Public Sphere, New Media and Political Culture in Post-Revolutionary Egypt

Public Sphere theory and Egyptian politics

After popular mobilizations successfully resulted in ousting President Mubarak in 2011, the Egyptian public sphere witnessed a rise of various new initiatives as well as conventional and unconventional means of public expression and participation. The formation of new political parties, new media outlets and a growing number of citizen communities, coalitions and social movements revealed the yearning towards citizen participation in public affairs. The phases of transformation between 2011 and 2013 showed enthusiastic levels of popular participation, both in formal and informal political spheres. Pluralism resurfaced and public deliberation was prominent. With the opening up of political life, public sphere theory became particularly relevant to interpreting the events in Egypt and other Arab countries that experienced popular uprisings in 2011. New research focused on the role of the media in mobilizing popular dissent in the Arab Spring and linked it to the Internet and communication technologies. The main hypothesis was that the Internet expanded the borders of the public sphere by allowing more pluralism, which challenged the centralized political system. The new media circumvented control by the elites and enabled autonomous decentralized communication. Against such a background, this paper contextualizes public sphere theory within the Egyptian setting; critically discusses the role of social media in the post-revolutionary phase; and elaborates on the public sphere in a non-Western political context and its effects on the deliberation processes. The characteristics of Egypt’s radical polarized culture, in particular the role of the religious and nationalistic discourses in shaping the public deliberations, are outlined. Finally, the paper links the theoretical background to the constitutional debates, which reflect the legal-political struggle over power during the last few years.

Deliberative processes became highly relevant in the post-Mubarak political setting, especially in the years 2011—2013, when higher degrees of freedom and pluralism existed compared to today. Political and social actors aimed at forging a new social contract through public political deliberations. The mass media and

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social media played an important role in giving a voice to the various contesting actors and groups. After the 25 January Revolution, the increasing politicization of a seemingly apolitical public sphere took place; hegemonic discourses were questioned by new secular and religious social movements alike. New future prospects for Egypt were outlined.

Public sphere theory intersects with social and political theory as well as with media studies. The public sphere itself can be defined as "societal communication space where actors publicly communicate about political issues". It is an "intermediary communication system between the political system, the citizens and the claims of other systems in the society". It constitutes a domain in social life in which public opinion can be formed and which is accessible to all. The public sphere theory was originally developed in a landmark study by Habermas, who observed the emergence and transformation of the public sphere in Europe in the nineteenth century. The theory has since been further developed by him and other scholars. Its main assumption is that subjecting political decisions to public debates is a key element in any democratic process. The political public sphere makes the "communication conditions under which the formation of [the] opinion and will of the public of citizens can take place". The underlying rationale for political communication is to facilitate the political process in the modern and complex state. With the sheer number of citizens in contemporary states, direct debates are no longer feasible, and the media now play a crucial role in representing and disseminating pluralistic views on public affairs. In this regard, political communication becomes a necessity. The public sphere is constituted as a forum constructed by the media.

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4 Habermas, Jürgen, *Strukturwandel der Öffentlichkeit* (Frankfurt, 1990). The public sphere in Europe evolved as members of the bourgeoisie slowly carved out autonomous and potentially critical spaces of debate. These dynamics emphasized rationality and openness in deliberation as opposed to traditional chains of authority. The resulting crystallization of a "public opinion" facilitated by the diffusion of newspapers reflected the often conflicted, yet broadly cohesive processes of forming a rational consensus about the common good within increasingly differentiated modern societies, with widening class cleavages and with the bourgeoisie at their centre: not just economically, but also politically, and increasingly culturally. Salvatore, Armando, "New Media, the 'Arab Spring', and the Metamorphosis of the Public Sphere: Beyond Western Assumptions on Collective Agency and Democratic Politics ", in *Constellations* 20/2 (2013), 217-28, 227.
6 Drüeke, Ricarda, *Politische Kommunikationsräume im Internet* (Bielefeld, 2013), 3.
political process where the political system is responsive to public inputs, and to incorporating multiple marginalized voices into official policies, the open political communication advances democratic, transparent decision-making processes.\(^\text{10}\)

Since politics is the "search for 'generalizable interests'\(^\text{11}\)" delusions can serve as a tool to reach consensus. Deliberation is described as "a process in which participants exchange arguments and counter-arguments and thereby become informed of the views of one another.\(^\text{12}\)" A deliberative process consists of crafting solutions to matters of common interest, in which the actors' private interests are negotiated to take into account the views of other actors.\(^\text{13}\) In a discursive democracy, political actors participate in public discussions regarding common interests as well as engage in political practices, so that deliberation and participation are the core elements of the public sphere.\(^\text{14}\) In public sphere theory, reason as opposed to tradition, authority and coercion functions as a source of validating arguments. Reason here simply means the process of reaching agreement by argumentative persuasion.\(^\text{15}\) Rationality, as the force of the better argument, does not mean that the argumentation is free of aesthetics and affective elements, since these cannot be separated from human communication. On the contrary, rhetoric can make a positive contribution to communication. Yet, public sphere theory differentiates between rhetorical persuasion through rational validation on the one hand, and rhetorical manipulation on the other.\(^\text{16}\)

While deliberation seeks a convergence of opinions, the process is not final. Consensus does not mean eliminating the radical ideological groups that hold strongly to their positions and do not readily agree to consensus.\(^\text{17}\) It is simply assumed that collective decisions produce 'better' decisions than unilateral or exclusive approaches.\(^\text{18}\) Rational deliberations should use public reason to overcome differences and divisions by showing a willingness to compromise and adapt. In pluralistic societies decisions are made by reaching convergence, otherwise the question arises of how common and binding decisions for the

\(^{10}\) Habermas, Jürgen, Faktizität und Geltung : Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats (Frankfurt a.M., 1997), 399-402.

\(^{11}\) Wiklund, Hans, "A Habermasian analysis of the deliberative democratic potential of ICT-enabled services in Swedish municipalities", in New Media & Society 7/2 (2005), 247-70, 251.

\(^{12}\) Wiklund: "A Habermasian analysis of the deliberative democratic potential", (see FN 11), 251.

\(^{13}\) Wiklund: "A Habermasian analysis of the deliberative democratic potential", (see FN 11), 251.

\(^{14}\) Wiklund: "A Habermasian analysis of the deliberative democratic potential", (see FN 11), 250.

\(^{15}\) Dahlberg, Lincoln, "The Habermasian Public Sphere: Taking Difference Seriously?", in Theory and Society 34/2, (2005), 111-36, 112.

\(^{16}\) Dahlberg: "The Habermasian Public Sphere", (see FN 15), 119.

\(^{17}\) Dahlberg: "The Habermasian Public Sphere", (see FN 15), 127.

