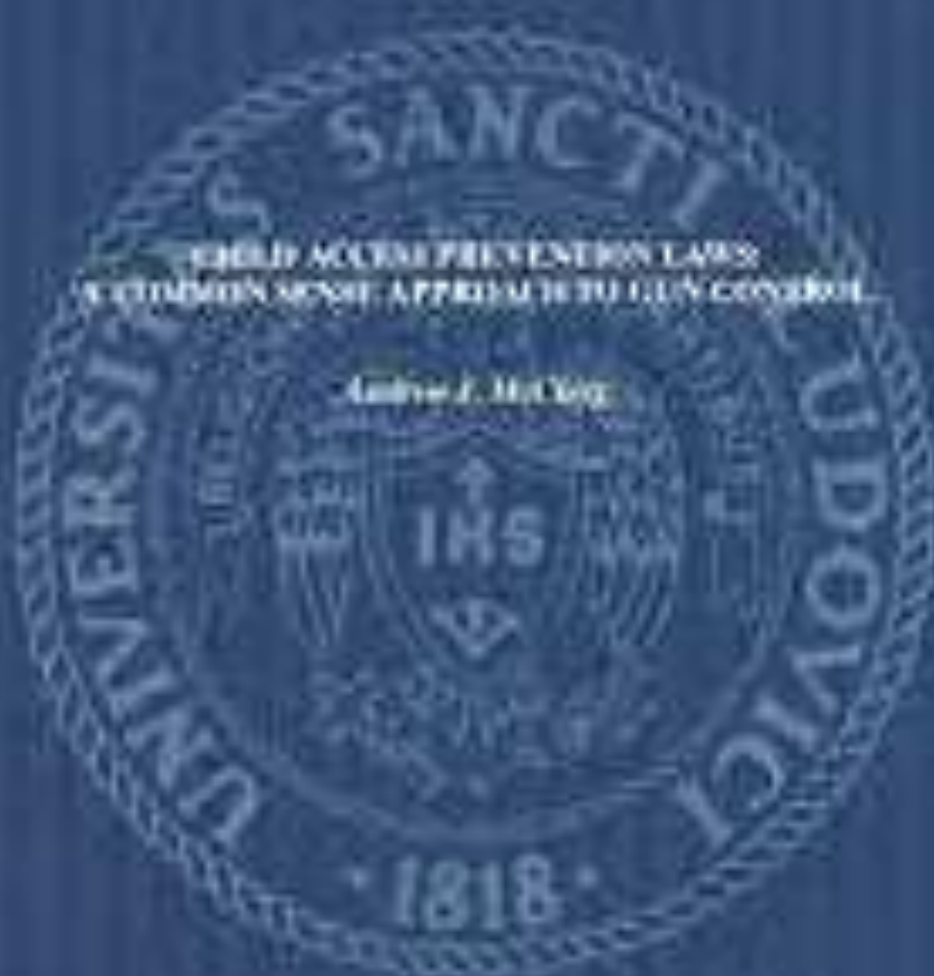

SAINT LOUIS UNIVERSITY
PUBLIC LAW REVIEW

FALL 2012 VOLUME FIFTEEN NUMBER THREE

CHILD ABUSE PREVENTION LAWS:
A COMMON SENSE APPROACH TO GUN CONTROL

Andrew J. McCoy



**EGYPT AND THE MIDDLE EAST:
DEMOCRACY, ANTI-DEMOCRACY AND PRAGMATIC FAITH¹**

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ABSTRACT

In this article, I discuss prospects for democracy in the Middle East. I argue, first, that some democratic experiments—for instance, Egypt under Mohammed Morsi—are not in keeping with etymological and historical meanings of democracy; and second, that efforts to promote democracy, especially as exemplified in U.N. documents emphasizing universal rights grounded in Western traditions, are possibly totalitarian and also colonialist and hence counter to democratic ideals insofar as they impart one set of values as the only morally acceptable ones. A respectful dialogue in which people from both regions strive to understand conditions giving rise to certain social practices would be more productive than morally superior attitudes, and help all to see areas where their respective cultures could be improved. I conclude by discussing concepts of democratic and pragmatic faith articulated by John Dewey and William James, arguing that democracy will continue to flounder in the Middle East so long as the basic trust implied in these concepts is lacking; and how Westerners might consider this a cautionary tale regarding social attitudes and public policies contrary to democratic life in their own countries.

1. I would like to acknowledge the work of my graduate assistant, Hagar el-Houdaiby, who has a background in both philosophy and law. She went through numerous international documents, highlighting key portions and supplying some analysis, while also pointing me to a number of valuable secondary sources.

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INTRODUCTION

In what follows, I focus on prospects for democracy in Egypt and the Middle East, pursuing two interrelated points. First, I suggest what the West lauded as Egypt's first democratic government under Mohamed Morsi was not keeping with etymological, historical and indeed U.N. conceptions of democracy. Accordingly, the experiment did not fail, as the Western media overwhelmingly suggested; it fizzled soon after the election because democracy never really happened in the first place. Second, I argue that many international projects promoting democracy, especially as exemplified in U.N. documents, tacitly extol Western values as the only morally acceptable ones. Insofar as this more or less subjugates the totality to a single order favoring Western ideology, it is arguably totalitarian and colonialist and consequently counter to democratic ideals. Throughout I suggest that Middle Eastern countries face realities foreign to the West, and it is wrongheaded to presume that straightforwardly Western systems will inevitably work there if the aim is to promote human wellbeing.

