egypt at the time and they were having negotiations between different factions. And Salafis and liberals were actually having negotiations about possibly forming an anti-Brotherhood Coalition in the parliament. That's how -- the Salafis were so afraid of being dominated by the Brotherhood and not having their voice hear, that

they actually thought about joining hands with their liberal enemies.

So there is this kind of undercurrent of distrust. Now, I think one of the important things about the crisis of the past month, since Morsi's decree, is that it's polarized Egypt more strictly along Islamist-non-Islamist lines. So now it's going to be much more difficult to peel the Brotherhood off from the Salafis. They're kind of intertwined with each other, now more than ever. And they have -- they were talking about a potential electoral alliance as recently as October. Those negotiations went on for some time, they stalled, but there is some interest on both sides to explore that.

The Brotherhood though is probably going to wait to see -- and they've actually -- one of the Brotherhood leaders, Katani said recently, actually on December 4, that they're still open to having an alliance with liberals and leftists; that they'd want to reach out. So we're still hearing that kind of rhetoric. I think the game plan from their standpoint is ask the liberals to join with them. And if the liberals say no, as they almost certainly will, they can say, "Well, we tried. We gave it our best shot. I guess we're going to have to stick with the Salafis."

MS. WITTES: You know, I think this raises an interesting choice that the Brotherhood faces. Let's assume for a moment that the results that we saw from Saturday's voting hold in next Saturday's voting, so that we see the constitutional approved but by a somewhat slimmer than expected perhaps margin. So the Brotherhood then faced a choice. Do they say, well, victor is victory. The constitution we favored passed, and that's a mandate for us to go forward along the lines that we've been moving along despite all these protests in the street. Or do they say wow. This suggests that there is some deeper opposition to the vision we've been putting forward and the program we've been putting forward and we need to reach out.

I'd like to ask each of you what do you expect their choice might be, and

how do you think they ought to think about it, assuming that, like all political parties, they want to stay in power? Khaled.

MR. ELGINDY: Well, I would expect, you know, the brotherhood is a majoritarian party. They are probably -- they believe in majoritarianism in its purest form. A 50 percent plus one victory is a victory, whether it's the constitution, a founding document, or a piece of legislation. I don't think -- I don't think they have yet, at least in terms of their actions don't seem to reflect, the nuance that goes into consensus building and that sort of a thing. And as far as their preference or stated preferences in the present or in the past for a coalition with liberals, my own view is that train has left the station. I think there is so much bad blood now between non-Islamists and the Brotherhood that that's probably not in the offing in the short term. And I think we will probably see more and more collaboration between the Brotherhood and Salafis, and that has been the trend. There has been this polarizing trend.

There have been a number of groups, revolutionary groups and liberal groups that endorsed Morsi for president against Hamid Shafik, who they saw as someone who represented the old regime and desperately did not want to bring that back, and they feel extremely betrayed by the Brotherhood's decisions and by President Morsi's decisions. And I very much doubt that they'd be willing to go down that road again having already been severely burned over the course of the last month.

MS. WITTES: So, for that group of people, this referendum is a referendum on the Brotherhood; not just on the constitution?

MR. ELGINDY: I think so. I mean, I think overall this was not -- the vote was not on the substance of the referendum. People didn't have time to read it. There were 230 some articles. And, you know, you're talking about a very accelerated process. So it was really about the polarization. It's about how you felt about where the transition

was headed and where -- whether you support President Morsi or you opposed him. And I think the calculation, you know, all signs have miscalculated throughout this two year transition, but you know, where the Brotherhood miscalculated is that they fundamentally forgot how President Morsi was elected. And that is he could not have been elected without a substantial number of revolutionary and non-Islamist voters voting for him. And so I think they will pay a price for that. And I think they are paying a price for it politically.

I think we're likely to, you know, part of the problem -- I just want to throw this out there because I think this is a bigger problem that goes beyond just the last two months. Part of the problem with this transition is that it's essentially been a game with no rules, and a game with no rules in which the winner of the game gets to make all the rules. So that has been -- that has made for very kind of winner take all, zero sum kind of a political environment, which I suppose is okay at a certain point down the road when you've got ordinary politics. And there are winners and losers. But to treat the constitution and the defining of the state as a winner take all process I think is fundamentally and deeply flawed. And probably portends more instability down the road. More polarization and more instability.

MS. WITTES: Okay, Shadi, there was an article in *The New York Times* -- I think it was on Friday -- in which unnamed U.S. officials were suggesting that Morsi might have learned from the last couple of weeks that winner take all is not the way to go and that he needs to reach out to his political opponents. Do you think that the Brotherhood understands this referendum as in part a referendum on the way it's running politics in Egypt?

MR. HAMID: To some extent yes, but I think there's a bigger problem here. The Brotherhood is in full existential mode. They're extremely paranoid. They believe that opposition is out to destroy them. They think liberals are anti-democratic and

are out to bring down who they view to be elected and legitimately elected president. So they're very much in that mode of thinking. And that's why essentially one of their justifications for the authoritarian November 22 decree is -- and Brotherhood leaders actually told me this -- is yes, we know it looks bad, we know it's kind of anti-democratic, but the normal rules of politics are suspended until future notice because we are in this fundamental turning point, and this is what we have to do. And sorry if people don't like it.

Now, I hope that they've moved beyond that stage. I'm not convinced that they are. And as Khaled said, it's so polarized now, and especially with blood spilled, which we saw two weeks ago outside the presidential palace. When each side is claiming martyrs, you kind of get to a point where the wounds are still too fresh. So I think that Morsi and the Brotherhood will at least rhetorically say opposition, please come. Let's sit down and talk. As Morsi did last week in the so-called national dialogue. The problem is liberals aren't going to trust him. They're not going to believe that he's negotiating in good faith, unless he can somehow convince them.