\(^{18}\) Connelly, Stephen, "Deliberation in the face of power: Stakeholder planning in Egypt", in: Policy and Society 28/3 (2009), 185-95 185.
population are reached, if only conflict and hegemony characterize the mode of communication. Public deliberation processes enable "social learning through rational argumentation to produce democratically legitimate outcomes".\footnote{Wiklund: "A Habermasian analysis of the deliberative democratic potential", (see FN 11), 252.} In particular, the theory of liberal democratic citizenship aims to eliminate the differences in the private sphere, to provide access for ordinary citizens and encourage an egalitarian spirit among them to put aside their particularities. In the post-modern world, however, a dilemma arises if the particularities that might constitute the core of people's identities, like their beliefs, political affiliations, gender, and religion, are neglected. Maintaining particular interests while trying to bridge the differences through generalizable universal arguments for the common good and convince the public at the same time might seem to be irreconcilable goals.\footnote{Funda Gencoglu-Onbasi, "Democracy, pluralism and the idea of public reason: Rawls and Habermas in comparative perspective", in \textit{CEU Political Science Journal} 6/3 (2011), 433-457,435-439.}

Indeed, the main critique offered by scholars who suggest 'confictual' consensus as a mode of operation for the public sphere is the fear of creating false consensus or of excluding marginal radical voices.\footnote{Mouffe, Chantal, \textit{On the Political} (London, 2005).} In his later work, Habermas responded to this criticism and acknowledged the potential of conflict in a society by developing the notion of a partial public sphere. In such a sphere, both disagreement and difference are valued and, ideally, no false consensus by exclusion or manipulation should take place. Further theoretical developments also include the concepts of counter public spheres. This connects to the notion of a minimum or overlapping consensus developed by the political philosopher John Rawls.\footnote{Rawls, John, "The Idea of an overlapping consensus", \textit{Oxford Journal of Legal Studies} 7/1 (1987), 1-25.} Accordingly, the public sphere is not a monolithic rigid construct; it is sensitive to differences and attempts to accommodate informal contestation between diverse positions or groups.\footnote{Dahlberg: "The Habermasian Public Sphere", (see FN 15), 113.} This makes the public sphere a discursive process with continually contested boundaries.\footnote{Dahlberg: "The Habermasian Public Sphere", (see FN 15), 130.} \footnote{Dahlberg: "The Habermasian Public Sphere", (see FN 15), 117.} The concept of a counter-public sphere, for example, comprises a counter-thematization of topics by information dissemination or a particular framing of an issue. Usually the counter-public sphere originates in critical and autonomous segments of the public sphere, such as oppositional currents and anti-institutional discourses. Positions worth defending are articulated and reasoned with a degree of passion and commitment. Here, impartiality does not mean detachment from one's cause, but entails an ethic of fairness. So deliberation processes in real life are ongoing; the public sphere is not a final product.

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A particular focus of public sphere theory is the normative criteria that describe the quality of the deliberation
processes. Habermas highlighted the normative conditions for discourses by reformulating Kant's categorical imperative in terms of a discursive procedure for the communication processes. The quality of discursive public deliberations is reflected in three communicative norms: access, recognition and responsiveness, as summed up and operationalized by media scholar Lance Bennett. Access assumes a degree of equality and openness for all actors to participate in the public deliberations. Recognition refers to the level of discourse and identification experienced by the participants in public discourse. It is also associated with civility and mutual respect. Finally, responsiveness refers to the dialogue between the diverse actors. The resulting reciprocity shows that the "engagement between discourses is assumed to lead to reconciliation or at least an easier coexistence between the diverse actors, even in deeply divided societies".

The discursive principle of the public sphere emphasizes the transparent rational and critical discussions necessary to reach either consensus or an argumentatively developed majority. Ultimately, this enhances the legitimacy of the decision-making and community building among participants in the communicative and discursive practices. The difference between deliberation for decision-making and public deliberations on societal issues is that there is no urgent need for a final decision in the latter. In addition, real life mediated public discussion can never be endless, as in an ideal type public sphere, because the time factor is always there. For the mediated public sphere this is found in journalists’ production and deadline constraints or an audience's attention span. The more complex an issue, the more time the public deliberations will take until a rational minimum consensus is reached. Dialectically, the resulting consensus will be a starting point for further deliberations in public discourses. Public opinion is always in the process of formation, because the contestation of positions on social and political issues is constantly developing to accommodate rational legitimacy and the force of a better argument.

The Internet and communication technologies resulted in a renewed interest in the public sphere, with the World Wide Web perceived as incorporating the utopian democratic communication sphere that allows the

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26 Wiklund: "A Habermasian analysis of the deliberative democratic potential", (see FN 11), 252; Gencoglu-Onbasi: "Democracy, pluralism and the idea of public reason", (see FN 20), 447.


28 Ferree et al.: Shaping Abortion discourse, (see FN 6), 258.


31 Jarren, Donges: Politische Kommunikation in der Mediengesellschaft, (see FN 30), 100.

32 Dahlberg: “The Habermasian Public Sphere”, (see FN 15), 127.
articulation of counter-public spheres.\textsuperscript{33} It is postulated that the "digital public sphere" has more potential to empower citizens through access, to limit censorship and to enable deliberations to form an enlightened opinion.\textsuperscript{34} The hypothesis goes that the otherwise not published information potentially causes a shift in awareness and changes the political decision of the citizens or mobilizes them in support or opposition.\textsuperscript{36} To sum up, the discursive democratic theory regards the Internet as a deliberative forum that can strengthen the political system\textsuperscript{36} by adding pluralistic voices to the public deliberations, thus strengthening the otherwise marginalized and weaker actors and enriching the public sphere. These assumptions are particularly relevant to the role of the media in the Arab Spring.

Social media and public sphere theory in Egypt

The Arab Spring generated a massive wave of research that focused on the role of the Internet and communication technology in enhancing the public sphere in Arab countries. The main hypothesis is that the digital public sphere in Egypt contributed to the mobilization of the protests that eventually toppled Mubarak after 18 days. The protests that took place revealed the prominent role of online communication in destabilizing the political structure, to an extent that provoked the regime to respond. Since then, the impact of social media on the political landscape has been increasingly recognized by the regime instead of dismissed as unimportant.

At the same time Egypt's revolution cannot be attributed solely to the so-called "Facebook Factor ",\textsuperscript{37} since a number of other conditions led to Mubarak's ouster. In fact, the importance of online activism via social media in Egypt is heavily contested among scholars from media studies and area studies. The two main interpretations range from a hypothesis of "liberation technology" to one of "critical political economy". A third, more moderate research approach is still forming that contextualizes the online public sphere and connects it to other structural elements.\textsuperscript{38}

The rising popularity of Facebook in Egypt developed in response to the constraints of the political economy

\textsuperscript{33} Faulstich, Werner, Einführung in die Medienwissenschaft: Probleme, Methoden, Domänen (Munich: 2002), 224.

\textsuperscript{34} Faulstich: Einführung in die Medienwissenschaft, (see FN 33), 225.

\textsuperscript{35} Wimmer: (Gegen-)Öffentlichkeit in der Mediengesellschaft, (see FN 9), 158.

\textsuperscript{36} Jarren, Donges: Politische Kommunikation in der Mediengesellschaft, (see FN 30), 111-12.


in the country’s media landscape. The state media suffered from low resources, showed co-optation of influential journalists and neglected its public service role. It also lost credibility by failing to reflect the pluralistic public sphere or adequately moderate deliberation processes on socially relevant issues. The private media, on the other hand, are controlled by profit-oriented media moguls and oligarchs, who serve their own political and economic interests and in general do not reflect the pluralism in Egyptian society. Against this background, citizens increasingly turned to the Internet and social media. Facebook, in this case, serves as a “communicatively constituted public sphere”. It offers the voiceless and marginalized a possibility of circumventing traditional censorship and exclusion barriers, and hence embodies the notion of a counter-public sphere. This concept refers to an anti-hegemonic public sphere that articulates a certain societal – or in this case political – discourse or position.