While generally skeptical of Western attempts to export democracy, partly because concepts of democracy in the West are already impoverished, and also because "freedom" and "oppression" are often shallowly conceived, I finish by discussing prospects for democracy in the Middle East. Current conditions in the Middle East are bleak, with many justifiably afraid to speak out, intervene and engage in oppositional discourse. This is not only contrary to the establishment of democratic government, but to having what the pragmatic philosopher John Dewey, among others, characterized as democratic life. To the extent that conditions prevent the latter from flourishing, the former will flounder too.

Open and respectful discourse is key to democratic life. Yet by and large, critiques of the Middle East and its largely Islamic culture have the air of one party taking a morally superior stance over another without adequately pondering the specific situation of the other. The West and Middle East would benefit from a respectful dialogue, which would enable people in both regions to better see flaws in their respective cultures. This relates to another concept discussed by Dewey, namely, "democratic faith."² Elaborating on this concept with help from William James and his pragmatic understanding of faith, I argue that prospects in the Middle East are currently poor because the basic trust that democracy requires and entails is largely lacking. For such reasons it may also be threatened in Western countries as well.

2. See generally John Dewey, *The Democratic Faith and Education*, 4 THE ANTIOCH REV. 274 (1944).

SHALLOW DEMOCRACY

I arrived in Egypt at the beginning of what came to be known as the “January Revolution,” and witnessed the mass protests in Tahrir that contributed to the removal of the military dictator Hosni Mubarak. Hope in Egypt and abroad was high, with Barack Obama, if a billboard at Cairo International Airport is to be trusted, declaring: “We must educate our children to become like young Egyptian people.”³ However, optimism dwindled for those specifically opposing military governments, for the army was still governing as it had since the time of Gamal Nasser. Moreover, living conditions remained essentially unchanged and in fact worsened to the extent that tourism—one of the most important sectors in Egypt—nearly collapsed.

Roughly a year-and-a-half after the January uprising, Egypt had a run-off vote to determine who would be president. Even though this was lauded as Egypt’s first free presidential election, with voter turnout barely above 50%, many were less than enthusiastic and it was not hard to see why.⁴ One choice was Ahmed Shafik, a retired air marshal and last Prime Minister under Mubarak and therefore a representative of the old guard. The other was the Islamist candidate Mohammed Morsi, a second-choice substitute for Khairat el-Shater, who was disqualified because of past convictions—possibly and perhaps likely politically motivated—for terrorism and money laundering. Morsi went on to win by a narrow margin.⁵

Things did not appreciably improve. Aside from economic problems that were not really the fault of the government, Morsi, as an article from *The Economist* put it somewhat hyperbolically, “did his best to flout the norms of democracy during his short stint as president.”⁶ He commenced his term with an act of quasi-fraud since the Brotherhood had promised not to run a presidential candidate, and Morsi merely resigned from the party that had heavily financed his campaign a few days before swearing into office. Then, in the fall of 2013, Morsi decreed absolute power on himself and declared himself above the law, with some claiming he did so because Mubarak and military loyalists were interfering with the judiciary and political system. He pushed a new constitution to a vote with only a few weeks’ notice and therefore little

3. Mohamed El-Bendary attributes this to remarks Obama made the day Mubarak resigned. See MOHAMED EL-BENDARY, *THE EGYPTIAN REVOLUTION: BETWEEN HOPE AND DESPAIR: MUBARAK TO MORSI* 11 (2013).

4. See *Voter turnout data for Egypt*, INT’L INST. FOR DEMOCRACY AND ELECTORAL ASSISTANT, <http://www.idea.int/vt/countryview.cfm?id=69> (last visited Jan. 26, 2015).

5. See David K. Kirkpatrick, *Named Egypt’s Winner, Islamist Makes History*, N.Y. TIMES, June 24, 2012, http://www.nytimes.com/2012/06/25/world/middleeast/mohamed-morsi-of-muslim-brotherhood-declared-as-egypts-president.html?_r=0.

6. *The Arab Spring: Has it Failed?*, THE ECONOMIST (July 13, 2013), available at <http://www.economist.com/news/leaders/21581734-despite-chaos-blood-and-democratic-setbacks-long-process-do-not-give-up>.

chance of informed and hence empowered consent. During the same period, his backing party, The Muslim Brotherhood, objected to an U.N. bill because, among other things, it would designate spousal sexual assault of women—currently legal in most Middle Eastern countries—as rape, while also giving equal rights to homosexuals and children born out of wedlock.⁷ Free expression was stifled on even trivial matters, with the exceptionally popular satirist Bassem Youssef investigated for maligning Morsi and later charged for insulting Islam.⁸ Furthermore, Morsi and his backing party were mostly silent and indeed encouraging in Arabic posts of violent mobs outside the U.S. embassy,⁹ and his supporters vandalized the property of minority Copts and murdered them en masse in the aftermath of his ousting.¹⁰ In short, Morsi, along with many of his supporters, “reverted to the same undemocratic policies that he was elected to change. In effect, Morsi simply replaced a secular autocratic rule with an Islamist one.”¹¹ Consequently a year after Morsi’s election, mass protests erupted, fueled in subtle and not so subtle ways by the military. Morsi and his government fell. The army, which had never really relinquished power, took over again, with Abdel Fattah el-Sisi, the man who led the military coup, later popularly elected President.

7. *Muslim Brotherhood Statement Denouncing UN Women Declaration for Violating Sharia Principles*, IKHANWEB (Mar. 14, 2013), <http://www.ikhwanweb.com/article.php?id=30731>.