Now, I don't really know what that would look like, but that's the real challenge here. So for that reason I wouldn't be very optimistic.

Now, the positive spin though is at some point they're going to have to sit down together because the opposition doesn't have a lot of options. They can keep on trying mass protests every Tuesday. That's not a long-term strategy. The question is what do you do afterwards? Either you decide to work within the system, however flawed it is, or you withdraw from the system and then you say Morsi is illegitimate, the constitution is illegitimate, the process is illegitimate. Then you get into a kind of revolutionary situation which can be very dangerous. I hope the former is what happens, and I think that would be the smartest approach. I don't know if the revolutionary option

is realistic, feasible, or is likely to succeed.

MS. WITTES: Thank you. Before I open it up to the audience, there's one other issue that I think is really striking about this constitutional text that Khaled referred to and that I wanted to delve into in a little bit more detail, which is the role that has been established for Al-Azhar. This is unprecedented in Egyptian history, and in terms of setting precedence for these new Arab polities in an environment two years after the Arab Awakening, it's creating a role for a nongovernmental religious institution, which granted has been a preeminent source of Islamic scholarship for generations, but it's granting in a role in reviewing legislation. Not approving legislation, but having some sort of unofficial input. As you noted, it's vague.

I wanted to ask you both how is this provision viewed by the Egyptians who supported and imposed it? Number one. And number two, what does this say about the future of religious institutions in an environment of political competition? Should we now expect that Al-Azhar will become a forum for competition between different versions of Islamism.

I think there have been a number of reports over the last week about a warning by King Abdullah of Jordan, about an alliance of extremism, emerging across the region. And there are those that make the argument that the next battle over religion and politics in the Middle East is going to be fought in institutions like Al-Azhar.

So I'd really love to get each of your thoughts on that. Shadi, do you want to start?

MR. HAMID: Yeah, sure.

So pretty much the way this might look -- part of the problem is that this article, as Khaled said, is vague, and it can be interpreted in different ways. And Parliament can decide to operationalize it in different ways. But I think what we can

expect is members of parliament essentially submitting controversial laws that have religious content to (inaudible) for an advisory opinion. The opinion will come back. It will be nonbinding, but Salafi's, and to some extent the brotherhood, are going to use that advisory opinion to build support or to oppose a given law. And it will be difficult, I think, for Salafi's in the Brotherhood as self-proclaimed defenders of the Islamic faith to say no to the most prestigious and the Islamic institution in the Middle East.

So I think, yes, it's nonbinding, but it does kind of push the discourse in parliament in a more religious direction, and that's the round that Salafi's like playing on. They like it to be about different religious views because, you know, it's hard to be more Salafi than the Salafis. And that's what they're banking for.

So I think that is the real worry, the real concern here. But to be honest, I think Article 2 opens you up to that, and that's part of the art of why you need this Al-Azhar clause, because if you're saying that we're going to take Article 2 seriously and that the principles of Sharia should be the main source of legislation, who interprets the Sharia? So then it follows that Al-Azhar or some other religious body plays a role.

MS. WITTES: Khaled?

Yeah, I think it's problematic on a number of levels. I think, you know, Shadi referred to Al-Azhar playing a role in deciding on controversial religious content. Well, what constitutes religious content? I think the nature of television programming and the kinds of ads, for example, that people see or the nature of certain kinds of speech, these are very -- for Salafis certainly, would all fall under religious content. Everything essentially falls under religious content. So it's impossible to know where those lines would be drawn and if the debate -- if the discourse is being dictated in a sense or driven by the most conservative elements in that discourse, the Salafis, then we're likely to see more and more conservative types of interpretations over time. So, like I said before, the

article itself doesn't necessarily create a religious state but it certainly opens the door depending on the political dynamics, the nature of a future parliament, the balance between the Sunni Islamists and so forth.

And the second thing is that we are likely to see an Islamist competition over the very institution that is playing this role, and that obviously the Brotherhood and the Salafis clearly have an advantage in that as far as I know liberal groups don't have -- it's the one place where they're at a distinct disadvantage in a religious institution like this. There are, obviously, and Al-Azhar has a tradition for its Sufi origins and a number of Sufi sheiks affiliated with Al-Azhar have been at the forefront of the revolution. So there are revolutionary olima (?) as it were, but over time I think the Brotherhood and the Salafis would see Al-Azhar as another pie to divvy up between them. And it would become too tempting for them not to. So I think those are two real dangers that we face in the future.

MS. WITTES: Now, under Mubarak, the head of Al-Azhar was appointed by the president. Is that right? Is that going to continue to be the case in this constitution? Do either of you know?

MR. ELGINDY: Well, I don't think it's spelled out but I think there is draft legislation that's being considered or was being considered on Al-Azhar. I think, you know, Shadi will correct me if I'm mistaken, but I think the Brotherhood would like to see direct election of the Al-Azhar olima. And why not? That's the one thing that the Brotherhood does better than anyone else is retail politics and elections.

Is that the case, Shadi?

MR. HAMID: Yeah. So, the Brotherhood's official position in its programs before the revolution, and I believe it was also the case in the subsequent ones, is that moving away from the appointment system where you have active

government intervention in Al-Azhar and actually have the supreme body of laws that are elected by the general assembly of Al-Azhar. So it would be kind of coming within the Al-Azhar institution itself. And again, you know, the Brotherhood likes elections.

So part of the problem though is that the Brotherhood has flip-flopped on a lot of the positions it had when it was in the opposition. It used to be for a ceremonial president. It used to be for a weak executive with strong local governments and regional governments. Now it's really shifted. So just because the Brotherhood supported something before doesn't necessarily mean it's going to be consistent. And I guess that's politics. But it is striking to see how they've shifted, especially on the presidential issue, for example.

