2014

The Revolutionary Spirit in Egypt: An Arendtian Perspective

Daniel G. Randolph

Follow this and additional works at: http://digitalcommons.law.yale.edu/yjil

Recommended Citation
Available at: http://digitalcommons.law.yale.edu/yjil/vol39/iss1/7
Comment

The Revolutionary Spirit in Egypt: An Arendtian Perspective

Daniel G. Randolph†

I. INTRODUCTION

Among the many questions raised by recent events in Egypt is this one: to which tense does the revolution belong? As of this writing, there is certainly evidence that the revolution has passed. Hosni Mubarak, the previously overthrown dictator, has been released;¹ Mohamed Morsi, once a popularly elected president, has been overthrown;² and the current regime, with its demonstrated willingness to crush political opposition violently, resembles the most oppressive aspects of the previous two.³ Yet the situation in Egypt is currently characterized by intense volatility. Although protests from Muslim Brotherhood supporters have waned significantly in the shadow of merciless crackdowns, protestors have adapted, and widespread resistance continues.⁴ Significantly, the resistance movement has recently showed signs of widening its focus and broadening its base. A protest march drawing thousands voiced opposition to the Muslim Brotherhood and the current regime. Many of the signs declared, "No legitimacy and no mandate; the revolution is back!"⁵

† Yale Law School, J.D. expected 2015; University of North Carolina, B.A. 2009. For designing the seminar that gave rise to this piece, and for invaluable substantive feedback as it was developed, thanks to Professors Owen Fiss and Anthony Kronman. The editors at The Yale Journal of International Law, particularly Matthew Blumenthal and Jennifer Skene, provided very helpful feedback throughout the publishing process. Magdey Abdallah and the students in his reading group have facilitated my efforts to adapt the paper's arguments to Egypt's rapidly shifting political landscape. Finally, thanks to Professor Larry Goldberg, who first sparked my interest in Arendt.


However, whether the revolution is "back," or whether it has been ongoing for nearly three years, is ultimately beside the point of this Comment. More relevant is that persistent, ground-level turbulence that began with Mubarak's overthrow has twice before prompted political leaders to enact fundamental, constitutional reform. Yet none of those efforts has effectively quelled the unrest. Now, once again, constitutional reform is imminent. A ten-member panel of judicial experts and members of the judiciary has recommended a number of constitutional amendments to a recently convened fifty-member panel of party and community leaders. After a months-long dialogue between these two panels, the proposed amendments will be subject to a popular referendum.

The drastic failure of previous constitutional reform suggests—and this Comment will argue—that Egyptian political leaders have overlooked something quite fundamental about the nature of Egypt's revolution. While stating their desire to heed the "genuine and authentic will of the people," they have failed to adequately understand the popular will and to diagnose the root cause of an earth-shaking movement. This is perhaps because they have failed to ask a particularly basic question: was the revolution in Egypt a "revolution" at all?

Hannah Arendt, for one, would argue that only some of the social movements that we colloquially refer to as "revolutions" are in fact deserving of that name. Arendt cautions us to distinguish true revolutions from mere coups d'état, civil wars, and "palace revolutions." The distinguishing criterion is the aim of the violence. True revolutions have a dual aim: they seek both liberation via regime change, as well as the creation of lasting institutions that preserve public freedom.

Determining whether we can call the Egyptian Spring an Arendtian "revolution" is not merely a semantic inquiry. Indeed, the investigation requires determining the root cause of the movement, which will naturally point towards an explanation for any continuing unrest and suggest possible legal and policy


10. Id. at 25; see also id. at 133 ("[T]he end of rebellion is liberation, while the end of revolution is the foundation of freedom . . .").
solutions. In this sense, answering the "true revolution" question is actually another means of gaining insight into the questions of diagnosis and cure. If we know that Egypt's revolution is an Arendtian one, then it can only be successful if it somehow creates institutions that preserve the revolutionary spirit that engendered it: institutions that allow for the exercise of public freedom.\footnote{11}

In this Comment, I argue that the Egyptian revolution is, indeed, a "true" Arendtian revolution, and that politicians and legal experts should keep that characterization in mind as they recommend further constitutional reform. After a brief overview of Arendt's conception of public freedom and the "revolutionary spirit" in Part II, I examine evidence of this quest for public freedom in Egypt's post-Mubarak history in Part III, focusing on two primary phenomena that demonstrate the existence of Arendt's revolutionary spirit most strongly. The first is the rapid and widespread emergence of "popular committees," political organizations that bear a striking resemblance to revolutionary societies in eighteenth-century France and twentieth-century Russia. The second is the pervasive use of social media for civic engagement and participation in political affairs. Finally, in Part IV I consider the likely course of the revolutionary spirit in Egypt and propose a few constitutional reforms that the current regime's appointed panel of legal experts (or any future drafters) should consider in order to achieve a lasting resolution to the unrest.

