Electoral System Dysfunction: The Arab Republic of Egypt

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Political Science

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Political Science

Abstract

Elections are the cornerstone of democratic systems, but the form they take and their overall quality varies widely. In this paper, electoral systems and their formulae for deciding a victor are analyzed using the Arab Republic of Egypt as a case study. This manuscript explores how the differences in electoral formulae influence voting behavior and governmental longevity. An analysis is done through a qualitative and quantitative study of Egyptian elections, beginning with Anwar Al-Sadat in 1970 and ending with Abdel Fattah Al-Sisi in 2018. We find that the Egyptian majoritarian system has not provided increased legitimacy, as suggested by the literature for a variety of reasons. This leads to further questions about the electoral formula in Egypt as well as the role of other institutions in the Egyptian political system.

Keywords:MENA, Egypt, elections, electoral systems

Introduction

The Arab Republic of Egypt is the state that now has political hegemony on an area in which human society has grown and prospered for millennia. This country, as with many on the African continent, perennially struggles with autocracy and the short lifespan of government. While many explanations can be made as to why, the one that rises above others is the majoritarian system in which elections are decided. Egypt, throughout this paper, will serve a case study for the theory that an electoral system, more specifically the electoral formula, influences the political character of a country.

Various literature will be aggregated forming the academic basis of this paper. The literature presents three separate electoral systems and their formulae for deciding a victor in elections, whether it be parliamentary or presidential. These include majoritarian, plurality, and proportional, as well as mixed systems. Each of these systems has benefits and detriments influencing the character of a political system.

The contemporary history and geography of Egypt will be briefly reviewed as well. After this review, the literature will serve as a rubric for the analysis of the Arab Republic of Egypt. This analysis will be done through a review of governmental and non-governmental data on registered voters, voter turnout, number of rounds of voting held, years a head of state serves, and number of constitutional revisions.

Other variables examined will be the constitutional basis for these regulations, and how these regulations are circumvented by the executives or military of Egypt. The events that initially led to the rise of authoritarianism in Egypt, and the lasting impacts of the Arab Spring and the Egyptian Revolution will be considered. Measures that could be enacted by the Arab Republic to rectify their electoral system that hinders the designation of a free democracy will also be discussed.

Literature Review: Electoral Systems and Elections

Electoral systems are the processes through which officials are selected by the populace to serve in the government. When a country democratizes, or reconstitutes, the drafters must select a metric to determine how one can be declared the victor when the votes are tallied. Quintal (1970, 752) succinctly states that "An electoral law authoritatively prescribes the manner in which the political preferences of a community are to be expressed and ordered." Each system, with its associated laws, poses challenges that affect the political structure existing within a state.

In 1958, Grumm articulated theories underpinning electoral systems. The main systems that exist are plurality, proportional, and majority. Plurality systems are systems in which the person who receives the most, but not a majority of the vote, is declared the winner. Proportional is the system in which the percentage amount a party wins above a minimum is equivalent to the seats in the legislative body they are awarded. Majority systems require someone to get above fifty percent of the vote to be declared the winner (Grumm, 1958).

Grumm examines proportional representative systems. The traditional thought is that in a proportional representative system, multipartism is the result, and that in a plurality system, with single-member districts, bipartisanism is the result (Grumm, 1958). He finds, based on European case studies, that there is not an empirically valid explanation for the relationship between proportional representative systems and multipartism or between bipartisanism and majority or plurality systems.

Similarly, Blais examines these same systems and divides them into their empirical and normative observations as presented by Grumm. In a plurality system, a state garners its strength and political stability from the possession of a one-party state. With this, the head of government can pass their legislative priorities and

govern effectively. Blais cites data from a 1984 study in which in a sample of 120 countrieswhere 45 select their representatives through a plurality or majority system, the mean minimal majority was only 1.15 parties, compared to the 1.96 mean minimal majority for proportional rule systems (Blais, 1991). This would lead to the conclusion that plurality systems are the most efficient way to form a government, as there are fewer parties involved. Proportional rule makes it difficult to form new governments. In Anglo-American countries (plurality rule) governments are "dismissed" in 39% of elections compared to 23% of elections in (proportional rule) Europe. Blais ultimately concludes that the values of each form of government are similar to the functions of a government (Blais, 1991).

Blais also summarizes the argument for a proportional representative electoral system. He does this by providing a diagram that details how this electoral formula provides a descriptive representation of opinions. This allows for an enhanced state of responsiveness among representatives as well as lending the government legitimacy which maintains order. The last electoral formula he looks at is the majority system. The two arguments for this system are that representatives who are elected have strong support which grants legitimacy and that it weakens extremist parties, leading to political order. Blais notes that the legitimacy of electoral systems is dependent upon voter turnout.