MS. WITTES: Okay. Thanks very much.

With that I'm going to open it up to our audience. Now, we've, of course, spent most of our conversation up here talking about actors in Egypt, what's going on in Egypt, the competition between those actors. One issue we haven't touched on is the role of outsiders including the United States. So I welcome any questions on that.

Let me just ask you, please, two things, if you want to raise your hand. Number one is identify yourself, please. And number two is, out of respect for everybody else who wants to engage in our conversation, please keep it brief and keep it a question. A question, that's one. And why don't we start right there. Adriana.

MR. JOSEPH: Thank you. My name is Edward Joseph. I'm with Johns Hopkins SAIS. Great to be here today. Great discussion. In fact, I'd like to quote further on a comment that Shadi made about the legitimacy of the document, which to me is the key question. And after all, we were talking about a referendum on the constitution; it's not a referendum on a law. The constitution is the foundation for Egypt's democracy.

And if I could, Shadi, ask you and Khaled, to probe further, assuming of

course that it passes, which is very likely to happen, do you believe that fundamentally Egyptians across the spectrum will accept this constitution as legitimate? Even if they decide to participate in parliamentary elections which Shadi raised as a possibility, even if they decide to participate, will they say, "Yes, this is our constitution. It passed. I may not like it but I accept it." Just to round the question out, is there a sense at all among liberals that, "Hey, we were the ones fighting this revolution. You guys were 'Johnny come lately.' We were the ones who were there at the beginning and this is our revolution," and in that sense make it even more question the legitimacy.

MS. WITTES: Okay, thank you. I think there are a couple of issues embedded in there. One is with low turnout and a narrow margin, is it a legitimate constitution? And the other is will those who end up in parliament take this constitution as a given? Or are we immediately going to see efforts to amend it? As I understood it that's part of the question as well.

Khaled, do you want to start?

MR. ELGINDY: Yeah. I happen to believe that this is a constitution that will probably pass, but it will be a very, very weak legitimacy. I think all of the problems that we saw over the last month -- the controversy, the violence, the bad blood, obviously the polarization, the delegitimizing of one side of the other -- it is being built into the system. This instability is being built into the system. And so I think, and we saw it on Election Day, the rushed nature of the vote. There were lots of irregularities, not necessarily out of a desire to rig the vote but just simply because there weren't enough judges to cover polling stations. Judges were covering more than three times the number of voters they typically cover per ballot box. So that's why you had such huge lines. So there were a lot of irregularities, a lot of violations, both real and perceived. And I think it certainly casts a doubt, if not question the very legitimacy of this document. And at the

end of the day, you know, as Tammy said, it was passed by -- assuming the margin stays relatively similar, but the turnout was very, very low. It was around 34 percent. So we're talking about a document that a third of Egyptians voted on, almost half of whom said no. And that's a very questionable document in terms of its legitimacy. And I think that will be reflected.

I would expect there will be opposition participation in future elections, even if they consider it illegitimate. I think the decision that they made not to boycott, even though they saw the process as illegitimate, is emblematic of this. You know, you can have these seemingly contradictory positions. You participate. You know, the Brotherhood and other opposition groups during the Mubarak era participated in a political process that they, by and large, deemed to be illegitimate. But they participated anyway. So I would expect we would see more of that. The participation of the opposition would be independent of their views of the legitimacy of the process and of the constitution.

MS. WITTES: Shadi, anything to add?

MR. HAMID: Yeah. So part of the problem is that, yes, they will likely see the constitution as illegitimate, but there isn't a whole lot they can do after it passes. I mean, part of the bind that the opposition is in is that by actually participating somewhat enthusiastically after kind of hedging a little bit is that it's difficult for them now to come and say, "Well, we got close. We lost but we don't recognize these results." I mean, the only way they can really make that argument is if they withdraw now, and they may have some basis for that. They've cited irregularities, violations. So if they withdrew now then that argument would be stronger. But if they stay and participate in round two, then I think it will be -- that argument is not going to be as effective with the Egyptian people.

Now, they can try to amend it but the problem is they're never going to --

I mean, for the foreseeable future, liberals and leftists and non-Islamists are not going to have a super majority in the Egyptian parliament, so that's not a viable option. One possible scenario, and the vice president actually suggested this the other week, is that after the constitution would pass, they could then have kind of sideline negotiations on the contentious articles and kind of do it in that way. So I guess there's really maybe four to six really contentious articles that people have issues with to sit down and try to iron that out, get the opposition onboard. I'm skeptical but that's perhaps another option.

And lastly I'll just say the question on the issue of legitimacy and revolutionary legitimacy, I think it's worth noting that the original revolutionaries on January 25th were not necessarily liberals. They were revolutionaries. Many of them were leftists, socialists. The liberal parties didn't actually join until when the Brotherhood did, and the liberal parties weren't very well respected anyway. So I think in that sense some of the people we're talking about here have equal claims to legitimacy. The Brotherhood did join the protest fairly early on on January 28th.

MS. WITTES: Okay, thanks. A bunch of questions up here in the front, Adriana. Why don't we start with Gary Mitchell?

MR. MITCHELL: Thanks very much. I'm Gary Mitchell and I write *The Mitchell Report*.

MS. WITTES: I'm not sure people can hear you, Gary.

Adriana, do you want to check the mic? There we go.

MR. MITCHELL: Anyway, I want to interrupt this graduate school seminar on the Egyptian governance and ask a question. And that is can you give us at some point in this discussion a kind of overview, a Civics 101 overview of what kind of government is it that has been created? How is it like the United States and how is it different from the United States? Just some sense of what this animal looks like and

what some of its powers are.

MS. WITTES: Khaled, do you want to take that on?