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Egypt’s blogosphere was already vibrant in the years before the uprising and had successfully uncovered stories on sensitive topics as torture and harassment. Even the use of Facebook was noteworthy prior to the uprising because of the otherwise limited choices of political participation. Thus, if the mainstream media did not cover a particular event because of political exclusion or lack of resources, the social media played a role in publicizing events through citizen journalism that did not undergo the regular selection and exclusion processes of professional media production. The new media have advantages over the professional media because they enjoy non-standardized norms of selecting what is newsworthy and they ideally provide access to wider sections of the public and can put diverse issues and frames onto the public agenda.

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While most research on the Internet and the Arab Spring concentrated on the access provided to ordinary citizens and the effects of this on mobilization, little investigation has been made into other normative criteria of the public deliberations. It is said that public discussions on Facebook give more people access. After the revolution, an immense amount of research analysed the role of Facebook in mobilizing protest, focusing in particular on access as a normative criterion. Yet, political developments beyond the Arab Spring raise questions about the potential of social media as an online deliberative forum and an expansion of the public sphere. The public sphere is not only about access, although much of the research so far has examined how it enables the counter-public to challenge the mainstream public sphere. Social media undoubtedly have great potential to develop deliberation. First, they potentially publish micro deliberations that are expressed in recommendations by ordinary citizens. Second, because Facebook is a non-institutionalized form of communication, it is more flexible than political decision-making organizations or the established media and

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40 Dahlberg: “The Habermasian Public Sphere”, (see FN 15), 112.

41 Faris, David, Dissent and Revolution in a Digital Age: Social Media, Blogging and Activism in Egypt (London and New York, 2013), 2.
can accommodate deliberations beyond fixed time constraints. If we regard Facebook as a significant forum of collective deliberation and decision-making that can prioritize issues and expectations, then its deliberative processes need to be examined. However, little research was done on the deliberations that took place in the Egyptian context. In terms of public sphere theory, access as open and free communication alone does not progress the arguments among participants; it is other values such as recognition and responsiveness that potentially build a minimal or overlapping consensus through deliberation. If social media are to provide a real channel for pluralistic political debate, they must connect to traditional forms of media and civil society. Egypt has a long history of a "monolithic and restrictive media environment", as a result of which its citizens have limited experience in how to negotiate pluralistic interests in their online deliberations. Elisabeth Iskander, scholar on Middle East politics, points out that constructing a new political culture will be a slower and more challenging process. Even studies on the public sphere in Western democracies demonstrate that increased access does not necessarily mean increased deliberative quality or more rational or consensus-oriented decision making, although the Internet can indeed lead to pluralism and rising diversity. One plausible argument is that the Internet as an open forum carries a multitude of opinions that can overload the human attention span. For the purposes of this study, the main focus will be the deliberative aspects of social media and its contribution to the post-revolutionary Egyptian public sphere.

Five years after the Arab Spring, the question of what remains from the social media euphoria is relevant. While scholars hoped that the new media would break the state monopoly of communication by providing access and pluralism, rising online commercialism and professionalization threaten the spontaneous forms of communication. Nevertheless, Facebook has become a more recognized platform of political communication compared to the years before 2011. Increasingly, official and governmental web pages began to acknowledge it, use it for disseminating information and increasingly try to control it. Although social media give marginalized actors a voice, they also open up the potential for surveillance by regimes. But the regimes are caught in a dilemma. A complete shutdown of the online public sphere seems impossible, and cracking down too tightly on Internet expression would be counterproductive, because it could create negative economic consequences for countries hoping to engage in today's globally wired economy.

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44 Iskander: "Connecting the national and the virtual", (see FN 42), 13.

45 Jarren, Donges: *Politische Kommunikation in der Mediengesellschaft*, (see FN 30), 112.

46 Jarren, Donges: *Politische Kommunikation in der Mediengesellschaft*, (see FN 30), 114.


48 Badr: "Limitations of social media euphoria" (see FN 39).

49 Bowe, Brian, Blom, Robin and Freedman, Eric, "Cyber-Dissent and Power: Negotiating Online Boundaries in Lizenzhinweis: Dieser Beitrag unterliegt der Creative-Commons-Lizenz Namensnennung-Keine kommerzielle Nutzung-Keine Bearbeitung (CC-BY-NC-ND), darf also unter diesen Bedingungen elektronisch benutzt, übermittelt, ausgedruckt und zum Download bereitgestellt werden. Den Text der Lizenz erreichen Sie hier: [http://creativecommons.org/licenses/by-nc-nd/3.0/de](http://creativecommons.org/licenses/by-nc-nd/3.0/de)
Internet continues to be a platform for online contestation, even in countries with poor records of human rights. Political analyst David Faris looked beyond the mobilization effects of social media and came to almost prophetic conclusions. Social media can indeed trigger informational cascades in the tightly controlled media environments of authoritarian regimes. Such countries, with their contested media spheres, were more likely to harbour online activism via social media. But Faris said that social media usage has little effect on the ultimate outcomes of (power) struggles in authoritarian countries. On the contrary, social media activism is likely to generate greater repression over time that targets both the alternative and mainstream media spheres. Currently, the Internet in Egypt offers hegemonic actors as well as limited and fragmented counter-hegemonic actors the chance to influence public deliberations, but it might be difficult to use democratization theory to interpret the events unfolding since summer 2013. Nevertheless, in spite of a retreat into an authoritarian mode, the applicability of public sphere theory to study the deliberation processes in Egypt should not be dismissed.

Deliberation processes in a non-Western political setting

As a result of Habermas’s normative approach, some scholars contend that public sphere theory is useful for evaluating the democratic quality of everyday discursive practices. This has led to a focus on deliberation processes in democratic countries. This paper, however, takes the view that public sphere theory can be applied in non-democratic countries as well. Deliberations are ongoing informal processes that take place, yet this should not cause disillusion when deliberations do not necessarily lead to a more open system, since power asymmetries exist even in democratic systems. Of course, the concept of power in democratic countries differs from the coercive methods in non-democratic countries.

The reasons to consider Egypt as a candidate for public sphere theory are threefold. First, studying the public sphere in non-democratic countries is attracting increased scholarly attention. In recent years there have been calls to apply the normative model of public deliberation empirically in internationally comparative research, as well as to study the public sphere specifically in the Arab world. It might be surprising to look for deliberative processes in non-democratic settings, autocratic systems, or societies with a radical polarized political culture; yet recent research has proved that deliberation can take place even in unlikely

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50 Bowe, Blom, Freedman: "Cyber-Dissent and Power", (see FN 49), 4-5.
51 Faris: *Dissent and Revolution*, (see FN 41), 182-184.
52 Dahlberg: "The Habermasian Public Sphere", (see FN 15), 112.
places. Since deliberation is relevant to democratization processes, it is also important to trace its occurrence in societies aspiring to democratic transformation. Studying deliberative processes assumes a "conflict of discourses", even if conflict and hegemony – unlike neo-Marxist approaches – do not become key categories for interpreting the interactions of social systems. Indeed, Egypt as a semi-liberal democracy aspiring to fulfil its transformation to democracy witnessed intensive deliberative processes in its post-revolutionary politics that were mainly shaped by new actors utilizing new, non-centralized communication methods.