II. PUBLIC FREEDOM AND THE REVOLUTIONARY SPIRIT

Arendt asserts that all true revolutions are motivated by a dual aim: they are "concerned with both liberation and [public] freedom."\footnote{12} Liberation is straightforwardly defined; its "fruits are absence of restraint and possession of 'the power of locomotion.'"\footnote{13} Arendt devotes many pages in various works to articulating the nature of public freedom; a brief précis of that articulation will be sufficient here.

In order to be free, one needs to appear before—to be seen and heard by—a community of equals. The archetypal example of such freedom came into existence with the Greek city-state, under the auspices of which citizens became equal before and because of the law.\footnote{14} Here, equality was a precondition for freedom because freedom could only be manifested in actions that were seen, heard, evaluated, and remembered by one's peers.\footnote{15} These actions had the

\footnote{11. It should be noted that although Arendt's theory provides one means of assessing the root cause of a revolution, there are quite evidently multiple causes for the unrest in Egypt, and many necessary corresponding policy responses. I do not suggest that Arendt's theory on revolution is by itself sufficient to explain the events of the last few years in Egypt. Rather, I think it provides fundamental insights that are lacking in more typical explanations, which tend to explain the revolution in terms of a struggle for either economic rights or civil liberties.}

\footnote{12. ARENDT, ON REVOLUTION, supra note 9, at 23.}

\footnote{13. Id.}

\footnote{14. Id. at 20-21.}

\footnote{15. Id.; see also HANNAH ARENDT, BETWEEN PAST AND FUTURE 147 (Penguin Books 2006) (1961) [hereinafter ARENDT, BETWEEN PAST AND FUTURE] ("Freedom needed, in addition to mere liberation, the company of other men who were in the same state, and it needed a common public space to meet them—a politically organized world . . . .")}
character of "virtuosity . . . where the accomplishment [lay] in the performance itself," similar to the brilliance of the performing arts. Public freedom, then, is both constructed—in that it is only possible where a political institution artificially bestows equality upon its members—and constructive—in that it is expressed through action, through the creation of something new. Practically speaking, public freedom is exercised in deliberative, self-governing bodies. It is here that one may truly act in the presence of equals.

The spirit of public freedom, engendered by the Greek city-state and carried forth by the republic of Rome, lay dormant for centuries. It reemerged, according to Arendt, with the French and American revolutions of the eighteenth century. The "revolutionary spirit," then, was essentially a spirit of public freedom. Americans revolted not primarily because they were being unjustly taxed, but rather out of a yearning to expand the political space in which they could be free. They sought to increase their "share in public business" from town assemblies to ratifying conventions, from the local to the federal. The revolution's lofty, implicit, and ultimately unachieved goal was the creation of an institution where the revolutionary spirit of public freedom could survive for generations, beyond the chronological end of the revolution.

The line between liberation and revolution may be drawn in the French example as well: after the violence of liberation, the true French Revolution occurred not only in the National Assembly, but in the forty-eight sections of the Parisian Commune and in numerous clubs and societies. These were "assemblies where the citizens [could] occupy themselves in common with [these] public matters, with the dearest interests of their fatherland." It was here, where French citizens could directly engage in deliberation and decision-making, that freedom was manifested. The soviets (councils) that emerged during the Russian Revolution were likewise "revolutionary organs of self-government."