MR. ELGINDY: Well, it's like the United States in that the parliament is comprised of two houses called the House of Representatives and the Senate in the new constitution. But that's the extent of the similarity. It is much more like the old Egyptian system where you have an extremely powerful presidency. There are probably more checks -- potential checks at least from the parliament to play a bigger role, but it is not a parliamentary form of government. It is technically a mixed form, presidential and parliamentary. But it's the president who determines -- who appoints the prime minister. So the prime minister is still at the disposal of the president, just as under Mubarak, even though he may come from the majority party in the parliament. So there isn't really a balance between the prime minister and the president because the prime minister is a functionary of the president; he's carrying out the will of the president.

MS. WITTES: Okay. Do you want to say anything about the role of the judiciary since that was one of the other major controversies in drafting this?

MR. ELGINDY: Well, I think the role of the judiciary was largely kept intact, but the Brotherhood, I think, also envisions a major overhaul of the judiciary. So we're likely to see less judicial review than -- well, I mean, it depends because the judiciary itself is divided over this constitution and over the process and hasn't -- I mean, they're not necessarily speaking with one voice. But I think that the judiciary and sort of bringing the judiciary under control has been a goal of the Brotherhood for a long time and I think we're likely to see that in future legislation. Traditionally, the judiciary hasn't played a major role in challenging the executive, and I think we'll continue to see a very conservative judiciary in that sense.

MS. WITTES: Thank you. Professor Oweiss.

MR. OWEISS: Ibrahim Oweiss, Georgetown University.

I would like to ask a direct question --

MS. WITTES: Adriana, I'm sorry. Yeah.

MR. OWEISS: Ibrahim Oweiss, Georgetown University.

I would like to ask a direct question. When the current stalemate continues, and if it will continue, how much can Egypt afford instability in terms of the food supplies that the Egyptians could have? I'm afraid, as I had voiced many years ago, I'm afraid that it will be a revolution of the hungry, like the French Revolution. So instability is a very serious matter and the impact of it on the economics, the lack of resources that Egypt has. Tourism has declined. I don't have to go down the list of all of the things that have happened as a result of the instability, but there is a very serious outcome, whether or not yes had won or no had prevailed. Thank you.

MS. WITTES: Thank you. Okay. So for those of you who are unfortunately beset by the leaf blower in the courtyard, the question was about the impact of ongoing instability and the confrontation in the political system having exacerbated a very difficult socioeconomic situation. One of the things that we saw over the last couple of weeks was Egypt was on the point of getting a loan from the IMF of nearly \$5 billion, which would have been a significant vote of confidence in the Egyptian economy, help to stabilize the economy. Because of the crisis that has now been pushed off yet again. And so how do we expect the political confrontation's impact on the economy -- the stock market also took a nosedive over the last month -- how do we expect the economic impact to play into the parliamentary elections and this competition as it goes on?

Shadi, do you want to start?

MR. HAMID: Yeah, sure. Well, so I think the IMF loan is still going to happen. The question is when. I think there is a realization that Egypt is too big to fail,

although the Obama administration doesn't have a political vision for Egypt and isn't really interested in engaging on that level, so for them it's help the economy. That is really the Obama administration's policy as far as I can tell.

So I think the international community is still committed to seeing that through. The question is how is Morsi going to handle that? And we just saw the recent situation where he raised taxes and then his own party, the FJP, criticized and then others criticized him, and then you see him pulling back. Part of the problem is to really be able to engage in these economic reforms you need to have some degree of societal outreach and consensus, and unfortunately, Morsi has not shown a strong suit for that. And we're also talking about a presidential office that is very understaffed. They're over their heads. They're learning on the job. So there is also this issue of incompetence, which is why I think going forward Morsi is going to have to rely more on the Brotherhood because they actually do have some of the expertise, some of the business acumen, to be able to work on these controversial economic issues and to also build support on the street for some of these economic initiatives.

I think it's worth noting that up until November 22, Mohamed Morsi was still consulting with the Brotherhood and the Brotherhood's leaders, but there was an effort to be somewhat independent and somewhat autonomous. There was a self-conscious effort to have some distance between the two. But that distance is closing because Morsi needs the Brotherhood now more than ever. And I think that's going to be one of the unfortunate byproducts. It might be fortunate in some ways in terms of being a little bit more effective on the economy, but in terms of societal consensus and reaching out, his close intertwining with the Brotherhood may not be helpful.

MS. WITTES: Thank you. So there's an interesting possibility, in other words, that economic issues might force political compromise by the leadership in ways

that political controversies are not, but you're saying that in practice what we're seeing is a besieged president reaching out to his own party to deliver people for him rather than reaching out to his opposition.

Khaled, anything you want to add to that?

MR. ELGINDY: Yeah. I mean, I agree with Shadi. I think it's going to be very hard for the president to reach out beyond his own party because he began by reaching out and addressing his own party. So, you know, he's going to need to go beyond his own base constituency, which is very much, especially in the liberal and left -- particularly on the left side -- very much opposed to neo-liberal policies on economics and the kinds of austerity measures that are going to be necessary and that the IMF is requiring. So these are going to be hugely unpopular. And I don't know how you do that without some buy-in from your own political opponents. And I think it's one of the major blunders, I think, of Morsi and the Brotherhood is to burn essentially all their political bridges with their non-Islamist opposition who they will definitely need. So I do see more instability coming. And I've heard the predictions of the prospect of a revolution of the hungry has been brought up by more than one person and I think is a major concern. I just don't see how he can overcome it without becoming necessarily more authoritarian because he can't reach across the aisle, because people won't take his hand, because they won't trust him. I think there will be more and more of a reliance on the Brotherhood, as Shadi said, and that necessarily I think entails becoming more and more authoritarian. And probably in order to quell discontent with that we may even see more and more repression.