8. *Egypt authorities to investigate popular satirist Bassem Youssef*, Aljazeera (Oct. 28, 2013), <http://america.aljazeera.com/articles/2013/10/29/egypt-authoritiestoinvestigatetopsatiristbassemoussef.html>.

9. The Brotherhood’s Arabic Twitter feed read: “Egyptians rise up to support Muhammad in front of the American Embassy. Sept. 11.” Morsi was also silent about violence until receiving a “blunt” phone call from President Barack Obama. See David D. Kirkpatrick et al., *Egypt, Hearing From Obama, Moves to Heal Rift From Protests*, N.Y. TIMES (Sep. 13, 2012), available at http://www.nytimes.com/2012/09/14/world/middleeast/egypt-hearing-from-obama-moves-to-heal-rift-from-protests.html?_r=0; see also Ian Black, *Mohamed Morsi: A Spectacular Balancing Act*, THE GUARDIAN (Sep. 16, 2012, 7:09 PM), <http://www.theguardian.com/theobserver/2012/sep/16/profile-mohamed-morsi>; Robert Kagan, *The Proper U.S. Response to Cairo Embassy Attack*, WASH. POST (Sep. 13, 2012), available at https://www.washingtonpost.com/opinions/robert-kagan-the-proper-us-response-to-cairo-embassy-attack/2012/09/13/64aee4ac-fdb1-11e1-b153-218509a954e1_story.html.

10. See e.g., *Egypt: Islamists Hit Christian Churches*, CBS NEWS (Aug. 17, 2013, 9:28 PM), <http://www.cbsnews.com/news/egypt-islamists-hit-christian-churches/>; Mail Foreign Service, *Islamist Mob Parades Nuns in Cairo as Prisoners of War After Six Hours Looting Church School and Replacing Cross with Banner Resembling Al Qaeda Flag*, THE DAILY MAIL (Aug. 18, 2013, 5:29 PM), <http://www.dailymail.co.uk/news/article-2396764/Egypt-crisis-Islamist-mob-parades-nuns-Cairo-prisoners-war.html>.

11. Noah Beck, *Morsi’s Demise Good News for Egyptian Democracy*, THE COMMENTATOR, (July 8, 2013, 9:33), http://www.thecommentator.com/article/3929/morsi_s_demise_good_news_for_egyptian_democracy.

Many have of course argued that the removal of Morsi was undemocratic on the grounds that it was achieved through a coup. As I will soon point out, however, democracy is not reducible to voting, and voting can be put to undemocratic purposes. Moreover, governments that most—even if naively—identify as “democratic” have been established through force, as with the American Revolution and also that of Portugal in 1971. Yet while I reject arguments that the actual removal was necessarily undemocratic by virtue of occurring through a coup, the level of oppression in Egypt is arguably worse today than it was even under Mubarak.

Some are afraid to talk openly on the telephone or in public. In one prominent example, shortly after the Morsi overthrow, young women peacefully and non-disruptively protesting with signs were sentenced to 11 years in prison, with the punishment later reduced.¹² Then there were also the mass killings of pro-Morsi protestors, and while some were armed and violent, such a massacre cannot be justified by any standard morality.¹³ Secret arrests also seem on the rise.¹⁴ So too are politically motivated cases of harassment, with a number of individuals in my personal circle effected. Recently one friend, the former Libyan Ambassador Mohammed Fayez Jibril and longtime Cairo resident, was attacked with others in his embassy by Egyptian thugs wielding chains and other weapons on the grounds that he was a Brotherhood sympathizer, a claim incidentally false.¹⁵ An ex-student who supports LTGB rights has received threats from police. Ismail Alexandrani, respected journalist, researcher and husband of another ex-student, has been jailed for speaking against the Egyptian Military at an academic conference in Germany.¹⁶ The pretext for detaining him is once again that he is a

12. Gregg Carlstrom, *Convicted Egyptian women eye new protests*, Aljazeera (Dec. 11, 2013, 9:06), <http://www.aljazeera.com/indepth/features/2013/12/arrested-egyptian-women-demonstrating-again-20131210122543688647.html>; Tony Gamal Gabriel & El-Sayed Gamal Eddin, *Severe sentences for Alexandria female protesters spark Egypt outcry*, AHARAMONLINE (Nov. 28, 2013) <http://english.ahram.org.eg/NewsContent/1/64/87715/Egypt/Politics-/Severe-sentences-for-Alexandria-female-protesters-.aspx>.

13. David D. Kirkpatrick, *Hundreds Die as Egyptian Forces Attack Islamist Protestors*, N.Y. TIMES (Aug. 14, 2013), http://www.nytimes.com/2013/08/15/world/middleeast/egypt.html?_r=0.

14. See e.g., *Egypt: Dozens Detained Secretly: National Security Officers Operating Outside the Law*, HUMAN RIGHTS WATCH, (July 20, 2015), <https://www.hrw.org/news/2015/07/20/egypt-dozens-detained-secretly>; Ayah Aman, *Egyptians Left in Dark about Secret Abduction Cases*, AL-MONITOR (Aug. 19, 2015), <http://www.al-monitor.com/pulse/originals/2015/08/egypt-forced-abduction-arrest-campaigns-police.html>.

15. I have been acquainted with the family of the former Ambassador since the fall of 2011, and they have long expressed reservations about the Brotherhood, even when it was not in vogue to do so.