Public freedom explains the cause and nature of true revolutions. It is the quest for public freedom among those who have tasted or dreamed of it that impels men and women to revolt. The signs of public freedom being exercised are discernible in the unfolding of a revolution. Historically, we have seen them

16. ARENDT, BETWEEN PAST AND FUTURE, supra note 15, at 151 ("Men are free . . . as long as they act, neither before nor after; for to be free and to act are the same.").
18. ARENDT, ON REVOLUTION, supra note 9, at 24.
19. Id.
20. See id. at 110 (describing the unique kind of happiness Americans derived from exercising public freedom in town assemblies and, later, constitutional conventions).
21. Id. at 117, 223-24.
22. Id. at 231-32.
23. Id. (quoting Maximilian Robespierre, Report to the Assembly on the Rights of Societies and Clubs (Sept. 29, 1791)). Although both Robespierre and Saint-Just lauded the societies for their ability to foster the public spirit, after occupying positions of political power both men turned against the societies. See id. at 235-36.
24. Id. at 239.
in the form of organized groups and associations, publicly-oriented deliberations and discussions, and the exercise of political leadership. In these political spaces, individuals can appear before equals, act, and be witnessed as they participate in the creation of something new.

To find that the unrest in Egypt is indeed a true Arendtian revolution, we must find evidence that the violence has been motivated by something more than mere liberation from oppression—that its spirit was not only destructive but also constructive. In other words, if the Egyptian revolution intended more than liberation, we should see that Egyptians themselves have participated in public affairs and the activities of governance. We should see that they have not only expressed grievances about the past, but also deliberated about the future. We should see that they have not only protested the abuses of the old regime, but have also actively taken on the responsibilities of governance to build a new one. We should see a modern, Egyptian analogue to America’s town meetings and ratifying conventions and France’s revolutionary clubs and societies. We should see what Thomas Jefferson described as “the germs, the first feeble beginnings, of a new type of political organization, of a system which would permit the people to become . . . ‘participators in government.’”

III. THE REVOLUTIONARY SPIRIT IN EGYPT

Arendt cited American ratifying conventions and French clubs and societies as evidence of those movements’ truly revolutionary character. In making an analogous claim with respect to Egypt, I draw evidence primarily from two phenomena: the emergence of popular committees as informal organs of neighborhood governance, and the widespread use of social media for participation in political activities. Like their eighteenth-century counterparts, these events arose in the aftermath of major regime change, and they reveal vividly how large numbers of Egyptians have actively asserted their public freedom.

A. Popular Committees

The scene is an alleyway in Imbaba, an impoverished and densely populated Cairo neighborhood. It is approximately 8:30 PM, and about a dozen local residents are setting up chairs, borrowed from the local coffee shop. They start discussing food prices and garbage collection. Then they decide to approach the social security employees who distribute food stamps with a proposal to streamline their distribution system. This is not an aberration, but merely one example—recorded in early 2012—of one of Egypt’s popular committees in action.

These informal local governments first emerged to fill a security void in the wake of the fall of the Mubarak regime. Convicts had been released from

---

25. Id. at 236 (quoting Thomas Jefferson).

prisons at the same time that police were removed from the streets.\textsuperscript{27} Although they began in major cities, the popular committees quickly expanded to rural regions as well, and they organized a national conference in April 2011.\textsuperscript{28} Their original mission, developed in response to the urgent need for community security in the absence of police, has since broadened: while they continue to exercise a "neighborhood watch" function, most popular committees now engage in a startlingly broad array of governing activities.\textsuperscript{29}

Given the dire economic and infrastructural conditions facing most Egyptian communities, much of the popular committees' work has necessarily focused on direct quality-of-life improvements. Various committees have recruited large groups of volunteers to monitor traffic.\textsuperscript{30} They have organized sporting events and street cleanups.\textsuperscript{31} Not only have committees engaged local residents in improvement projects, but they have also served as a crucial intermediary between the people and the state. That role has often been oppositional: committees have fostered transparency and bolstered accountability by exposing corrupt local officials and abusive police officers.\textsuperscript{32} But the committees have also successfully lobbied and cooperated with the state to acquire and deliver essential services to neighborhoods, including healthcare, gas lines, and lighting.\textsuperscript{33} The committee in Imbaba elicited a personal visit from the governor of Giza and a promise to remove all garbage within a week.\textsuperscript{34}

However, these bread-and-butter accomplishments should not obscure the decidedly political nature of popular committees. They are, in fact, deliberative bodies for discussing, charting, and actively shaping the future course of Egypt. The Imbaba committee has organized nonpartisan political education classes\textsuperscript{35} and a "Know Your Rights" campaign.\textsuperscript{36} A committee in Al Basatin, outside of