Second, the main precondition for deliberations to take place is pluralism. A key feature between 2011 and 2013 was that in the public deliberations no voices of dissent were marginalized. Increasing politicization of the public sphere and its opening up made the pluralistic political culture visible. Political contestations seeking to forge a new social contract became more sharply defined. The inputs of diverse political actors might not have been taken into account in the decision-making, but there was no exclusion from the public political discussions. Deliberations can only take place in societies with pluralistic actors holding diverse positions, because the diversity as such requires that the different positions and beliefs held by the public should be communicated and explained to others holding different views. In spite of its authoritarian regime, Egypt draws on a history of public deliberations. The parliamentary phase between 1923 and 1952 was one of political pluralism, in which the multi-party parliament witnessed lively deliberations characterized by some illiberalism. It is not the lack of deliberations that has marked Egypt's political public sphere, but rather the unwillingness of political actors to compromise on issues of power or civil society. Indeed, the Egyptian case can be described as an "immature and radically polarized but vivid public sphere". Public sphere theory demands a high normative commitment from contesting participants not to reproduce radical polarized positions in their communicative outcomes. Reaching consensus does not mean negating conflict or diminishing the differences, but focusing instead on the minimal or overlapping consensus necessary to reach a final decision through inclusive argumentation. Post-revolutionary developments show that this was not the case, which brings us to the question of power in the post-revolutionary public sphere.

Third, the balance of power in the Egyptian political system is a central issue. A widely held view dismisses

55 He, Baogang, "Deliberative culture and politics: The Persistence of authoritarian deliberation in China", in Political Theory 42/1 (2014), 58-81; Sass, Jensen and Dryzek, John, "Deliberative Cultures", in Political Theory 42/1 (2014), 3-25.
56 Chappell: Deliberative Democracy, (see FN 29), 52-53.
57 Hafez: "Radically polarized publics", (see FN 54), 13.
58 Thakur, Dhanaraj, "Diversity in the online deliberations of NGOs in the Caribbean", in Journal of Information Technology & Politics 9 (2012), 16-30, 17.
60 Hafez: (see FN 54), 32.
studying the public sphere of non-democratic countries because of their power imbalances. But the assumption of power-free communication is not realistic, because exclusion and domination always exist in real life.\textsuperscript{61} Public sphere theory stresses that deliberations have to be coercion free, but not power free.\textsuperscript{62} A genuine deliberative arena is never devoid of power inequalities, and even sources of cultural power can add a deliberative advantage to certain discourses and diminish others. Ideally, coercion and domination are excluded from public sphere theory, but in the real world, the uneven and often unjust distribution of material resources and authority lead to discursive inequalities, because social inequalities can never be eliminated in reality.\textsuperscript{63} In Egypt, although established power relations were briefly shaken or even suspended in the post-Mubarak phase in response to the popular dissent, social contestation and deliberative processes continued to be shaped by existing constellations of cultural and legal power. Political scientist Holger Albrecht concludes that the deep power structures remained the same: neither the old regime nor the fabric and mechanisms of contentious politics have fundamentally changed since 2011. This does not mean that at least for a certain time the classic coercive power was not controlled by a fear of public monitoring and mobilization. Argumentative, not coercive power became the mode of establishing legitimacy. But public discourses and political calculi were carefully engineered by the counter-revolution to keep a hold on power and popularity. A subtle power play using legal and political texts took place, with moves and counter moves. Although no new powerful players have emerged, and the only organized competition to the power holders was crushed in 2013, the divided actors with conflicting interests remain on the political scene. Weakened by the depoliticization of the public sphere, economic difficulties and public fatigue, as well as by the uninspiring regional crisis in Syria and Iraq, the public might not favour more protests any time soon. But at the same time, signs of growing dissent about the political and socio-economic situation cannot be ignored. In this sense, this study does not see public sphere theory as so particular that it does not apply in the Egyptian setting. On the contrary, it can interpret the political communication very ably, especially in the phase between 2011 and 2013. Public sphere theory as applied here will draw on the characteristics of Egypt’s radical polarized political culture to explain the deliberative processes after the revolution.

**Characteristics of Egypt’s radical polarized political culture**

After the initial euphoric interpretations of the Arab Spring, studies of Egypt’s political culture became relevant for their usefulness in explaining public acceptance of the political order and its deliberative processes after 2011.\textsuperscript{64} Public deliberations in post-revolutionary Egypt took place in a highly radical polarized political culture. During the transformation period they were largely consumed by the constitutional

\textsuperscript{61} Dahlberg: “The Habermasian Public Sphere”, (see FN 15), 112.
\textsuperscript{62} Dahlberg: “The Habermasian Public Sphere”, (see FN 15), 122.
\textsuperscript{63} Dahlberg: “The Habermasian Public Sphere”, (see FN 15), 123.
\textsuperscript{64} This section seeks neither to essentialize the political culture to cultural and religious traits, nor to pose irrelevant questions on the compatibility of Islam and democracy. It examines the effects of the political culture on the deliberations of various social movements, which are reconstructed in the empirical paper by Badr and Ghaly in this OIS issue.

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debates. Although political culture is a conceptual minefield, it is relevant to explaining the setting in which the bargaining process to establish the rules for a new regime takes place. Regime, in this sense, does not refer to specific state institutions, but "represents both the formal and informal organization of political power and its relations with society at large – it determines who attains access to the thrust of political power and who is excluded." 

The research into political culture that began in the 1950s and 1960s evolved within the sub-discipline of political sociology, a field that deals with the political attitudes connected to political behaviour. This includes studying the values of citizens, such as democracy, freedom, equality and participation. It also indirectly tackles issues related to democracy. Political culture can be defined as the sum of attitudes towards the political system and its components, as well as attitudes to one's own role as a citizen in this system. In this sense, political culture comprises attitudes towards the political order in general (polity), the decision-making system (politics) and the result in actual politics (policies). Yet the concept of political culture is more layered than is suggested by empirically oriented public opinion research. Its central assumption is that congruence between political structure (institutions) and political culture (public attitudes) gives a political system its stability. "The political culture includes aspects of culture that are related to the distribution and utilization of power in societies. These aspects range from very general orientations toward authority to very specific beliefs about particular groups or individuals. The orientations are conveyed to individuals beginning in infancy through the socialization process". Political culture is formed by political and social institutions, experiences, historical events and practices, as well as the political practices of the political elite. This means that political culture is learnt, can change over time, and yet is mostly stable.