16. See, e.g., *Egypt Journalist Arrested for his Work*, AMNESTY INT'L (Dec. 3, 2015), <https://www.amnesty.org/en/documents/mde12/2997/2015/en/>; *Egypt: Journalist Unlawfully*

Brotherhood supporter in spite of him having publically criticized the group. Apathy among voters is even higher now than for the elections that brought Morsi and his party to power, with a turnout of less than 30% for the parliamentary elections of the fall of 2015.¹⁷ Many simply feel their vote makes no difference,¹⁸ a belief fueled in part by the near absence of viable opposition.

It should accordingly be clear—even under a relatively shallow understanding—that Egypt has never had a democratic government. Only this is not clear. Many of course accept that the government of Sisi is undemocratic, along with earlier military and monarchical regimes. But the overwhelming sentiment among Western media and politicians, with some exceptions, was that Morsi was popularly elected and, consequently, that his overthrow was by definition anti-democratic.¹⁹ However, supposing even the majority of Egyptians voted for Morsi and supported the sometimes violent actions of his party—which they did not²⁰—it would still not follow that they

Arrested, HUMAN RIGHTS WATCH (Dec. 1, 2015), <https://www.hrw.org/news/2015/12/01/egypt-journalist-unlawfully-arrested>; Anealla Safdar, *Egypt Extends Journalist's Detention by 15 Days*, ALJAZEERA (Dec. 1, 2015, 10:19 PM), <http://www.aljazeera.com/news/2015/11/award-winning-egyptian-reporter-held-unknown-charges-151130182357719.html>; Editorial, *Egypt's State of Repression*, WASH. POST (Dec. 3, 2015), https://www.washingtonpost.com/opinions/egypts-state-of-repression/2015/12/03/6fb98dc-991c-11e5-8917-653b65c809eb_story.html.

17. See Agence France-Presse, *Low Turnout as Egyptians Shun Elections Designed to Shore up Sisi*, THE GUARDIAN (Oct. 19, 2015, 9:26 PM), <http://www.theguardian.com/world/2015/oct/18/egypt-parliamentary-elections-shore-up-sisi>.

18. See Agence France-Presse, *Low Turnout as Egyptians Shun Elections Designed to Shore up Sisi*, THE GUARDIAN (Oct. 19, 2015, 9:26 PM), <http://www.theguardian.com/world/2015/oct/18/egypt-parliamentary-elections-shore-up-sisi>; Hatem Maher, *Egypt's parliamentary elections: 'Who cares'?*, AHRAH ONLINE (Oct. 18, 2015), <http://english.ahram.org.eg/NewsContent/1/164/155944/Egypt/Egypt-Elections-/Egypts-parliamentary-elections-Who-cares.aspx>.

19. See generally Matthew Crippen, *Asleep at the Press: Thoreau, Egyptian Revolt and Nuances of Democracy*, 20 ARAB MEDIA & SOC'Y 1 (Winter 2015) (summarizing media reactions); see also, e.g., Editorial, *Crisis in Egypt*, N.Y. TIMES (July 3, 2013), <http://www.nytimes.com/2013/07/04/opinion/crisis-in-egypt.html> (demonstrating typical examples); Op-Ed, *Egypt's Military Coup Casts Shadow over Democratic Revolution: Editorial*, THE TORONTO STAR (July 4, 2013), http://www.thestar.com/opinion/editorials/2013/07/04/egypts_military_coup_casts_shadow_over_democratic_revolution_editorial.html; Fawaz Gerges, *Egypt Coup: The Military Has not just Ousted Morsi. It Has Ousted Democracy*, THE GUARDIAN (July 4, 2013, 1:45 PM), <http://www.theguardian.com/commentisfree/2013/jul/04/egypt-coup-military-morsi-democracy>.

20. For example, a 2011 Gallup document states that while “richer countries in general are more likely than those in poorer countries to reject individual attacks on civilians,” Egypt violates this trend and “ties Finland as the country with the highest level of unequivocal rejection of individual attacks against civilians. Furthermore, Egypt ranks as one of the top countries in the world for rejecting military attacks against civilians.” *Views of Violence*, GALLUP (2011), <http://www.gallup.com/poll/157067/views-violence.aspx>. Even at the height of their power, moreover, support for the Brotherhood was not emphatic. In the election for the People's

were democratic, anymore than it would if the majority in a society voted to enslave a minority. This is to say, effective democracy cannot be reduced to voting, yet many Western politicians and reporters suggested otherwise when they lamented that the ousting had overthrown Egypt's first democratic president.

The Western reaction to the election and subsequent overthrow of Morsi is illustrative because it exemplifies how impoverished common conceptions of democracy are. Etymologically "democracy"—from the Greek words *dēmos* for "people" and *kratia* for "power or rule"—means empowering people.²¹ This is what people have historically hoped to achieve when fighting for democracy. While electoral processes have been a means to this goal, voting, as just explained, can be put to undemocratic uses if it arbitrarily and systematically disenfranchises segments of society, as is the case when gay marriage is quashed by popular referendums.

Voting accordingly can lead to what Alex de Tocqueville and later Henry David Thoreau called a "tyranny of the majority." Though an admirer of American democracy, Tocqueville observed:

What I most reproach in democratic government ... is not, as many people in Europe claim, its weakness but on the contrary, its irresistible force. And what is repugnant to me ... is the lack of guarantee against tyranny.