\textsuperscript{27.} Asya El-Meehy, Egypt's Popular Committees: From Moments of Madness to NGO Dilemmas, 42 MIDDLE EAST REP. 29 (2012), http://www.merip.org/mer/mer265/egypts-popular-committees. One of the many examples of political déjà vu over the last several months has been the resurgence of popular committees in the wake of Morsi's downfall, again for the purpose of restoring security and order. Their assistance was at first actively encouraged by the current regime; then it was banned. See Maria Abi-Habib, In Egypt Clashes, Civilians Oppose Protesters, WALL ST. J. (Aug. 17, 2013), http://online.wsj.com/news/articles/SB10001424127887324139404579016443005082408; Egyptian Police Ban Popular Security Committees, AHRAM ONLINE (Aug. 18, 2013), http://english.ahram.org .eg/NewsContent/1/0/79387/Egypt/Egyptian-police-ban-popular-security-committees.aspx.

\textsuperscript{28.} Id.

\textsuperscript{29.} Much of the evidence in this Section (and, to a lesser extent, the following Section) is anecdotal in nature; it focuses on the activities of particular committees (or later, social media sites) rather than provide aggregate data on the number of such organizations or the demographic makeup of their membership. This reflects both the novelty of the phenomena and the consequent paucity of empirical studies on the topic.


\textsuperscript{31.} Mills, supra note 26.

\textsuperscript{32.} El-Meehy, supra note 27.

\textsuperscript{33.} Id.


\textsuperscript{35.} Kimmelman, supra note 30.

\textsuperscript{36.} Khazbak, supra note 34.
Alexandria, sponsored "symposia to raise youth awareness of the constitutional amendments in the March 2011 referendum, the evolving role of the popular committees and the importance of 'active' citizenship." Multiple founders from that same committee ran as independents in the parliamentary elections in 2011, and one was selected as a youth representative in the constitutional assembly.

The rhetoric of the leaders of the popular committees themselves best evoke their political spirit. "This is the true democracy," said Ahmed Ezzat, the general coordinator of the popular committees. "It's the popular democracy, not elite democracy. Voting in parliamentary and presidential elections is not enough. The main stakeholders have to be the decision makers all along even after electing MPs."

Khaled Atef, the president of the Imbaba committee, echoed the same sentiment: "The [former] regime wanted us to think [that they do] everything and the people do nothing. [The people didn't] participate in political life. In one party rule, the people weren't allowed to have a role." Now, Atef said, "[w]e are the government."

B. Social Media

It is no secret that social media played an instrumental role in the coordination and mobilization of protestors before and during Mubarak's toppling. The April 6 Movement carried out various demonstrations, including its founding event—a massive worker's strike in el-Mahalla el-Kubra on April 6, 2008—with the help of social media. Facebook was arguably the primary means by which protestors were notified and pressed to attend the Tahrir Square demonstrations beginning on January 25, 2011. The "We Are All Khaled Said" page registered fifty thousand attendees for the protest only three days after the virtual event's creation. "Cyberactivists" in Egypt and elsewhere have used social media for documentation or "citizen journalism," broadcast of information, mobilization, cocreation (such as the planning of protests), transfer of resources, and fundraising.

The variety of uses for social media underscores the fairly obvious point that social media technologies are tools that human beings can use for a variety

37. El-Meehy, supra note 27.
38. Id.
39. Khazbak, supra note 34.
40. Id.
42. Id.
of different purposes, not all of which are political in the Arendtian sense. Because the object of our search is limited to uncovering evidence of a quest for public freedom in Egypt, there will necessarily be many examples of social media that fall outside the scope of this investigation. Even the catalytic use of Facebook in mobilizing the massive Tahrir Square demonstrations, for example, is not itself evidence of a true revolutionary spirit. We seek examples of activities that transcend the liberation impulse, and which instead reflect a constructive will to govern, and thereby assert public freedom.

In the American context, Arendt saw the revolutionary spirit as most vibrantly expressed in constitutional ratifying conventions where elected representatives debated the provisions of what was to become the U.S. Constitution. It is perhaps not surprising, then, that the spirit of public freedom has thrived in the analogous Egyptian context—in online debates surrounding both constitutional amendments proposed in March 2011 and the draft constitution proposed in December 2012. The differences in time and setting should not obscure their common animating purpose: direct participation in a novel political project.