When an electoral system is being selected, it is necessary to know how it will affect the various potential and current political parties. Quintal (1970) formulates a framework to explain the various effects. He examines legislative costs, quantified in terms of votes, for different electoral laws. In parliamentary systems, he finds that a plurality system requires a higher form of payment from smaller parties than from larger parties, while list systems of voting equalize the payments. The higher form of payment that Quintal discusses is literal, in the sense that smaller parties physically must expend more capital to obtain the same amount of power. It is also figurative in the sense that socially they must use more effort than larger parties to achieve electoral goals.

He finds that as the seat to vote ratio increases, the total costs experienced by a party increase overall. He then looks at contingent costs incurred due to political change. There is a high decision-making cost associated with changing electoral law, especially in a coalition of parties over a single party. Extrapolating from this, one can assume that because of the immense social cost required to change electoral law, once it is set it is seldom changed. This makes it important to know why a system was selected in the first place.

Norris (1997) builds on the conclusions generated from Blais's work and starts to analyze the previous question. She describes how framers of constitutions select an electoral system. She maintains the classifica-

tions of electoral formulae, majoritarian, semi-proportional, proportional, and mixed systems; she further breaks them down into their component parts then does a global study, sorting countries into the categories she defines. In Norris's 1993 study, 83 out of 150 countries were found to have majoritarian electoral systems, with the remaining using some form of the other three systems (Norris, 1997). She finds there is no "best" electoral system. When a system is chosen, many things are taken into consideration, such as accountability, coalition-building, representation of social groups, casework, single party or coalition government generation, vote proportionality, and the impact it will have on the party system. Each system impacts these metrics in various ways (Norris, 1997).

Interestingly, there seems to be very little difference in voter turnout between majoritarian, mixed/semi-proportional representation, and proportional representation. The country that has the highest voter turnout in the study is Australia, which has mandatory voting enforced by a small fine, which is a byproduct not of its electoral formula but its wider electoral laws. This opens the door to a wider study of how the different requirements to vote affect political systems (Norris, 1997).

As has been stated, in majoritarian systems a candidate must receive over fifty percent of the vote to be declared the victor. This leads to multiple rounds of elections. Blais et al. examine the effect this system has on the voters within a given country. The Downs Model of Voting ($V = pB - C + D$) serves as the basis of this study, with special attention paid to the B and V variables. B is the perceived benefit from candidate and V that candidate's viability. The Downs Model of Voting mathematically models the cost/benefit of an individual going to cast their ballot. (Blais et al., 2011). They find that strategic vote choice does not vary between one-round and two-round voting at statistically significant levels. The external validity of this study, however, is questionable with its small scope and smaller sample size, but its results potentially offer indicators of a tendency in the larger population.

After an electoral system is selected, its effects and benefits must be measured. Teorell and Lindstedt (2010) gauged the best metrics to analyze these various electoral systems. They take models used by past researchers and attempt to replicate the results found within their studies. Data sets from Golder (2005), Persson and Tabellini (2003), The Database of Political Institutions, Johnson and Wallack (2003), are the basis for the analysis.

The first data set provides electoral system data for 867 legislative and 194 presidential elections. The second provides data on rules in use for elections for 85 lower legislative chamber elections from 1960-1998. The third provides data on electoral systems for both lower and upper houses in a global sample of both democratic and non-democratic countries from 1975-2006. The final is

Political Science

a data set that provides measures for the variables being tested (Teorell and Lindstedt, 2010).

They conclude that there is no empirical benefit for any of the data sources and their scope, finding only a theoretical benefit for them (Teorell and Lindstedt, 2010). This indicates that the macro-data one uses, at least of the ones sampled, does not have a significant impact on the outcome of the study; but that the variable being measured and at what level they are being measured are important to the results of the study. The various data consisted of various quantitative variables surrounding electoral systems, the implication being that there is not an empirical, only a theoretical benefit to these measurements.

The literature presents an image of electoral systems globally. Whether they be proportional, plurality, majority or some mixture thereof, each system offers unique challenges for the state that implemented them. Proportional systems offer descriptive representation but government forming is difficult. Plurality and majority systems have less descriptive representation but forming a government is easier, although the legitimacy of the government is dependent upon voter turnout. The level of difficulty political parties encounter when seeking to gain control of the governing apparatus also varies. These factors, derived from the literature, will be aggregated and used to form the metric with which the Egyptian electoral system will be measured.