Public opinion? that is what forms the majority; the legislative body? it represents the majority and obeys blindly; the executive power? it is named by the majority and serves as its passive instrument; the public forces? the public forces are nothing other than the majority in arms; the jury? the jury is the majority vested with the right to pronounce decrees: in certain states, the judges themselves are elected by the majority.²²

Or, as Thoreau complained, "the practical reason why ... a majority are permitted, and for a long period continue, to rule, is not because they are most likely to be in the right, nor because this seems fairest to the minority, but

Assembly, the Brotherhood garnered 37.5% of the vote with a turnout of 52%. In the election of the Upper House (Shura Council) they won 58% of seats, but with 45% of votes cast, and a turnout of only 10%. In the final runoff of presidential elections, Morsi won 51.7% of the popular vote, with a turnout of 52%, but even this does not indicate emphatic support since the alternative was Ahmed Shafik, the last Prime Minister under the dictator Hosni Mubarak, and therefore a representative of the just ousted autocratic regime. Nicholas Wade, *Egypt: What Poll Results Reveal about Brotherhood's Popularity*, BBC (Oct. 30, 2013), <http://www.bbc.com/news/world-middle-east-23846680>.

21. Democracy definition, THE CONCISE OXFORD DICTIONARY OF ENG. ETYMOLOGY (T. F. Hoad ed., 2003).

22. ALEXIS DE TOCQUEVILLE, DEMOCRACY IN AMERICA 241 (Harvey C. Mansfield & Delba Winthrop ed., trans., Univ. of Chicago Press 2000) (1835).

because they are physically the strongest.”²³ Without denying the majority is ever correct, he held that “a government in which the majority rule in all cases cannot be based on justice,”²⁴ thereby making the obvious point that voting does not guarantee moral rightness. While perhaps underestimating the role of checks and balances and limiting effects of constitutional law, these analyses point to how reducing systems to mere voting can disempower minorities or individuals on arbitrary and morally questionable grounds. In effect, therefore, such systems can have anti-democratic consequences.

Although U.N. documents are not without problems, a point taken up later, they at least recognize a potential for a tyranny of the majority, as do many constitutions and charters. So while *The Universal Declaration of Human Rights* declares, “the will of the people shall be the basis of the authority of government,”²⁵ it also limits what the majority can decree by adding:

All are equal before the law and are entitled without any discrimination to equal protection of the law.²⁶

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.²⁷

Everyone has the right to freedom of peaceful assembly and association.²⁸

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.²⁹

None of these strictures necessarily has anything to do with voting. Yet if followed, they clearly limit the capacity of a majority to tyrannize a minority or individual through electoral processes.

The pattern is the same in the U.N.’s *International Covenant on Civil and Political Rights*.³⁰ It states that people shall have “the right to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of

23. HENRY DAVID THOREAU, CIVIL DISOBEDIENCE (1849), in COLLECTED ESSAYS AND POEMS 203, 204 (Elizabeth H. Witherell ed., 2001).

24. *Id.*

25. Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(II), at Art. 21 (Dec. 10, 1948).

26. G.A. Res. 217 (III), *supra* note 25, at Art. 7.

27. G.A. Res. 217 (III), *supra* note 25, at Art. 18.

28. G.A. Res. 217 (III), *supra* note 25, at Art. 20.

29. G.A. Res. 217 (III), *supra* note 25, at Art. 19.

30. *See Generally*, International Covenant on Civil and Political Rights, G.A. Res. 2200 (XXI) A, U.N. Doc. A/RES/2200(XXI) (Dec. 16, 1966).

the will of the electors”; and further that all shall have “the right and opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives.”³¹ However, it is also written to ensure “the equal rights of men and women”; protection from “cruel, inhuman or degrading treatment”; no “arbitrary ... interference with ... privacy”; “the right to freedom of movement”; “freedom of opinion and expression”; “the right to freedom of peaceful assembly”; and “the right to freedom...and association with others.”³² Again, the latter strictures can sometimes go against majority opinion, as in countries where the majority hold that individuals leaving the dominant religion should be punished; or where the majority, including women, hold that men and women are not entitled to the same rights.

Etymological and U.N. conceptions of democracy are not exceptionally sophisticated, particularly as compared to ideas advanced by thinkers such as Dewey and hinted at by Thoreau, Tocqueville and others suggesting democracy is not only a manner of governing, but more fundamentally a way of life. Yet even these unsophisticated ideas are not especially well promoted in practice. Western politicians, for instance, have a long history of not being overly concerned about democracy in foreign countries and sometimes propping up brutal leaders, as in the case of past support for Fulgencio Batista, Augusto Pinochet and Saddam Hussein, not to mention aid to what eventually became the Taliban, and, as worse, numerous invasions on thin humanitarian pretenses. If Frankfurt School critiques are valid, moreover, then genuine democracy is not even really practiced in the West, for advanced industrial apparatus function to limit the capacity of individuals to think much less move beyond current realities.³³ Through the mass production and marketing of essentially identical products, to consider a hyperbolic example, manufacturers can instill similar wants and desires in many and therewith common interests. Perhaps those wanting sports utility vehicles share an interest in the order that secures cheap oil through political control of regions producing it; or cheap steel through “free trade”; or limits wages of auto-workers by thwarting the formation of unions; or builds more roads and builds them bigger; or resists emissions laws and so on. The situation is reflected in the fact that differences between political parties in the United States and elsewhere are often scant when considered against the much larger spectrum of what is possible. Under such conditions, a slim number of possibilities more or less becomes the