What follows is a small sampling of this discourse during Egypt’s two constitutional referenda. Regarding the proposed amendments of 2011, one blogger criticized provisions that awarded too much political power to the executive branch: “Why was there no method of checks and balances included between judicial, executive, and legislative powers?”46 Others objected to the very idea of amendments, claiming that this was the best and perhaps only chance Egyptians would have to draft a new constitution.47 Another blogger explained that some supporters were urging passage despite their disagreement with some of the articles so that democratic elections could be held sooner rather than later.48 In short, the discussion on the blogosphere indicates—at least in many instances—thoughtful deliberation, weighing of values, and ultimately, declarations of both support and dissent.

Over twenty months later, a similar, albeit more one-sided, debate raged when Morsi’s government proposed a draft constitution for referendum. One man posted a Facebook note entitled “Thirty-two reasons to vote ‘no’ on Egypt’s draft constitution.” It was shared 1,483 times.49 Others outlined their rationales in Google documents50 and online flyers.51 When the National Salva-

tion Front called for a boycott of the referendum, there was widespread debate. Twitter posts argued that the boycott would be futile, and called for "awareness campaigns" instead.\footnote{According to the Egypt's Opposition to Boycott Referendum Vote, \textit{Global Voices Online} (Dec. 9, 2012, 8:50 PM), http://globalvoicesonline.org/2012/12/09/egypts-opposition-to-boycott-constitution-referendum-vote.}

Although the online referendum debates were limited to discussions of predetermined provisions, Egyptian citizens are using social media as a novel means of proposing new policy measures for themselves. In the immediate aftermath of Mubarak's fall, Wael Ghonim—a former Google executive and founder of the "We Are All Khaled Said" Facebook page—started a Google Moderator page for Egypt.\footnote{See Curt Hopkins, \textit{Protestors Use Google Moderator to Brainstorm Egypt’s Future}, \textit{ReadWrite} (Feb. 12, 2011), http://readwrite.com/2011/02/15/google_moderate_used_to_brainstorm_egypts_future.} The page allows users to post new policy ideas and vote on ideas contributed from others. The most popular ideas then bump to the top. At last viewing, the group had 41,801 users who had posted a total of 52,041 ideas addressing an enormous variety of substantive policy issues.\footnote{Weal Ghonim, \textit{Egypt 2.0, What Do We Need? What Are Our Dreams?}, Google, http://www.google.com/moderator/?hl=ar#15/e=581e0&t=581e040&f=581e0.6a1891 (last visited Nov. 4, 2013) (Google moderator page).}

Some of the posted ideas also include links to webpages where users can take action to support particular projects. Examples of more popular proposals include the computerization of voting and replacement of electoral cards with regular forms of identification; the formation of an emergency education planning committee and increased spending on public education; and the renovation and increased sterilization of hospitals.\footnote{Hopkins, \textit{supra} note 53.}

In short, while the use of social media to organize and mobilize protesters during the Egyptian liberation movement garnered worldwide attention, its role in the creation of a political space has been equally significant. In Egypt, social media has provided a forum for many of the highest activities of democratic governance, including the proposal of ideas, discussion and debate, deliberation about which future paths are in the nation's best interest, and even action according to popularly approved plans. These activities go beyond the impulse to liberate: along with the emergence of popular committees, they are an assertion of public freedom and evidence that Egypt's revolution was a "true revolution" in the Arendtian sense.

None of this is intended to elide the critical differences between public freedom as expressed through social media and public freedom as manifested in physical, self-governing, deliberative bodies. Indeed, while social media provides clear expressions of the revolutionary spirit, for a variety of reasons it cannot also furnish a full or enduring institution for the exercise of public freedom. For one, the online forum's virtually unlimited scope of participation poses major logistical problems. It is impractical for a citizen to consider the tens of thousands of ideas generated on a Google Moderator page, let alone to influ-
ence that conversation. Moreover, while social media has the potential to incorporate millions into political discussions, it does nothing to increase the number of actual government actors. This is problematic because the exercise of public freedom through self-government requires both deliberation and implementation. Social media usually fosters only the former. Finally, anonymity in social media presents another problem. As discussed earlier, in the Arendtian framework, public freedom is realized through being witnessed by peers. But the level of anonymity varies widely in the world of social media. Even the most realistic means of appearance (e.g., live, high-resolution video streaming) lack the essential quality of physicality, which makes actors unique and novel.