Background: The Arab Republic of Egypt

The literature offers a multitude of metrics with which to analyze the Arab Republic of Egypt, its electoral system, and the effect that it has on the political system and culture. Noting that the scope of this paper is contemporary Egypt, before delving into the current electoral system, it is necessary to briefly review Egypt's geography and modern history.

The country is situated in Northeast Africa and is the only country on the continent that is connected to the Middle East (Asia Minor). It has access to both the Mediterranean and Red Seas (BBC News Editors, 2005). The geopolitical significance of this is immense, as it gives them, and whomever their allies happen to be at the time, a path to get to the Atlantic and Indian Oceans. The population of Egypt is, as of 2018, 93.5 million, making it the most populous in the Middle East and North Africa. The major Egyptian cities are concentrated around the Nile River Valley due to the generally arid climate ("The World Factbook 2018").

Egypt was not colonized in the same way as much of the rest of Africa was. It was named a protectorate of Britain in 1914 after being conquered by them in 1882. This lasted until 1922 when Fuad I became the King of Egypt and the country became officially independent, although British influence remained significant. Egypt was still short of full sovereignty. There is little significance to note about the rule of King Fuad I, with one exception: The Muslim Brotherhood was founded in 1928 by Hassan Al-Banna. The Muslim Brotherhood campaigned against western influence in Egypt; this legacy will be one built upon by opposition parties later in Egyptian history. (BBC News Editors, 2018).

Twenty-five years later, a coup d'état occurred, ending the monarchy. The coup leader, Colonel Gamal Abdel Nasser seized power, ruling until his death in 1970. Nasser formed the United Arab Republic which was made up of Egypt and Syria, and was a byproduct of Pan-Arab sentiments. Syria eventually seceded from the union in 1968, however Egypt retained the official name of the Arab Republic of Egypt. Nasser's iron fist rule of Egypt set the stage for the rise of authoritarian regimes such as Anwar Al-Sadat in 1970 and in 1981, Hosni Mubarak.

The Mubarak regime is one most often noted by the international community when referencing Egypt. Mubarak re-declared a state of emergency severely limiting political activity, freedom of expression, and of assembly (Sharp, 2006). Mubarak was not the first, nor was he the last to invoke a state of emergency to limit the freedoms of Egyptians.

President Mubarak and his supporters in the Egyptian military maintained a stranglehold on the country's electoral and political system. That is until 2011, when Egyptians inspired by the popular uprising occurring in the nearby Republic of Tunisia, revolted against their autocratic regime. Mohamed Bouazizi setting himself ablaze, ignited revolution across North Africa and the Middle East. Egypt was one of the sixteen countries who participated in this revolutionary Arab Spring. The longstanding political order in the region, especially in Egypt, was essentially shattered, even among regimes who instituted reforms while avoiding democratization (Rudbeck et al., 2016).

Case Study: The Egyptian Electoral System

Anwar Al-Sadat set the stage for the rise of his successor, Hosni Mubarak, to take the reins of the government of Egypt and establish himself as a lasting autocrat. Article 5 of the 1971 constitution sets up a multiparty system, stipulating the parties are regulated by law and that the Egyptian people have the right to establish political parties under the same regulations. It also stipulates that religious based political parties are prohibited. The prohibition of religious based political parties on one hand ensures that the government is not legislating religious beliefs. On the other hand, this prohibition restricts the freedom of speech and of religion among the Egyptian people (Constitution of the Arab Republic of Egypt, 1971). This is a significant stipulation on both grounds. The constitution then allowed for political parties to be restricted by non-constitutional law.

This constitution set forth a majoritarian system of election. The election of the president is governed by this regulation. The constitution set no term limits which allowed indefinite rule. (Egy Const, art. 77). While this could allow for democratic rule, as it does in many European states, in Egypt it has only empowered dictators. In theory, due to this majoritarian system, a run-off election would be required, however other sectors of the constitution would have prevented a significant challenger to President Al-Sadat. Political parties wishing to field a candidate for election had to be in existence for at least five consecutive years, with 3% of the elected members of both the People's Assembly and the Shura Council, the two chambers of the bicameral parliament of Egypt. Not only this, but many of the extensive freedoms and rights within the constitution were in a perpetual state of suspension. Nasser, albeit under a different constitution, Al-Sadat, and Mubarak all wielded this power as tool to circumvent the constituted electoral system and political freedom of Egypt.

Mubarak, hearing the political warning bells signifying the end of his reign, instituted further restrictions on political parties that threatened his power. Constitutional amendments banning the formation of political parties based on race, religion, or ethnicity were passed by a 76% approval despite low voter turnout. This was the final revision of the 1971 constitution.