On the procedural level, Egypt's political culture is marked by a radical polarization. Its lines of division are not derived from ethnic or religious backgrounds, but from ideological sources. The radical polarized political

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65 Sass, Dryzek: "Deliberative Cultures", (see FN 55), 7.
66 Although the negotiation was not yet over, the political scene lost much of its momentum; popular dissent towards Morsi's rule was exploited to crack down on the Muslim Brotherhood, freedoms have been controlled and reduced by legal measures, and public mobilization has been restricted by the closing of the public sphere. Currently, the negotiation takes place among the elites, with limited direct public input and in a manner that is manifestly closed and non-transparent.
culture is marked by distinct dichotomies in social and political goals and narratives that show a high contestation among social and political groups. A polarized pluralism reflects a broad political spectrum in which citizens and political actors tend to take clear ideological positions. Fragmented attitudes towards the political order and processes give rise to different political subcultures that constitute various partial public spheres. In a situation of moderate pluralism, the ideological differences are not so sharp; actors tend to be located more towards the centre and are more willing to accept the essence of the political order.\footnote{Hallin, Daniel and Mancini, Paolo, \textit{Comparing media systems} (Cambridge, MA, 2004), 60.}

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Egyptian political culture is also characterized by an illiberalism that has limited the capacity for negotiating social issues. The people's long experience of authoritarianism has undermined a consensus-seeking negotiation culture. Studies show that the political centre in a country has the capacity to shape the mainstream political culture as well as to foster certain attitudes. Scholars speak of the "persistence of authoritarianism as a source of radicalization",\footnote{Storm, Lise, "The persistence of authoritarianism as a source of radicalization in North Africa", in \textit{International Affairs} 85/5, 2009, 997-1013.} as well as of a "decline of pluralism under Mubarak".\footnote{Brownlee, Jason, "The decline of pluralism in Mubarak's Egypt" \textit{Journal of Democracy} 13/4, 2002, 6-14.} Divisions are not deliberatively solved over time because of the persistence of the fragmented political culture, the absence of consensus-oriented institutional efforts by the political elite and the entrenched exclusion mechanisms. This leads to a radicalization of the initial position. Today's radical polarized political culture has its origins in the persistent identity conflict resulting from the failure of Egypt's rulers and their political oppositions to "forge a democratic solution to the question of national identity".\footnote{Diamond, Daniel and Brumberg, Larry, "Introduction", in Diamond, Daniel, Plattner, Marc and Brumberg, Larry, \textit{Islam and Democracy in the Middle East.} (Baltimore, MD, 2003), xiii.} Since no serious efforts have been made to include all societal and political powers in recent centuries, central questions remain unresolved. These include democracy, women's rights, Islam and modernity, to name a few.

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In addition, a host of political, historical and socio-cultural factors weakened deliberation processes in the political culture. These included exclusionary processes, lack of reciprocity and the rules of the game set by the authoritarian regime. A distinction can be made between the democratic values held by people's political culture and the values held by the political elite. In this respect, Palestinian politician and scholar Azmi Bishara blames the elites for the struggling democratization in Arab countries.\footnote{Bishara, Azmi, "On political culture and stalled democratisation", Al-Araby Al-Gadid, December 2014, \url{http://www.alaraby.co.uk/english/comment/2014/12/27/on-political-culture-and-stalled-democratisation} (Accessed 20 September 2015).} Their lack of democratic values meant that self-serving bias or interests would cause the political groups to deviate from the rules of democracy, whether in spirit or in procedures. Decades of authoritarian rule in Egypt show that those in power preferred to use a legal foundation to secure their privileges and protect themselves (as is explained...
in the paper by Leihs and Aly). Even the judiciary seized the opportunity when given the chance. The lack of inclusion and limited pluralism has been evident in the constitutional debates of the last five years. Egypt’s post-Mubarak transition and constitutional deliberations have been "anything but straightforward". Every step has been politically or legally challenged by one group or another.

For the purposes of this paper the political culture is operationalized into: a) attitudes towards oneself as part of a people in terms of self-perceived identity; and b) attitudes towards the political system and society, including its various components. Although attitudes towards international actors and powers constitute an important part of political culture, they go beyond the scope of this study, which deals primarily with internal dynamics.

Regarding attitudes towards oneself, the Egyptian people display a high national pride. At the same time, polls repeatedly show a divide in the Egyptian identity. Egyptians are deeply discontented with their political and social problems, but they are divided on democracy or the form of government that should rule later. Although a vast majority agree with democracy as a desired form of governance, these expectations are linked to economic prosperity and the eradication of corruption, to hopes for justice and an end to dictatorship. Thus the main public demand during the uprisings was reform and rooting out corruption. The removal of Mubarak was not a goal in itself, or planned in advance. It was discontent over the political and socio-economic problems and not ideals about establishing a democracy that drove the people to protest. Mubarak's downfall resulted from his coercive response to peaceful protests, which fundamentally undermined his legitimacy, especially when images of his brutal repression were circulated on the Internet. Immediately after his removal, public attitudes towards the political actors favoured the Supreme Council of the Armed Forces (SCAF) as the governing authority. Ninety per cent of the people trusted that SCAF would peacefully lead the transition to democracy and more than 94 per cent trusted it to hand over power to an elected civilian president. Its role would be that of an arbitrator. "The military symbolizes unified national

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80 The Danish Egyptian Dialogue Institute (DEDI), The Future of Egypt's Democracy- The Voice of the Egyptian Voter, (Cairo, 2015), 22.
power, decisiveness, and leadership in the face of civilian disunity, partisanship, and uncertainty.” 81 Egypt's military embodied the official narrative of nationalism and patriotism.

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Another relevant actor in the transition period was the judiciary. A poll conducted in 2013 showed that compared to other political institutions, the courts and legal system enjoyed a relatively high level of public trust (62 per cent). 82 Public trust in government policies, however, was low, with 55 per cent believing that the policies were negative, which posed a legitimacy problem for political leaders. 83 The widespread conviction about bad governance translated into low levels of support for the government. 84 Predictably, there was also little trust in politicians, with only 24 per cent believing they were honest people. 85 Parties in general had low public credibility. 86 Attitudes towards the Muslim Brotherhood in particular saw a massive change. A sudden rise in public trust that catapulted them into the presidency was followed by a sharp decline in popularity that paved the way for the regime to officially exclude them from the political and public sphere. Trust in religious leaders in general, however, stayed at moderate levels (49 per cent). 87

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These empirical indicators, especially of attitudes towards the military and religious actors, indicate that the Egyptian public sphere is influenced by two sources of cultural power. Discourses of national patriotism and religious discourses both have a role in influencing the public sphere. The official narratives of national patriotism remain largely uncontested, but the religious discourses put forward by a multitude of actors display a deeper divide.

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The national patriotic discourses in the Egyptian public sphere “represent the post-independence national narratives that were constructed by the state elite, as well as reconfigured to serve the goals of the regime consolidation and maintenance.” 88 To delegitimize the official narratives would seriously threaten the state narrative, so they are not contested. Since the overthrow of King Farouk in 1952, the official foundational narrative focuses on the successful anti-colonial revolution, national liberation and the establishment of the

82 Baseera (see FN 79).
83 The Danish Egyptian Dialogue Institute: The Future of Egypt's Democracy, (see FN 80), 25.
84 The Danish Egyptian Dialogue Institute: The Future of Egypt's Democracy, (see FN 80), 23.
85 The Danish Egyptian Dialogue Institute: The Future of Egypt's Democracy, (see FN 80), 23.
86 The Danish Egyptian Dialogue Institute: The Future of Egypt's Democracy, (see FN 80), 24.
87 Baseera (see FN 79).
Republic of Egypt.\textsuperscript{89} It was expected that legitimacy would be built discursively by promising that the socio-economic grievances would be alleviated. The state can be defined as "an authoritative set of institutions with sovereignty over a territory and the legitimate use of force".\textsuperscript{90} The official narrative is monopolized by state organizations, and the sectors of education, culture and security collude to uphold the narrative, continually reproduce it and adapt it to the changing variables.