Although social media is not a tool for the full expression of public freedom, it has, at the very least, revealed the emergence and spread of the revolutionary spirit in Egypt. Citizens have utilized its communicative tools to engage constructively in the activities of governance, from the proposal of policy ideas to the debate over constitutional provisions. These developments, along with the emergence of the popular committees, provide ample evidence to conclude that Egypt’s revolution was a “true revolution” in the Arendtian sense. The corollary of this statement is that the aim of the Egyptian revolution is the constitution (and constitutionalization) of the revolutionary spirit, or the creation of lasting institutions for the exercise of public freedom. The next relevant question is whether that elusive goal may yet be achieved.

IV. SAVING THE REVOLUTIONARY SPIRIT

The revolutionary spirit that emerged with the revolutions of the eighteenth century proved fleeting: paradoxically, it began to die with the birth of new regimes. In France, a highly centralized national government, embodied in and empowered by the National Assembly, soon went to battle with the popular clubs and societies. In that battle, the Assembly—or more accurately, the Jacobin party—obtained the upper hand. The societies were instrumentalized to root out dissidents, and they were co-opted in a fierce campaign to ensure Jacobin loyalty. The Bolsheviks commandeered the soviets using the same methods over a century later. America also lost its revolutionary spirit, less from an active contest for power between rulers and ruled, and more from that spirit’s gradual fading and dwindling over time. Regardless, in each of the three cases, an Arendtian revolution, engendered by the desire to assert public free-

56. As Arendt points out, the larger a governing body, the more it is subject to summary statistics at the expense of individual action: “[D]eeds will have less and less chance to stem the tide of behavior . . . .” ARENDT, THE HUMAN CONDITION, supra note 17, at 43.
57. See supra note 15 and accompanying text.
58. ARENDT, THE HUMAN CONDITION, supra note 17, at 179 (“In acting and speaking, men show who they are, reveal actively their unique personal identities and thus make their appearance in the human world, while their physical identities appear without any activity of their own in the unique shape of the body and sound of the voice.”) (emphasis added).
59. ARENDT, ON REVOLUTION, supra note 9, at 233.
60. Id. at 235, 239.
61. Id. at 239.
dom, ultimately ended in failure. Without formal institutions where public freedom could be exercised, the revolutionary spirit was either actively destroyed or passively neglected.

What these revolutions ought to have produced, in Arendt's view, was something like the constitutionalization of the township or the town meeting, or better yet, the "wards" envisioned by Thomas Jefferson near the end of his life. The idea was for every county to be divided into "elementary republics"—wards—which would allow for every willing citizen to participate directly in the public affairs of the republic as they had done during the period of revolution. These decentralized institutions of highly local government would create a lasting space for the enduring practice of public freedom.

The question that concerns us here is whether these historical lessons—that the spirit of public freedom is inherently tenuous, even under threat, and that if it is to have a chance at survival, it must be granted an institutional dwelling place—can be successfully applied in the case of Egypt. In other words, how can Egypt create institutions for the enduring practice of public freedom?

As it turns out, Egypt has a longstanding history of local government. However, these institutions lacked political and financial autonomy, and therefore functioned primarily as administrative arms of the central government. Their responsibilities were generally limited to infrastructure maintenance and service delivery, and even then their decisions were usually subject to executive or legislative veto. Moreover, before Mubarak's fall, the local council seats were almost exclusively purchased or acquired through patronage networks and the councils were dominated by family and friends of Mubarak's National Democratic Party. In 2008, Mubarak allies took 99.13% of the 52,000 open seats, including over 43,000 seats that were completely uncontested. Understandably, then, the protestors who participated in the liberation movement in early 2011 demanded the councils' dissolution, and in June of that year an Egyptian court ordered that they be disbanded. Rather than hold popular elections to replace the council seats, however, the Muslim Brotherhood's Freedom and Justice Party announced plans to replace the councils with its own "civil

62. Id. at 227.
63. Id. at 240.
64. Id. at 242.
65. Just as Arendt's theory is not independently sufficient to explain the unrest in Egypt, see supra note 11, decentralized political institutions are not independently sufficient solutions. For example, I do not discount the importance of a stable central government, human rights protections, or growth- and jobs-promoting economic policy.
67. Id. at 54-58.
70. Id.
organizations," which were handpicked rather than elected. Municipal elections have frequently been “scheduled," but have never been carried out.