In 2005, the last presidential election of the Al-Sadat constitution and government was held. President Hosni Mubarak faced nine challengers from minor political parties. However, before this election, the constitution did not allow the Egyptian people to directly elect their President. An amendment approved by the President was selected by the People's Assembly and approved by a nationwide popular referendum.

Despite the multitude of candidates, the incumbent had no trouble achieving an absolute majority. At that time, Egypt had over almost 32 million registered voters. Of that roughly 32 million people, only a minute number of voters showed up to cast their ballot. Twenty-two percent, or 7.3 million Egyptians went to the polls. Hosni Mubarak of the National Democratic Party achieved an astounding, compared to western elections, 88.57% of the vote (Sharp, 2006).

The Egyptian Parliamentary elections in 2005 occurred in three rounds until an absolute majority was achieved by a party, with 5,414 candidates competing for the 444 out of 454 seats. Under the 1971 constitution, the President Mubarak was granted the ability to appoint 10 members of the parliament. This left only 444 of the seats available for Egyptians to run for. Mubarak's National Democratic Party (NDP) contested all 444 electable seats.

Showing a quirk in the Egyptian electoral system, the NDP successfully fielded only 158 actual party members, an electoral showing of 35%, far below the absolute majority necessary to be declared the winner and parliamentary majority. This was circumvented by the 166 "independent" candidates who successfully gained seats within the People's Assembly. These independent candidates were NDP partisans. They switched their partisan classification awarding the NDP 324 seats, a 72% majority.

The Muslim Brotherhood grew from the anti-western organization founded in 1928 to a significant political organization despite being banned from organizing as a political party. This, of course, was due to the de jure electoral secularism. Their strong showing in the first round of this election (88 seats and a 58% victory percentage) was significantly curtailed by repression and arrests in the next round (Sharp, 2006). While the government could have argued then this was done merely to enforce the secularism of the government, it was a clear attempt by the NDP to maintain their electoral majority.

Six years later, the political unrest of the Arab Spring ignited within the Egyptian people a revolutionary spirit. The Egyptian Revolution triggered from this only lasted two weeks. In less than two weeks, on February 1, 2011 to be specific, Mubarak announced that he would not seek re-election for President. The protests in Tahrir Square in Cairo had to fend off state actors in the form of law enforcement personnel, and of what were most likely government funded mercenaries. The inability for the Mubarak regime to disperse the protesters showed the significant lack of political and social capital he wielded. The popular uprising could withstand him, and it did: Mubarak stepping down on February 11, 2011 (Rudbeck et al., 2016).

The military of Egypt, through the Supreme Council of Armed Forces, was given power, suspending the 1971 constitution. The Tahrir Square protesters remained for months, before the military finally dispersed them in August. They returned in November, and violence began once again, as the military was accused of attempting to retain their control of Egypt. Parliamentary elections were held following the naming of a new unity government led by President Mohamed Hussein Tantawi.

Alongside the elections was a referendum on a constitutional amendment. It would change Article 77 of the Constitution to implement a two-term limit and four year terms onto the President of Egypt. The term limits were intended to weaken the ability for a President to consolidate power for long periods of time. This, however, was the only safe guard on the ballot. The registered voters at that time totaled 45 million. Turnout was, compared to previous showings, incredible, with 41% of Egyptians turning out to approve the amendment by a 77.3% majority ("Egyptian Election Statistics 2000-2018").

The first and last election to happen under the

Political Science

post-Egyptian Revolution amended constitution occurred in June of 2012. Mohamed Morsi of the Freedom and Justice Party (sponsored by Muslim Brotherhood) faced Ahmed Shafik, an independent, as well as other minor party candidates. Of the 51 million registered voters, 51.9% voted for President. This is the highest turnout for a Presidential election in Egypt thus far recorded. A second round of voting was necessary as no candidate achieved an absolute majority. Following this, Mohamed Morsi took 51.7% of the vote in this run off beating the Ahmed Shafik. ("Egyptian Election Statistics 2000-2018").

Notably, following the election of Mohamed Morsi, the beginning of a constitutional drafting process, and the extension of freedoms, Freedom House reclassified Egypt as a partly free state (Freedom House, 2013). This is an increase from their 2012 ranking of not free. Independent news media increased but was not free from state sponsored censors. University leaders were no longer appointed by the government. Independent labor unions began to increase. The new constitution was controversial despite political reforms extending freedom in Egypt, because it was perceived to be an Islamist constitution written by an autocrat (Fayed and Saleh, 2012).