MR. HAMID: If I can just jump in --

MS. WITTES: Oh, Shadi, you want to add something?

MR. HAMID: I disagree a little bit with Khaled's pessimistic take there. I

just want to offer a little bit of a different view.

MS. WITTES: That's good because we need some optimism here I think.

MR. HAMID: Yeah. I mean, here's the thing. You're going to have a parliament. You're going to have -- I mean, part of the reason that the polarization got so bad was the judiciary, this fear of the judiciary intervening in politics. And I think once the judiciary is able to take a step back, which I think it will eventually, and once you see an elected parliament with parties that are playing a more active role and there is an institutionalized channel for dissent, I think that Egypt's political life is going to become a little bit, at least a little bit less polarized and richer. You know, people can talk about dictatorships all they want. Yes. There are major authoritarian instincts on the part and tendencies on the part of Morsi, but there is still going to be an elected parliament. So it's not going to be a full dictatorship as some people fear. So I think it's important to keep things in perspective a little bit.

MS. WITTES: Okay. So the parliament may bring hope for pluralism.

Yes, please.

MS. OSHALL: My name is Kay Oshall.

What percentage of the electorate was able to vote last Saturday as opposed to this coming Saturday? Is it 50/50 roughly?

MS. WITTES: Okay. A good, quick, factual question. Can we hand the mic to Tariq just behind you there?

MR. RODWELL: Hi, Tarik Rodwell, Atlantic Council.

I want to go on what Tamara was alluding to, which is U.S. policy towards Egypt in this. Shadi, you had mentioned that Obama doesn't seem to have much of a political vision for Egypt. Do either of you believe that the way that Obama is

handling this is the correct way being silent about the politics of it publicly? I don't know what's going on behind the scenes but how do you see how can the U.S. influence this transition towards a more inclusive -- toward something supporting democratic development?

MS. WITTES: Okay. So great. First, a factual question about what proportion of Egyptians actually were meant to vote on Saturday versus this coming week and then U.S. policy.

MR. ELGINDY: I don't know the exact numbers. My guess would be since it's more than half of the governates that voted that it's probably more than half. And since they included the two most largest --

MS. WITTES: Populated. Yeah.

MR. ELGINDY: -- Alexandria and Cairo, but I don't have exact numbers. Shadi, do you?

MR. HAMID: I don't.

MR. ELGINDY: It's probably more than half.

MS. WITTES: Okay. And the U.S. policy question, Khaled, do you want to start?

MR. ELGINDY: On the U.S. policy question, I think, I mean, I agree with Shadi's overall characterization of U.S. disinterest, especially in getting into the nuts and bolts and nitty-gritty of this very messy transition. And I think they probably did good to stay away from any public posture, particularly when it comes to the constitution, which is, as everyone knows, an extremely sensitive moment in the transition. It is the literally defining moment. And especially when it's being pitched in very religious terms or very existential terms it was wise to stay out of that.

I don't know that the U.S. could have played a different role actually

certainly in their constitutional controversy but even in other aspects of the transition. I don't know that a heavy-handed or aid-conditioned kind of a response would achieve the desired result. I think in this, you know, when you're dealing with intense populism on all sides, deep distrust of American intentions, again, on all sides of the Egyptian political spectrum, I think less is more as far as a U.S. role. I think it was a lose-lose proposition to get overly involved or to be seen as leveraging the aid which can easily be interpreted in populist terms as blackmail and often is. So I don't know that the U.S. could have played a different role than the one that it has.

MS. WITTES: Shadi?

MR. HAMID: Yeah. I have a different view. I think there's actually quite a bit more the U.S. could have done, but you can't start now. I think in some sense it's too late now. You can't wait until a leader does something authoritarian and then have a purely reactive posture because first of all, he's already made the authoritarian move. The leverage has to be established early on, and I think the U.S. set a very dangerous precedent in letting SCAF get away with I guess quite literally murder and terribly mismanaging a transition from day one. I think the NGO crisis of last March was the real moment of truth where the Obama administration could have drawn clear red lines and said we are suspending U.S. aid until this is seriously addressed, and I think that would have sent a message that the U.S. is interested in the content of Egypt's democracy. Or even later. There was a one week period last June when SCAF was still ruling. SCAF reinstated marshal law, dissolved the democratically elected parliament, stripped the presidency of many of its powers all in a week. The best we could do was express concern. That was another time that the U.S. should have made very clear what its position was.

And yes, there is the populist problem. Egyptians have a strong -- have

a pronounced dislike for the U.S. and U.S. policy, but what I would argue is that if that pronounced dislike is there even when we're playing a hands off role, we might as well have Egyptians dislike us and try to do something good in supporting democracy in their country. And it could have been really helpful now. If Morsi was aware of where the U.S., you know, had its so-called red line, if he had a sense of that before November 22, maybe he would have thought about doing it differently.

MS. WITTES: Thank you. I'm going to use the chair's prerogative and just add my own two cents on Tarik's very good question because I think we've heard two very thoughtful views and maybe I can add a third, which is this. The United States has a primary interest in Egypt's stabilization because stability in Egypt is essential for stability in the region and for the stability of key relationships in the region that are of deep interest to the United States. And we saw that very clearly in the way the U.S. very assertively stepped up in the Gaza crisis to work with Egypt on stabilizing the Egyptian-Israeli border.

If stabilization is the priority for the United States, then I think we have to recognize that stability is not going to come only from security or only from economic stabilization measures. What's clear to me from the crisis of the last few weeks is that stability requires political compromise as well. And I think we've heard that over and over from my two colleagues. So my argument would be that if the United States indeed prioritizes stability, it has to have a political strategy as well as an economic and security strategy. And I would agree with Shadi that right now largely it does not have one.