Egypt’s history of failed attempts to decentralize makes clear that the only hope for creating enduring spaces for the practice of public freedom is through constitutional provisions that guarantee the autonomy of local governments. While written guarantees will not by themselves afford sufficient protection, anything short of such provisions will almost necessarily fail.

The Egyptian Constitution of 2012 contains five articles devoted to the composition and provenance of local councils, but each article makes promises that are rendered illusory. For example, Article 188 provides that local councils are to be directly elected for terms of four years, but it fails to specify when and how frequently elections are to be held. The disbandment of local councils over two years ago and the continued delay with municipal elections are evidence enough of this provision’s vacuity.

On its face, Article 189 outlines a fairly generous substantive policy domain for each local council. It provides that each council “shall be concerned with the issues that matter in the unit it represents and shall create and manage local facilities—economic, social and health-related—and other activities.” But the final phrase—“in the manner regulated by law”—qualifies the rest of the Article. Ultimately, the parliament, a competitor for political power, may determine the limits of the councils’ responsibilities. The same phrase concludes Article 191 (“Every local council shall be in charge of its own budget and final accounts, in the manner regulated by law.”) and Article 192 (“It is prohibited to dissolve local councils as part of a comprehensive administrative procedure. The manner to dissolve and reelect any one of them shall be regulated by law.”). Although phrased so as to suggest limiting the national government’s authority, Article 192 actually assigns the central government—and most likely, the president—an enumerated right to dissolve a local council.

Article 190 also includes an exception that virtually destroys the rule: the decisions of each local council “are final and not subject to interference from the executive authorities, except to prevent the council from overstepping limits, or causing damage to public interest or the interests of other local councils.” This “public interest” exception alone may be broad enough to furnish

---

72. At the time of writing, this was the most recent constitution, and no other constitution had been drafted and approved by the fifty-member committee. See, e.g., Gamal Essam El-Din, Committee to Vote on Egypt’s Proposed Constitution Next Week, AHRAM ONLINE (Nov. 19, 2013), http://english.ahram.org.eg/NewsContent/1/64/86944/Egypt/Politics-/Committee-to-vote-on-Egypts-new-constitution-next.aspx. Consequently, I have confined my analysis to the 2012 constitutional provisions.
74. Id. art. 189.
75. Id. art. 189.
76. Id. arts. 191, 192.
77. Id. art. 192.
78. Id. art. 190.
the executive branch with constitutional cover for the invalidation of virtually any local council decision.

Meaningful decentralization would require a few relatively minor amendments. These would consist of removing the “in a manner prescribed by law” qualifier from Articles 189 and 191; the “public interest veto” exception provisions in Article 190; and the second sentence of Article 192, so that dissolution of local councils is prohibited without exception.29 Also, Article 188, which provides for the direct election of council seats, should be elaborated to guarantee that elections be regular, timely, free, and fair.80 With these modifications, local councils would have final decision-making authority within certain constitutionally enumerated policy areas. The executive and legislative branches would be prevented from nullifying any final decision of a local council. Finally, the boundaries of authority between local and central government would be policed only by the judiciary. In short, Egypt would have a fighting chance to begin an institutional tradition of local governmental autonomy.

V. CONCLUSION

It is true that what ought to be done and what will be done are two very separate concerns, and the focus of this Comment has been on the former question. It is relatively straightforward to prescribe a future course for Egypt where the audience is sympathetic to the Arendtian ideal of public freedom. The current regime, however, has been seemingly unable to tolerate any political opposition whatsoever, and it has denied any legitimate place within the government to members of the Muslim Brotherhood’s Freedom and Justice Party, the largest in Egypt.81 Individuals appointed by the current regime are quite unlikely to create a constitutional structure that formalizes a place for dissidents, even if at the local level.

As long as widespread unrest continues, however, an impetus for regime change and constitutional reform will exist. Ultimately, the fate of Egypt’s revolutionary spirit hangs in the balance “between government and the people, between those who were in power and those who had helped them into it, between the representatives and the represented.”82 It is a struggle for the right to govern, to act among equals, to be free—which is to say that it is a fight to answer the question of whether, in the words of Khaled Atef, the people are “allowed to have a role.”83 In Egypt, that question may require decades to answer.

79. Id. arts. 189, 190, 191.
80. Id. art. 180.
82. ARENDT, ON REVOLUTION, supra note 9, at 233.
83. Mills, supra note 26 (quoting Khaled Atef).