31. G.A. Res. 2200 (XXI), *supra* note 30, at Art. 25.

32. G.A. Res. 217 (III), *supra* note 25, at Preamble, Arts. 5, 12, 13, 19, & 20.

33. See generally Mathew Crippen, *The Totalitarianism of Therapeutic Philosophy: Reading Wittgenstein Through Critical Theory*, 8 *Essays in Philosophy* 1–24 (2007); see also MAX HORKHEIMER, *ECLIPSE OF REASON* (Oxford Univ. Press 1947); see also HERBERT MARCUSE, *ONE-DIMENSIONAL MAN: STUDIES in the IDEOLOGY of ADVANCED INDUSTRIAL SOCIETY* (Beacon Press, 1964).

totality of all possibilities, and this is arguably counter to democratic flourishing.³⁴

The reasons for democratic failures not only in places such as Egypt but also the West are of course many and likely too complex to fully ascertain or even enumerate. Economic problems are involved, power hungry leaders, fearful citizens, religious and political ideology, cultural mores, people too busy surviving to look at the broader picture, along with simpler desires such as the wish for chocolate or coffee made cheap through exploitation or in some cases outright slavery. An additional reason that Western-style democracy has not thrived in countries such as Egypt may be that it is not, as just discussed, wholly successful in the West. As also mentioned, it may too be that Western leaders have historically been more concerned about securing perceived interests than human wellbeing in foreign countries—a point that will later be elaborated upon in the case of Egypt. Making matters worse, however, is the fact that popular conceptions of democracy are even shallower than the relatively unsophisticated ones advanced by the U.N., not to mention basic etymological meanings of the word. So another and very straightforward reason that Egypt's brief experiment failed was that what the international community lauded as democracy after the January uprising of 2011 was not democracy in the first place.

COLONIALISM

Typee, a novel based on Herman Melville's apparently sanguine experience of being captive in the Marquesas Islands, compares the cultures of Europe and the United States to that of South Pacific locals.³⁵ Melville began by granting that "these shocking unprincipled wretches are cannibals."³⁶ He went on to say, however, that

they are such only when they seek to gratify the passion of revenge upon their enemies; and I ask whether the mere eating of human flesh so very far exceeds in barbarity ... [and] fiend-like skill we display in the invention of all manner of death-dealing engines, the vindictiveness with which we carry on our wars, and the misery and desolation that follow in their train...

The term 'Savage' is, I conceive, often misapplied, and indeed, when I consider the vices, cruelties, and enormities of every kind that spring up in the

34. See generally Mathew Crippen, *The Totalitarianism of Therapeutic Philosophy: Reading Wittgenstein Through Critical Theory*, 8 *Essays in Philosophy* 1-24 (2007); see also MAX HORKHEIMER, *ECLIPSE OF REASON* (Oxford Univ. Press 1947); see also HERBERT MARCUSE, *ONE-DIMENSIONAL MAN: STUDIES in the IDEOLOGY of ADVANCED INDUSTRIAL SOCIETY* (Beacon Press, 1964).

35. See generally HERMAN MELVILLE, *TYPEE: A PEEP AT POLYNESIAN LIFE* (G. Thomas Tanselle et al. eds., Library of America 1982).

36. *Id.* at 150.

tainted atmosphere of a feverish civilization, I am inclined to think that so far as the relative wickedness of the parties is concerned, four or five Marquesan Islanders sent to the United States as Missionaries might be quite as useful as an equal number of Americans despatched to the Islands in a similar capacity.³⁷

Although not without humour, Melville was dead in earnest, and cited specific cases of cruelties carried out in his day—for example, torturous methods of execution—that in brutality exceed that of merely eating human flesh. He thereby pointed to misguided efforts to civilize non-Western cultures that occurred in his day, as in ours. By asserting that Islanders sent the United States might be as beneficial as missionaries in the Islands, he also suggested that dialogue, as opposed the morally superior attitude of “West knows best,” would better serve the interests of humankind.³⁸

The U.N., though often laudable and more responsive to human wellbeing than individual governments, has sometimes displayed attitudes comparable to that exhibited by the missionaries Melville described. Along such lines, Makau Mutua, while not wholly rejecting U.N. programs, suggested they are Eurocentric and proceed from an impulse to spread ideas that “grow out of Western liberalism and jurisprudence.”³⁹ He added that although the U.N. agenda of promoting such values originated in attempts to counter the barbarism of Western governments such as the Third Reich, it is today framed as an effort to civilize more “primitive” regions of the world, which here means non-Western ones. As he bleakly summed up: “If the human rights movement is driven by a totalitarian or totalizing impulse, that is, a mission to fit a particular blueprint” on the totality of the whole, “then there is an acute shortage of deep reflection and a troubling abundance of zealotry in the human rights community.”⁴⁰

The premise that Western-style democracy represents the only morally permissible option is similarly problematic, for suggesting that one system is the totality of all acceptable systems is totalitarian, according to definitions offered by Frankfurt theorists such as Max Horkheimer and Herbert Marcuse. As Marcuse put it, totalitarianism “is not only a terroristic political coordination of society, but also a non-terroristic economic-technical coordination which operates through the manipulation of needs by vested interests.”⁴¹ That is, while totalitarianism has been achieved through brutal regimes such as those of Hitler and Stalin, it can also be achieved by limiting

37. *Id.* at 150–51.

38. *Id.* at 151.

39. Makau Mutua, *Savages, Victims, and Saviors: The Metaphor of Human Rights*, 42 HARV. INT’L L.J. 201, 214 (2001).

40. *Id.* at 207.