In addition to which I guess I would point out that there are a couple of principles that the United States has articulated from the very beginning of the Arab Awakening through to today, and the question is how well is it doing at implementing those principles in its policy in each particular place around the Arab world? One of

those is we want to see democratic process and will accept the outcome, but we care that the process is a good process. And the other is about basic rights and especially rights for women and minorities.

And with respect to Egypt's constitution drafting process, you've heard over and over again from American officials the importance of inclusion, of having a broad-based process that incorporates voices from across society to get a result that will achieve consensus. Now, that's ideal. Not every constitutional process is actually going to be fully inclusive and achieve full consensus, but I think having articulated those principles, it's incumbent on the United States to render some commentary on whether those principles have been achieved or not in the outcome of the process they see. If it's the process they care about, they need to evaluate the process as they see it emerging. And I find the failure to do that troubling not only because I don't think it contributes to stability in Egypt or to democracy in Egypt, but I think it reduces America's ability to say similar things in other places around the region and around the world. And so I think it weakens America's position overall on issues of democracy and human rights.

So with that editorial comment, why don't we take some questions in the back? I see one here. Greg Aftandilian.

MR. AFTANDILIAN: Thank you. Greg Aftandilian with the Center for National Policy.

My question is dealing with the upcoming parliamentary elections. The last time around the Brotherhood got something in the order of 47 percent of the seats which gave them the speakership and leadership of key committees in parliament. A lot of people say the Brotherhood, of course, wants to get that same percentage again because that way they'll control parliament again. But given this backlash against the Brotherhood, backlash against Morsi over the decree and the constitution and everything,

if the Brotherhood does get that 47 percent next time, will the people say the election is rigged? And will that then lead to more instability? I was wondering if you could comment on that. Thank you.

MS. WITTES: Well, it's an interesting moment because you could argue that if they get anything less than what they got before it's a loss. It's a strategic loss for them or it could be interpreted that way. Shadi, do you have thoughts on that?

MR. HAMID: Yeah. Well, a lot of it depends on the electoral system.

MS. WITTES: Shadi, can I just ask you, sorry, if you can pull the microphone a little closer to you I think we'll be able to hear you better.

MR. HAMID: Yeah, sure.

MS. WITTES: Thank you.

MR. HAMID: Okay, sure.

So a lot of it will depend on the electoral system. The Brotherhood, and Islamists in general, do better in single-member districts. So essentially the U.S.-U.K. system because if it's one Islamist facing one liberal, the Islamist will almost always win. And in the last elections, Islamists won 82 percent of the individual seats and considerably less in the PR seats. Now, the opposition as a whole generally prefers straight PR in getting rid of the individual seats, but it's still too early to tell. And that's actually one of the weird things is in the next two months they're going to have to have a debate about the electoral system. I don't exactly know how that's going to work. So part of it depends on that.

I think the Brotherhood will go down in its vote share, but I wouldn't overstate the drop. Again, the Brotherhood does best on the district-to-district level, and they have ex-parliamentarians who had personal connections with their constituencies, and some of these constituencies are fairly small. So there's a kind of personal touch

that's important there. Social service provision becomes more important, so on and so forth. So I think for that reason the Brotherhood will drop but maybe not as much as people expect.

MS. WITTES: So in a constitution with 230-odd articles they didn't fully define the electoral system, whether it's a single-member district or a proportional representation system?

MR. ELGINDY: No. I don't think they did. You know, I would expect also to see a drop in the Brotherhood's representation in the future parliament, as well as probably a boost to non-Islamist parties. They're slightly better organized or let's say not as terribly organized as they were the first time around. They have learned some lessons, although not entirely. And so I would expect them to do a little bit better also.

The question in terms of the rigging, I think the kind of rigging that we saw under Mubarak, ballot box stuffing and where you actually had more ballots in the box than number of voters in that district, you know, that sort of flagrant heavy-handed approach, those days are over and the Brotherhood hasn't generally engaged in that sort of a thing. Where things get problematic, and again going back to this idea of a game with no rules, you don't have finance disclosure, for example. You don't have a system where transparency is required as far as elections. There are a lot of, you know, things that we would consider a violation or questionable. You know, the Brotherhood has a vast patronage network, has vast loyalists on the streets. There's the whole idea of engaging in sectarian discourse that we saw in a number of elections. So there are a lot of practices that could be deemed questionable that will work to the Brotherhood's advantage that aren't rigging in the traditional sense but that I think will cast more and more doubt on the legitimacy of the process. So there are different kinds of "rigging" or ways at least to stack the deck in your favor. And the fact that you get to make the rules

certainly is one of those.

But I do think though that it's important to underscore the extent to which I think this process is going to be seen as legitimate. You know, I talked to -- or at least its legitimacy will be questioned for a very long time to come. I talked to a judge who is a friend of mine who oversaw these elections over the weekend, and in his words the constitution was "stillborn." And he doesn't expect it to last more than two years. I don't know. I don't question his -- I don't know whether it will or won't last longer than that but I think we have to have a much more nuanced sense of the kind of instability that is being built into this program.

MS. WITTES: Thanks. Okay, another question in the back.

MR. FANUSI: Thank you. My name is Yaya Fanusi. I'm with the United States of Africa 2017 Project Task Force.

For a multi-party democracy to be effective you have to have effective alternative government (inaudible) opposition. What are the forces, circumstances, or conditions that are preventing in Egypt for such an alternative to emerge if there is any attempt at expecting them to do that?

MS. WITTES: Okay. Excellent question. The opposition, in order to have an effective multi-party system you have to have an effective opposition. And as you've both discussed, the opposition has proven itself incredibly fragmented. And indeed, Shadi, in your foreign policy piece you pointed out that it's made up of groups with very, very different ideologies or basic philosophies. So what are the prospects to see some coherent, unified opposition emerge? Who wants to start?