Morsi issued emergency laws to keep the judiciary from dissolving the Constituent Assembly or dismissing him as head of state as the constitution was drafted. These emergency orders were put forth due to the Supreme Constitutional Court ruling the statutes under which the parliament had been elected unconstitutional (Masoud, 2014). The lower house of the Egyptian Parliament was tasked with drafting the new constitution, while the upper house was tasked with legislation. The resulting constitution created a House of Representatives and a Consultative Assembly. It maintained the majoritarian system for presidential elections and a four-year term (Egy Cons. Art. 133 and 136, 2012; Masoud, 2014).

The constitution leaves it to the government to statutorily decide the formula for how one is elected to the House of Representatives, but it does set forth a universal secret ballot for both the lower and upper chambers (Egy Cons. 2012). The constitution was approved with a 33% voter turnout from the 51 million voters and 64% voting yes in a two-stage referendum ("Egyptian Election Statistics 2000-2018"). This constitutional approval did not bolster the Morsi presidency.

On July 3, 2013, Morsi was arrested by Egyptian military officers, not for any crime, but for a failure to build consensus within the Arab Republic as well as economic downturns, fuel, and electricity shortages. Morsi was imprisoned. The parliament remained officially dissolved. With no stable governance, the Supreme Council of Armed Forces, which had been weakened under the Morsi presidency, once again had control of Egypt

(Kirkpatrick, 2013).

Now yet another constitutional vacuum was present in Egypt. The 2012 constitution was suspended, and a committee to revise the constitution was created. It kept most of the provisions of the constitution, such as an Islamic basis for the state. The Egyptian Parliament was altered once more. The Shura Council was abolished and the House of Representatives was created wielding some legislative power, but not enough to effectively counteract the executive. Other changes were a strengthening of language protecting women, the removal of quotas for peasants and workers, and other minor details. A supermajority of voters approved of the constitution. Thirty-eight percent of the 53 million voters voted on the referendum, with 98% voting yes.

In 2014, Abdel Al-Sisi, an independent, and the military leader who delivered the military ultimatum to Morsi, faced Hamdeen Sabahi of the Egyptian Popular Current Party. Forty-six percent of the overall registered voters participated in this election, electing Al-Sisi President by almost as much of a majority as the constitution had been approved by, with 96.8% of the vote.

Four years later, the third presidential election of the post-Mubarak Egypt has occurred. President Al-Sisi once again stood for election in the Arab Republic. Detractors accused the incumbent of intimidating challengers and selecting his opponent for his weakness. Out of the 60 million registered voters, 41% of voters participated in the election; once again with 97% of the vote Al-Sisi was reelected (McKenzie et al., 2018). Whether the 2014 constitution and President Al-Sisi will have longevity is unclear, with Al-Sisi already contemplating constitutional reforms to allow him to run for a third term.

Discussion and Conclusion

Blais asserts that a majoritarian system causes there to be strong support for whomever is elected. This in turn gives the government legitimacy and maintains order and weakens extremist political parties, and these factors interplay cyclically. This reality is elusive for the Arab Republic of Egypt, even with high voter turnout. Leaders who were elected with a majority or super majority have been frequently deposed, and the constitution their election was based upon dissolved by the military.

It seems clear that the electoral system in Egypt serves as an effective case study for the relationship between electoral system and political character. The majoritarian system leads to aspiring autocrats ensuring that they can get a majority, not through building a broad coalition, but through abusing the state apparatus. Their tactics mar the political culture of Egypt. Political parties that dissent from the party-in-power have often been banned and their leaders subject to imprisonment. Journalists in Egypt have widely been replaced with state sponsored

media that ignores oppression and syndicates the ruling party's line. These civil and political repression tactics appear incidental to the pursuit of an electoral majority

Ultimately, for Egypt to prosper politically, and to attain a political culture conducive to free democracy, its electoral system must be revised. This could be a shift to a plurality system, or Egypt could adopt a parliamentary system, with a weak president, a coalition elected prime minister and proportional representation. A proportional representation system comes with its own challenges, but it would mitigate the ability for an autocrat to rise within Egypt. With these reforms, a free, genuinely democratic Egypt may be seen in this century.

Setting aside the majoritarian electoral formula explanation for the transient nature of Egyptian governments and constitutions, the Egyptian military poses a threat to longevity as well. It functions as an autonomous government in and of itself alongside President Abdel Al-Sisi, with the Supreme Council of Armed Forces being empowered for another four years to appoint a defense minister under the terms of the 2014 constitution. It was the military that controlled the government in 2011 both with and without Mubarak. A military officer replaced Morsi after his arrest. Reining in the military and shifting to a proportional representation system, while herculean tasks, would increase the legitimacy of the Egyptian government.

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Political Science