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The role of religious discourses in the Egyptian public sphere is clearly influential. Religion is a source of traditional legitimacy in Weberian social theory and functions as a source of cultural power in Habermas’s terms. Even in secular countries religion is advantaged in public deliberation, especially in morally contested issues, because it provides a discursive opportunity structure to the social actors who use it.\textsuperscript{91} In recent decades, Islamization of the political culture in Egypt can be observed. Publicly neglecting or challenging religious norms and practices has become increasingly difficult.\textsuperscript{92} Public opinion polls show that the majority of the population support a form of democracy that is consistent with religious edicts, even if the respective ideologies are different.\textsuperscript{93} This means the Egyptian public longs for a democratic rule in which social conservatism prevails. Allocating a prominent role to religion is not necessarily a reason to dismiss the applicability of public sphere theory. In the American public sphere, religion is not marginalized in public debates. "The mere voicing of a particular viewpoint that is not shared by all is not automatically alienating or imposing; it is the style of the discourse that must be carefully constructed, and not the religious or theological content itself."\textsuperscript{94} Religious perspectives offer unique and valuable insights that cannot be gained through secular reasoning alone and that have the potential to enrich the public debate, especially in moral questions.\textsuperscript{95}

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The role of religious discourses in Egypt has raised two main questions in the public sphere. First, which authority should set the religious discourse, interpret religious texts, and has the ability to shape the deliberative processes by means of religiously compelling arguments. In the absence of a linear clerical system, a plurality of voices exists in Sunni Islam, and the public sphere is contested even within the religious discourse. There are different representatives of Islam in Egypt, all of which compete for power over

\textsuperscript{89} Brand: \textit{Official Stories}, (see FN 88), 6-67.
\textsuperscript{90} Sika: "The Arab State and Social Contestation", (see FN 67), 75.
\textsuperscript{91} Ferree et al.: \textit{Shaping Abortion discourse}, (see FN 6), 84. The authors elaborate on the role of religion and churches as institutional players in constructing the public debates on abortion in the United States of America and Germany.
\textsuperscript{93} Hafez, Kai, \textit{Radicalism and political reform in the Islamic and Western Worlds}, (Cambridge, MA, 2010), 60.
\textsuperscript{95} Kicklighter: "Prophetic voices", (see FN: 94), 215.
interpretation of texts and for popularity among religious Muslims. They include Al-Azhar, the Salafists and the Muslim Brotherhood. These religious actors vary in their loyalties, pragmatism and flexibility. Those with an Islamic background sought to justify their political actions by relying on self-serving interpretations of religious scripts. Since the days of President Nasser, Al-Azhar, the widely acknowledged traditional mosque and university, has been weakened through its co-optation by the regime and is poorly equipped to face the challenging vision of political Islam advanced by the Muslim Brotherhood because much of its independence has been compromised. Additional reasons for Al-Azhar's weakness include its financial dependence on the state. Although a prestigious religious institution with some credibility and serving as an authority, it is undermined by internal divisions, especially among younger scholars, and by its traditional education sometimes irrelevant to modern issues and debates. Salafists, politically represented by the newly founded Al-Nour party, are newcomers to the political public sphere and add complexity to it. The extraordinary political openness in Egypt after the revolution pushed Salafists into everyday politics. Subsequently, they have become more inclined to adopt a pragmatic and practical discourse. In the modern world, more options for believers to choose from has added confusion and weakened the monopoly once held by the religious scholars.

The second question about the influence of religion in the Egyptian public sphere is its capacity to form consensus. The phase from February 2011 until mid-2013 witnessed a "marathon of national elections and referenda" which stressed only religious particularities and aggravated the polarization of society. In public debates, Islamist political actors used religious-inspired rhetoric to influence the people's political-electoral decisions, especially in regard to the constitutional referendum. Religion was also instrumentalized to delegitimize opposition from the liberal leftist camp, and from believers from other confessions, such as Copts or Shi'ites. Laws on the exercise of political rights, election procedures and political parties did not stipulate a ban on the use of religion for political, electoral or partisan purposes. Mixing religion with politics stifled the ability of the secular powers to state open political criticisms to Islamist actors, who had debunked

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96 Sika: “The Arab state and social contestation”, (see FN 67), 80.
98 Al-Anani, Khalil and Mallik, Maszlee, "Pious way to politics: The rise of political Salafism in post-Mubarak Egypt", Digest of Middle East Studies 22/1, 2013, 57-73, 57.
99 Hellyer and Brown: "Authorities in Crisis", (see FN 96).
100 Maghraoui, Abdeslam: "Egypt's failed transition to democracy", (see FN 81).
101 Deliberations were not only shaped by Islamic religious discourses. The Coptic Church assumed its influence on partial public spheres, especially at times of sectarian crises, although this is beyond the scope of this paper. See Ibrahim, Vivian, "Beyond the cross and the crescent: Plural identities and the Copts in contemporary Egypt", Ethnic and Racial Studies, 38/14, 2015, DOI:10.1080/01419870.2015.1061138.
them as infidels. As political scientist Amr Hamzawy expressed it: “The freedom of Egyptian citizens to put forward non-traditional ideas and propose other human value systems that differ from traditional ethics was restricted by those who claim ownership over the absolute truth.”\(^{103}\) Mixing politics and religion resulted in a binary, black-and-white polarization that channelled political communication in a non-reciprocal pattern. Furthermore, it forced the debates to take a religious turn, even if in essence they did not involve religious or moral questions, but civil rights issues. Islamist authorities pushed forward their interpretations of democracy, governance and citizenship couched in terms of religious values. Instead of judging legal drafts or parliamentarians on principles of citizenship, they were judged by their piousness and observance of religious practices. Even the term secularism has been de-legitimized in the Egyptian public sphere; instead, the secular opposition uses the terms liberal, socialist or civil, to escape the negative connotations. Mixing religion and politics influenced the constitution-writing process, for example, the demands to establish a religious state versus a civil state, and defining the role of Al-Azhar in the political landscape. Using religion as such in the public sphere limited the deliberations and aggravated the polarization instead of advancing consensus.

**Legal struggles, legitimacy and constitutional debates**

The authoritarian regime that ruled Egypt for many years applied a combination of techniques to manage its survival. A strategy of limited pluralism was tolerated under Mubarak to sustain the political process and lend it some credibility. Two tactics were used. First, the marginalization and exclusion of opponents, such as the followers of political Islam, who dared to question the very foundations of the regime. The second tactic was the co-optation of actors who potentially challenged the official discourse. These two tactics had the effect of dividing the structure of contestation to prevent any possible alliance between a fragmented opposition and a weak civil society. Middle East scholar Lust-Okar explains in detail how the regime encouraged rivalries among their opposition.\(^{104}\) In addition, throughout his three decades in power, Mubarak opted for a rational-legal form of legitimacy to justify his continued rule. Political struggles were often referred to the judicial process for a decision. Hence, legal battles became sites of political contestation in authoritarian Egypt, where different actors and institutions sought to exercise their power and maximize their gains. The Mubarak regime engaged in judicial politics for its own survival, to maintain order and discipline and create the impression of the rule of law, and to shift responsibility for unpopular policies to other (judicial) institutions.\(^{105}\) Paradoxically, the Supreme Constitutional Court (SCC) enjoyed relative autonomy from the executive. Its rulings often challenged the authoritarian regime, expanded freedom of expression and shielded civil society

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\(^{103}\) Hamzawy: “On religion, politics and democratic legitimacy”, (see FN 102), 406.


from executive domination. But at the same time the SCC never questioned the “core legal mechanisms” of the regime that maintained its power and hegemony over political life. Weakened opposition parties did not have the institutional capacity to challenge the pseudo-legal foundations of the authoritarian system. Parties operated more as loose networks and the media provided the bulk of the political interpretation. Polarized competition, fragmentation, non-strategic deliberations and volatile short-term alliances in the political landscape were unable to foster a soundly based, consensual and credible alternative for the public.