MR. HAMID: Yeah, so --

MS. WITTES: Go ahead, Shadi.

MR. HAMID: So part of the problem is liberals in particular haven't

provided an affirmative vision of what liberalism in the Egyptian context means or should mean. So what brings them all together -- liberals, leftists, whatever else -- is anti-Islamism. They don't like what the Brotherhood is doing for different reasons. They're afraid of religious overreach, infringement on personal freedoms, so they're kind of portraying themselves as if you don't like the Brotherhood, go with us. That can work to some extent but that's not a long-term strategy. And I think the challenge, especially for liberals, is going to be articulating liberalism. The problem there is liberal, in many parts of Egyptian society, is a bad word. And to the extent that I remember last parliamentary election, some liberal parties and candidates actually avoided using the word "liberal" when they were campaigning. So that's a big challenge, I think.

And I feel like there's also a kind of elitism in some liberal ranks. The sense that, you know, there was a leading liberal figure, Al Aswany -- many of you have probably read his books -- who essentially went on a rant on Twitter last week saying that illiterate people shouldn't be allowed to vote because they tend to vote for Islamists. And Islamists prey on the ignorance of the uneducated. It hasn't been as explicitly stated as that by others, but there is this kind of sense of disdain for the common man for the poor that sometimes comes across in liberal elite discourse. And I think that they're going to have to find ways to focus in on the ground and reconnect with people who don't know what they stand for. But that's actually very difficult. You can't do that in two months, so they have to have a longer term strategy over years to be able to think about how to reposition themselves and present themselves again to the Egyptian people.

MS. WITTES: Thank you.

You know, one of the most interesting figures during the controversy over the last few weeks has been a former member of the Muslim Brotherhood, who was kicked out of the party because he said he wanted to run for president and has emerged

as a sort of centrist Islamist or liberal Islamist political figure, Abdel Moneim Fotouh.

Would either of you like to talk a little bit about the role he's played? Khaled?

MR. ELGINDY: Yeah. But before I just want to address this issue of the Islamist versus liberal binary. And I think it's a mistake, one, to refer to the non-Islamist opposition as liberals because there is a multiplicity of views and they don't come from a single ideological strand because some of them frankly are not terribly liberal. In the same way that I think a lot of Islamists are -- some are liberal and some are not. I think this has become a self-fulfilling prophecy. This binary of Islamists versus secular, Islamists versus liberal, it really didn't begin this way. There are, you know, at the beginning of the transition there were Islamists on both sides of Their Square. The Salafis, many of them were more quietist, more pro-regime, and of course, we know the role the Brotherhood Youth played in the revolution. And so I think because of this ongoing debate on identity and the constitution and so forth and the intense polarization, it has become *de facto* about being Islamist versus anti-Islamist.

I do think -- I agree with Shadi that the opposition has failed to articulate what it is for as opposed to what it is against. I think they are brought together by more than just an antipathy towards the Brotherhood. I think they have a different vision of Egypt. The Brotherhood has a majoritarian vision of Egypt, and that is you're essentially a conservative Muslim, probably male, and that is a very sort of -- that's a major constituency in Egypt. On the other hand, the opposition has done a poor job of articulating what I see as what they stand for which is broader inclusion, broader anticipation, a different definition of Egypt. An Egypt that is based on diversity and inclusion rather than a strictly majoritarian one. And I think, you know, you can see similar attentions in almost any political environment.

As far as Abdel Moneim Fotouh, he is one of these characters that has

been able, at least up until recently, to straddle this divide of Islamist versus non-Islamist. Part of the problem, and if you go back to the presidential race, the first round of the presidential race where the two most polarizing candidates, the one representing the foreign regime, Hamid Shafik and the one representing the Muslim Brotherhood, Mohamed Morsi, came out on top, you know, they each had about 25 percent and then there was that middle group that was neither rabidly anti-Islamist nor necessarily wanted to see a return of the -- nor were they pro-Islamist. And they were about 50 percent. They were about half of the electorate at least. And this is the group that has been so divided and so unable to articulate a common vision. But over time with the polarization that middle space has decreased. And someone like Abdel Fotouh already back in June during the second round of the election was found -- people expected him to do much better because he could straddle these two arenas. And I think people thought that had mass appeal. But things were already so polarized. And I think things are much more polarized than they were six months ago, so the space for an Abdel Fotouh type of political actor I think is much more limited. So I think he, by taking such nuanced positions, very principal but nuanced positions, I think that has really made him largely irrelevant in the current controversy.

MS. WITTES: Thanks. Shadi, can you add to that?

MR. HAMID: Sorry?

MS. WITTES: Do you want to add anything on that?

MR. HAMID: Yeah, sure. Sure. I mean, I think Abdel Fotouh had a lot of promise when he was running for president. It's an interesting counterfactual of what Egypt would have looked like now if he had won. He was the only candidate who really said Islamist liberal, let's get together with a common vision and try to move away from this Islamist-non-Islamist cleavage. And that's what was appealing about hi to many of

his supporters.

You can straddle all you want. You know, I think it's admirable that people try to straddle, but I think at the end of the day there are real fundamental divides in Egyptian politics and I think they're in some sense unique from other transitions. I mean, if you look at the Latin American transitions they were largely based on economic polarization and that is difficult as we see in Venezuela, but at least you can split the middle on economics. It is very difficult to split the middle on fundamental issues of identity and the nature of the state. Salafis and many Islamists, at most Islamists, believe that the state should not be ideological neutral; that the state should be a protector and promoter of a certain understanding of morality and religious practice. Liberals, if they are liberal, presumably don't believe that. These are fundamental issues and I don't think you can just say, well, you know, sweep them under the rug. At some point Egypt is going to have to have a real conversation about these very thorny issues and it might be resolved in a direction that we as Americans might not be comfortable with.