41. MARCUSE, *supra* note 33, at 3.

people's ability to think and act beyond one social, economic or political arrangement. Thus if democracy is understood to be antithetical to totalitarianism, the premise that the former is the only acceptable system is self-contradictory. The wish to institute Western style governments in the Middle East may also represent a continuation of Modern era colonialist projects that began when the British, Italians and French controlled the Middle East, and were exercised further when the Americans and Soviets vied for political and economic hegemony, propping up the likes of Gamal Nasser and Saddam Hussein. In the case of the United States, the expansion of democracy is often seen and indeed lauded as an expansion of capitalism, even though the former does not imply the latter. At risk of sounding paranoid, this also implies an expansion of business opportunities and consequently American dominance.

Western moral superiority manifests in a variety of ways, and in some cases seems misplaced. On a superficial level, for example, well-intentioned Westerners sometimes seek to liberate Middle Eastern women by changing their dress, rather than attending to more serious matters such as spousal rape, neglecting that gender-based codes of dress are culturally enforced in the West too. Thus "[w]hile Westerners still often see the veil as a symbol of women's inferior status in the Muslim world, to Muslims, Western women's perceived lack of modesty signals their degraded cultural status in the West."⁴² Interestingly, the common assumption "is that women are either covering or uncovering to please or obey men."⁴³ The wish to get others to dress more like Westerners is arguably symptomatic of broader, latent colonial impulses that still exist and are manifested in the idea that Western political systems are universally valid and that non-Western regions need to be saved; and to be sure, some regions of the world—including the Middle East—can and do benefit from an infusion of Western ideals in specific instances. At the same time, however, the reverse also holds, as I hope to soon show.

An additional problem, as Thomas Pogge argued, relates to the position in which many economically disadvantaged countries were left when they gained independence following World War II.⁴⁴ This situation has made them especially susceptible to foreign influence and interests.⁴⁵ For example, since 1987 the United States government has supplied roughly 1.3 billion dollars annually in military aid to Egypt.⁴⁶ While a case can be made that this

42. JOHN L. ESPOSITO & DALIA MOGAHED, WHO SPEAKS FOR ISLAM? WHAT A BILLION MUSLIMS REALLY THINK 110 (Gallup Press 2007).

43. *Id.*

44. See generally Thomas Pogge, *Recognized and Violated by International Law: The Human Rights of the Global Poor*, 18 LEIDAN J. INT'L L. 717–45 (2015).

45. *Id.* at 732–36.

46. JEREMY M. SHARP, CONGRESSIONAL RESEARCH SERVICE, EGYPT: BACKGROUND AND U.S. RELATIONS (July 24, 2015) available at <https://www.fas.org/sgp/crs/mideast/RL33003.pdf>.

sometimes serves the interests of Egyptians since the country has contended with various Islamic terrorist groups for decades, this has also contributed to the entrenchment of military rule, and terrorist actions are perhaps partly in response to years of military oppression. Some further point out the conscripts are very poorly paid and regularly used as nearly free labour in the business empire run by Egypt's military elite.⁴⁷ Moreover, the military aid first and foremost serves U.S. interests since Egypt represents a moderate force in the Middle East, has a treaty with Israel and plays a role in U.S. commerce, first, because of U.S. contractors primarily supply the military equipment, and, second, because 8% of global maritime shipping, not to mention dozens of U.S. naval vessels, pass through the Suez Canal annually.⁴⁸ The history of Egypt, like that of the Middle East, is one of being controlled by colonial powers, then by competing American and Soviet and later Russian influences, with Egypt being subject to all of the above at different times. Such foreign influence would likely have been less severe had economic conditions been better in Egypt; and such interference makes it challenging to fulfill the ideal, stated in the *International Covenant on Civil and Political Rights*, that “[a]ll peoples have the right of self-determination” and to “freely determine their political status and freely pursue their economic, social and cultural development.”⁴⁹

Other practical realities faced in the Middle East are that the majority of people subscribe to Islam, and exercise their religion in ways conservative by secular Western standards. Thus while Egyptian law treats men and women differently when it comes to inheritance, this different treatment is laid out in the Qur'an;⁵⁰ the Qur'an is seen as the final, uncorrupted word of God; and many adherents do not see the Qur'an as discriminatory, just as many do not see Islamic dress codes as oppressive. As one Western female convert to Islam living in Egypt related to me:

As for the inheritance, at first I also thought it was unfair. And I am a woman, so it would have an effect on me, but when I realized that the man is responsible for providing the home, for his family and providing food, clothes etc., and the women don't have any responsibility for the home or family, then I realized the justice of the inheritance law. Of course, the wife can spend on her family and buy her own clothes and even food for her children, but it is not her obligation and any money she spends on her family is rewarded as if she were giving money to charity—these are her rewards. I work and spend lots of money on my own family, but I have never bought the food or paid bills. I tend

47. See Emir Nader, *Egypt's Draft Dodgers*, AL-MONITOR (July 22, 2015), available at <http://www.al-monitor.com/pulse/originals/2015/07/egypt-military-conscription-sinai-at-tacks.html#>.

48. SHARP, *supra* note 46, at 11, 13.

49. G.A. Res. 2200 (XXI), *supra* note 30, at Art. 1.

50. THE QUR'AN 4:11–12, 76 (M. A. S. ABDEL HALEEM trans., Oxford Univ. Press 2005).

to pay for the luxuries, like holidays and clothes. A man is never allowed to ask his wife for a penny of her inheritance, even if he needs it.

In addition to this, a Muslim man is potentially responsible for supporting his mother and sisters if husbands die, or in the event that an unmarried sister's father dies.