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From a legal point of view, the internal contradictions and non-homogenized legal order carried the seeds of its own instability. Egypt's legal system is a hybrid mix of pre-modern, decentralized Islamic law, modern state law and Islamic state law, in which the latter tries to reconcile the other two legal traditions. Such a disparate series of laws creates an uneasy and competitive co-existence of legal frameworks within the same legal system, because each reference depends on a different source of legitimacy. There is the traditional religious component, the modernist approach developed in the last 150 years and the new conciliatory approach. What is lacking is an integrative approach to bring these orders together into a workable consensus. Legal scholar Mohamed Fadel maintains that resolving the ideological differences between the Islamic and modernist legal systems could produce a “new popularly recognized constitution”. Yet, polarization and competition have prevented the desired consensual constitution. The regime’s mix of exclusion and co-optation tactics caused division. The framing of the political battle as a legal conflict resulted in a manipulated and constricted public sphere and undermined the deliberative culture. In addition, the modern post-colonial state promoted a centralized, top-down legal environment to cement its rational-legal legitimacy.

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When public protests eventually erupted into massive mobilizations that threatened the regime's survival, the military intervened in order to avoid more destabilization that could lead to a full state collapse. The military’s refusal in 2011 to use force against the protesters and its decision to remove an ailing autocrat and his

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106 Moustafa: *The Struggle for Constitutional Power*, (see FN: 105), 1-3.


110 Fadel, Mohammed, "Judicial institutions, the legitimacy of Islamic state law and democratic transition in Egypt: Can a shift toward a common law model of adjudication improve the prospects of a successful democratic transition?", in *International Journal of Constitutional Law* 11/3, 646-65, 646-49.

111 Fadel: "Judicial institutions, the legitimacy of Islamic state law and democratic transition", (see FN 110), 649.
capitalist cronies from power, strengthened its own position\textsuperscript{112} and boosted its popularity, because the majority of Egyptians believed that the military would spearhead the transition to democratic rule. But the sudden collapse of Mubarak’s regime not only forced open the political sphere but began a new legitimacy crisis. Egypt's post-revolutionary period witnessed a quest for establishing or re-gaining legitimacy that could secure the foundation of post-Mubarak political rule. Because revolutions are a structural break from the norm, there was also a "structural opportunity"\textsuperscript{113} for numerous actors in the political public sphere, whether secular or religious, affiliated to the old regime or new actors in the field, to challenge the basis of the regime or to re-establish it. These powers included the military bureaucratic establishment, new parties and coalitions as well as Islamist actors. "After the fall of Mubarak, the Muslim Brotherhood (MB) decided to act as a stabilizing force, to abandon the street and to lend democratic legitimacy to the political process designed by the army."\textsuperscript{114} Yet the legal system in Egypt was unpredictable. Its legal manoeuvres\textsuperscript{115} aimed at establishing and fostering legitimacy on rational-legal grounds. Hence, the bitter and protracted constitutional debates emerged. The term constitutional debate here refers to the post-revolutionary public deliberations intended to draft a new constitution. This phase was marked by intense contestation and legal battles between various interest groups over the post-revolutionary rational-legal legitimacy. Egypt's political powers failed to see the necessity of achieving a draft constitution by consensus. This period should have witnessed more serious societal debates that prioritized the challenges and problems for Egyptian society in order to propose solutions to them.

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The ruling regime relied on the legitimacy of the 1952 Revolution, which overthrew the monarchy and established the Egyptian republic. At that time, the young officers successfully created a founding narrative based on themes of anti-colonialism, social justice, populism and unity.\textsuperscript{116} Since then, however, the regime can be described as a "thinly veiled military-based authoritarian regime" that faced long years of legitimacy crisis because of its failure to achieve political and religious legitimacy.\textsuperscript{117} Indeed, the 25 January Revolution threatened the legitimacy of the "July regime" that had emerged in the critical phase between July 1952 and March 1954. Since its independence in 1922, Egypt had been ruled under consecutive constitutional frameworks, with the 1971 constitution being the most recent.\textsuperscript{118} By annulling the 1971 constitution along with

\textsuperscript{112} Sika: “The Arab state and social contestation”, (see FN 67), 80.


\textsuperscript{116} Brand: Official Stories, (see FN 88), 37, 45.


\textsuperscript{118} Shalkani, Amr, The History of the Rise and Fall of the Legal Elite in Egypt (Cairo, 2013), 12.
its latest amendments from 2007 and launching a transition period, SCAF successfully distanced itself from the established political order and signalled that it would set up new democratic rules for the political process. The first referendum on the constitution on 19 March 2011, held only a few weeks after the massive protests, channeled the transformation into slow-paced legal tunnels, instead of initiating a quick and radical political change. A new constitution would be a source of renewed rational-legal legitimacy for the post-revolutionary political system. The constitutional debates, or deliberations on the collective crafting of a new foundational legal text, were also intended to subdue the public mobilizations and divert the deliberations from radically transforming the core of the regime or further questioning its foundations. In order to protect the July state, SCAF guided the country down a long legal road. In doing so, they adopted the mechanisms of legal struggle that had so prominently shaped Mubarak's rule. Rational-legal legitimacy would be established to stabilize the country and serve as the basis for a new legitimate rule. Public debates focused on the procedural bureaucratic mechanisms to re-establish national stability, and prepare the way for a legal transition towards a new constitution (see Timeline). Ideally, the rational-legal authority avoids non-rational elements of traditional (religious) rule and charismatic rule. Legal legitimacy is based on a “system of codified law that was universally applied with a coherent and predictable internal logic”.\textsuperscript{119} Hence, the legal system offered the kind of predictability and security that political actors, including the Muslim Brotherhood and SCAF, would need. While the rational-legal source of legitimacy grants more stability than the charismatic form of legitimacy, it also develops more slowly, because it depends on the people's trust, which first needs to be earned.\textsuperscript{120}

Egypt's political roller coaster and turbulent legal and political context has changed numerous times in the past few years. The short period between 2011 and 2014 was marked by a “constitutional confusion” that included the initial amendments to the 1971 constitution, 10 constitutional declarations, two constitutions, and one special communiqué issued by SCAF on 3 July 2013.\textsuperscript{121} The numerous constitutional drafts and declarations were aimed at legitimizing the power holders, whether these were the military or the Muslim Brotherhood, through the post-revolutionary deliberative processes.\textsuperscript{122}

When Muhammad Morsi came to power through a legal-rational procedure (presidential elections), he and the Muslim Brotherhood realized the great potential of legally established legitimacy. But he soon broke the

\textsuperscript{119} Moustafa: \textit{The struggle for constitutional power}, (see FN: 105).