MS. WITTES: Okay. Let me see if I can get in maybe one or two more questions and then I'll come back to you each for answers to those and any closing comments you want to make. So why don't we take these two right here in front.

SPEAKER: (Inaudible) American Egyptian.

MS. WITTES: Just hold it right up. There you go.

SPEAKER: My question is about the leadership. We see lack of leadership between the Muslim Brotherhood and the liberal camps, and really the liberal camps lost more. They don't have credibility. They give mixed messages to the people, (inaudible) Morsi at the beginning and then about the constitution. He was drove from the constitution assembly for any reason (inaudible) I have a problem with the constitution but the point Khaled mentioned (inaudible) liberals suggested number four

and the Salafi --

MS. WITTES: Okay. And the question?

SPEAKER: Yes. (Inaudible) 219 and both signed for it before. My question is the liberals need to change leadership because (inaudible). What do you think (inaudible) can supply in the future?

MS. WITTES: Okay. Thank you. And just hand the mic to the gentleman behind you.

SPEAKER: Yes. (Inaudible) I'm a member with the Alliance for Egyptian Americans and I'm pessimistic. I think the Brotherhood is heading Egypt very quickly to instability. I think (inaudible) has been shut off between the two parts. My question is do you really believe that the Brotherhood believes in legality and (inaudible)? Do they believe in the law because (inaudible) going in front of (inaudible) or they have been fronting their muscles and using sports and dance --

MS. WITTES: Okay. So what are the Brotherhood's real intentions. That's the question.

SPEAKER: Exactly.

MS. WITTES: Okay, great. All right. I think those are two great questions to end on. One on leadership among the liberals and one on the MB's ultimate intentions. Khaled.

MR. ELGINDY: On leadership, I would agree. And I would say there's been a serious leadership failure on all sides. In fact, I think one of the reasons we're in this crisis is because the political class as a whole has failed and they failed, you know, notwithstanding, I agree with Shadi that there are deep visions, but there are deep divisions in any polity in any society. That's common. I have a very different understanding of politics in this country or a vision or an idea of the United States than,

you know, some politicians on the right or the left. So that's common.

The idea -- I think where the opposition, where the leadership across the board, including the Brotherhood failed, is in their inability to engage in a meaningful consensus-building project. And I think that's the conversation that we were supposed to have around this constitution. That's what the constitution is for. But instead, all sides essentially adopted the approach that either I'm going to win or I'm going to be defeated. And if I'm going to be defeated, I'm going to play the role of spoiler. And that's why you see things like the walkouts because there isn't a sense of consensus, an ability to make consensus. And consensus, I think there is a deep misunderstanding. It's not about, you know, the idea of consensus as I understand it is the lowest common denominator of different groups and not simply the self image of the 50 percent plus one simple majority.

In terms of the rule of law, yes, this is one of the things that I think has been seriously eroded, first under the SCAF rule and that tradition has continued under Muslim Brotherhood rule where two very disturbing developments -- one is when the Brotherhood members surrounded the Supreme Constitutional Court to prevent it from convening, and in some cases the court justices were threatened, and that was a very, very bad precedent. And then, of course, at the palace, at the presidential palace, when a decision was made somewhere within the Muslim Brotherhood to send their supporters to what had been up until then a peaceful demonstration. And of course, there were clashes and violence. I think that was a very serious lapse in judgment, and I think the more the Brotherhood gets into this existential mindset and this sense of paranoia, the more we're likely to see these erosions of the rule of law and bypassing formal institutions and relying more on the Brotherhood muscle or otherwise.

MS. WITTES: Thank you.

Shadi, last word.

MR. HAMID: Yeah, about the Brotherhood's ultimate intentions, that's obviously a big topic. A couple main thoughts on this.

Nathan Brown had a very interesting article in *The New Republic*. The title was I think illustrative. It was 'Just because Mohamed Morsi is paranoid doesn't mean he doesn't have real enemies.' So yes, the Brotherhood is very paranoid, but there were certain elements of the deep state, primarily the judiciary, that were out to really damage the Brotherhood's standing in society. And there is evidence for that and that is what already happened, the dissolution of parliament. And I think that to me was one of the worst moments and one of the most dangerous of the transition because it fed into the Brotherhood's narrative that the world will not let them win in elections and govern. The memory of Algeria shapes everything that they do, and we can disagree whether or not these fears are legitimate, but that's the way they see the world around them. My hope is that if they feel more secure, if some of those threats can be removed, the judiciary plays a less politicized role, a more independent role, then maybe they'll be able to take a step back. I don't know. We'll have to wait and see, but I think that would be the hope.

Now, there are variables that will affect that that we can't really control. I think what the U.S. and Europe do and international financial institutions do is going to matter. Morsi really cares about what the international community thinks about him. The Brotherhood is very sensitive to that because they need outside support to get their economy back on track. So there is a real point of leverage there. So if we can use that then I might actually be a little bit more optimistic.

But in terms of what the long-term goal is, Islamists are Islamists for a reason, and let's not pretend that they're something they're not. They aren't going to become liberals. All this nice talk about post-Islamism, it's not realistic because we're

talking about deeply religious conservative societies where large majorities -- maybe they don't vote on the basis of Sharia, but they are sympathetic to the role of Sharia in public life. And democracy can actually empower those elements of society that would push society further to the right. And that's not just Egypt. We see that in other democracies, whether it's Hungary, Israel. It's not a unique thing today where democracy doesn't always have a moderating effect, and Islamists do want to have a more Islamically infused Egypt. And that is going to be somewhat illiberal, if not illiberal.

MS. WITTES: Thank you very much. Folks, thank you. This was a fascinating discussion. I appreciate your wonderful questions, and please join me in thanking Khaled and Shadi for their comments.

(Applause)

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