\textsuperscript{121} Mady, Abdel-Fattah, “Popular discontent, revolution and democratization in Egypt in a globalizing world,” in \textit{Indiana Journal of Global Legal Studies} 20/1, (2013), 45.

\textsuperscript{122} The relevance of the constitution to the societal and political debates is covered in detail in the paper by Nadia Leihs and Hend Aly.
same rules by which he came to office, in order to boost his presidential powers. His non-consensual constitutional declaration in November 2013 instantly cost him public support from among his large base of (secular) voters, who actually helped him to narrowly win the presidential elections in the runoff. In parallel, the Muslim Brotherhood worked on a slow Islamization of legal bodies. During his short-lived presidency Morsi chose to appease the military and sideline the judiciary (for details see the paper by Leihs and Aly in this issue). The Muslim Brotherhood made the mistake of relying only on their alliance with the military to stabilize the country, thus neglecting the revolutionary camp. A second mistake was to create animosity with the judiciary, which had a prominent role in shaping legal-political reform and state-society interaction. Eventually, the alliances changed, and public dissent was used to dispose of Morsi. After 30 June 2013 the SCC seemed less willing to clash with the executive. By siding with the military against the Muslim Brotherhood it clearly made a critical choice. The Muslim Brotherhood's third mistake was to reproduce the authoritarian regime's non-consensual approach, as was evident in the constitution drafting process. The negotiation of the constitution took place in a radical polarized political culture in which "institutional competition" prevailed. The state institutions were determined to secure their territory and independence in the draft text, instead of working collectively on a common goal. The competing institutions included the SCAF, the presidency, the judiciary, the parliament and Al-Azhar, among others. Each relied on self-serving, competing discourses in the Arab world to garner support. The conflict over the new constitution can be seen as a battle between modernist non-Islamists, traditional Salafists, the Muslim Brotherhood and Mubarak loyalists. As it evolved, the actual content of the constitution became less relevant, and the procedural aspects of the bargaining process more important. Religious actors pushed forward their particularistic discourses and religious principles, which forced the liberal and leftist parties to justify their positions in terms of religious symbolism, identity and ethics.

123 The two incidents undermining Morsi's legitimacy were his constitutional declaration on 22 November 2012, which was widely criticized and caused public dissent, and his response to the mobilization at Al-Ittihadeya palace on 4 December, when he called upon his militia-like supporters from the marginalized rural areas to rise up against the secular opposition, resulting in clashes that left eight people dead. Mihatsch: "From Nasser to Sisi", (see FN 120). Mihatsch points out the discrepancy in the legitimacy crisis between Morsi's constituencies and those outside the Muslim Brotherhood. "An interesting aspect regarding Morsi's presidency lies in the fact that, while aiming for rational-legal legitimacy at the national level, he had traditional legitimacy within the Brotherhood. Traditional legitimacy, as stated earlier, describes any type of rule, which is accepted because of custom, tradition or religion." Subsequent events, the Tamarod campaign, the anti-Morsi mobilization, his removal from power, the interim presidency by the former SCC head and, finally, the election of Sisi prove that the regime was trying to boost its rational-legal legitimacy.


125 Sika: "The Arab state and social contestation!", (see FN 67), 80-81.

126 Pioppi: "Playing with Fire", (see FN 114), 65.

127 Brown, Mokhtar: "Egypt's judiciary between a tea ceremony and the WWE", (see FN 115).


129 For an overview of the trends in the new Arab public sphere see Ayish, Muhammad, The New Arab Public Sphere, (Berlin 2008), 172-174.

130 Hamzawy: "On religion, politics and democratic legitimacy", (see FN 102), 403.
This collided with an idealist, consensus-oriented approach. A constitution should, of course, be a consensual document developed through deliberations. The perception of it as a social contract and a reference point for governing the state and society are derived not only from consensus about its content, but also from the participation-representation principle that governs the whole drafting process. The social and political contexts for setting both the deliberative and the institutional conditions are important in determining the deliberative and democratic qualities of the processes under which deliberation takes place. In short, the legitimacy of such an important document as the constitution comes from the deliberative processes behind it and its nature as a collective binding document. The need for deliberation is extremely relevant in "highly significant events" such as constitution building. At the same time, building a wide consensus over complex issues like legal texts takes time to evolve. Issue complexity increases with the amount of knowledge needed to reach well-informed judgements and with the number of issue dimensions involved in making decisions, while the cognitive abilities of average citizens can be overwhelmed by technically complex issues. The more complex an issue, the more time is needed for deliberation. The deliberations should achieve a balance between the areas of homogeneity among the deliberating actors, i.e. the consensus over core principles in order to solve problems peacefully and cooperatively, while allowing enough heterogeneity to accept a degree of pluralism that opens the communication process to the articulation of politicized messages. Constitutional assemblies and the political context, as well as the constitution itself, both as process and draft, all contribute to the construction of the public to whom a proposal for ratification is made. For Egypt, establishing consensus about a foundational document of such crucial importance as the constitution would give the political transformation more stability. Otherwise, there are dangers of exclusion and domination, and ultimately an interruption of the process, as was evident in the transition period.

Conclusion

A constitution is a source of rational-legal legitimacy. In addition, it has a symbolic political character as a social contract signalling a new political era. Therefore, the constitution in any given society should be the

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132 Connelly: "Deliberation in the face of power", (see FN 18), 186.

133 Chappell: Deliberative Democracy, (see FN 29), 36.

134 Chappell: Deliberative Democracy (see FN 29), 35.

135 Chappell: Deliberative Democracy (see FN 29), 30.

result of consensual deliberative processes that overcome the divisions in the political culture. Here, the legitimacy of a crucial document lies in the deliberative efforts invested in it.

Egypt, as a non-Western political system, is particularly interesting in the light of recent research calling for a further scrutiny of the public sphere in Arab countries. The deliberative processes within Egypt's radical polarized political culture are a special case. Both patriotism and religion enjoy public credibility and constitute a kind of cultural power that potentially adds legitimacy to discourses, arguments and actors. Egypt's fractured national identity is clear in its political culture and public sphere, and clearly shows the gulf between religious and patriotic discourses. The political system does not manage the divisions in a consensual way, which leaves the identity conflict unresolved. Under Mubarak, pluralism and tolerance declined. After the revolution, the deep cleavages in society were managed by SCAF, which did not necessarily adopt the revolutionary agenda, but did not clash with it either, at least in the early phase.

Egypt's long history of authoritarianism in political and social practices offers no role models for achieving a minimum consensus on common issues. Because argumentative capacities were never enhanced, public deliberations continued to reproduce the established radical polarized positions instead of increasing potential consensus. In addition, no reconciliation efforts were promoted by the remaining political power; instead, a path for transformation was imposed by deadlines and threats. In the turbulent transition period, the social media certainly added to the plurality of voices after the 2011 uprising. However, their role in influencing and managing public deliberations requires further research.

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The project on which this publication is based was sponsored by the German Federal Ministry of Education and Research (BMBF) under the reference number 01UG1204. The author(s) takes full responsibility for the content of this publication.