This is of course at odds with the United Nations' 1979 *Convention on the Elimination of all Forms of Discrimination against Women*, which deems equal rights shall be granted,⁵¹ and a standard Western response is to say women holding such beliefs are indoctrinated, and to be sure, maybe they are. Yet it can also be asked whether Westerners are less indoctrinated. Indeed, without adjudicating whether Islamic tradition is just or unjust, inheritance practices in the West have been questioned. D. W. Haslett prominently argued that Western inheritance laws violate capitalist principles of equal opportunity, distribution according to productivity and freedom.⁵² At the very least, it is evident that wealth—especially when at the high end—bestows political power, so that if you are the child of a billionaire, you stand to gain power in ways comparable to offspring of monarchs. Moreover, from the Middle Eastern perspective, some widely accepted Western practices are negligent and borderline criminal. A case in point is the Western practice of placing elderly parents in care facilities rather than personally taking care of them in one's home. Another that many Egyptians deem unacceptable is having adult children pay postsecondary tuition and giving their parents monthly rent.

Again, my aim is not to adjudicate the extent to which these various practices are just or unjust, but to emphasize that many principles the U.N. promotes are indeed grounded in the Western liberal tradition. Though the U.N. emphasizes equal treatment, its documents are not directed against Western inheritance practices, based in the classical liberal tenet that individuals should be free to dispose of their property as they see fit. In addition to violating principles Haslett discusses and bestowing a measure of political power, Western inheritance conventions also allow parents to discriminate against daughters, sons, children who do not agree with their family's religion, marry a disliked suitor and so on, so the practice is not necessarily any more grounded in equality than Muslim inheritance traditions.

Regarding the human rights movement, some have also complained that it is a collection of contradictions,⁵³ and in the case of U.N. documents, one does not need to look hard to find contrary statements. Consider again the

51. See generally Convention on the Elimination of All Forms of Discrimination against Women, G.A. Res. 34/180, (Dec. 18, 1979) available at <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

52. See generally D.W. Haslett, *Is Inheritance Justified?*, 15 PHILOSOPHY & PUB. AFF. 127–37 (1986).

53. Mutua, *supra* note 39, at 210.

International Covenant on Civil and Political Rights. Article 3 declares: “The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.”⁵⁴ However, Article 18 goes on to state:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.⁵⁵

It then concludes with this point:

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.⁵⁶

Numerous contradictions can arise from these statements. On the one hand, equality between men and women is to be ensured; on the other, freedom of religion, which in both Western and Middle Eastern contexts often prescribes different roles and therefore different treatments for men and women. Both Western and Middle Eastern countries, like the *Covenant*, promote the notion that legal guardians should educate children as they see fit, for example, sending them to religious schools if they please. However, some have urged that this can violate rights of children. One example that comes to mind was a black man who called into a radio show on CBC that was debating parents’ rights to educate children as they see fit. He pointed out that few were considering the right of children to a balanced education, and how he, as someone who lived in the overwhelmingly white province of Newfoundland and Labrador, felt his already difficult situation worsened by the fact that he was sent to a Lutheran institution even more homogeneous than public schools.⁵⁷

Given the complexity of issues involved, it is perhaps appropriate that U.N. documents are contradictory. That is, on the one hand, the notion that we must be tolerant of all cultural norms is repressive and totalitarian in the sense that cutting off criticism leads, within a particular culture, to the establishment of norms that more or less become the totality of all possible arrangements;

54. G.A. Res. 2200 (XXI), *supra* note 30, at Art. 3.

55. G.A. Res. 2200 (XXI), *supra* note 30, at Art. 18.

56. G.A. Res. 2200 (XXI), *supra* note 30, at Art. 18.

57. Because I listened to this while commuting years ago, I am unable to supply an exact reference. I think the program was CBC’s Cross Country Checkup, hosted by Rex Murphy. *See generally*, Lee Chack-fan, *Our young people need a more balanced education*, S. CHINA MORNING POST (Dec. 6, 2013, 4:28 AM), <http://www.scmp.com/news/hong-kong/article/1373859/our-young-people-need-more-balanced-education>.

and in some instances, to the continuance of practices that are, by almost any standard, barbaric. On the other hand, using one historical tradition to condemn another, for example, classical liberalism to censure Muslim cultures, potentially commits the same totalitarian sin. So while there is no easy way out of this moral and political quagmire, it would be helpful if the West took a more open-minded approach towards the Middle East and did less indignant finger wagging.

In Plato's dialogues, positions are advanced but gradually adjusted through conversation,⁵⁸ and with a dialogue of this kind ongoing, one hopes that all cultures involved will improve themselves, or at least acquire greater tolerance for opposing views; and once opposing views gain a foothold in discourse, change for the better might ensue. This scenario is of course unlikely because Westerners tend to be ignorant of non-Western cultures and judgmental about their norms, so that the conversation is overwhelmingly one-sided. This is perhaps another remnant of colonialism, wherein the West once took direct control, and now controls through economic and ideological means, all aided by fairly regular military intervention.

However, dialogue might increase non-Western receptivity to legitimate criticisms, for example, directed towards places where women cannot drive, cannot travel unchaperoned by males, are deprived of education and where they suffer still worse treatment that virtually all moral theories would agree are abuses; or countries where ceasing to be a Muslim or trying to convert individuals to another religion is a criminal offence, punishable by prison or in some cases death. This last practice obviously represses the free exercise of conscience on religious and indeed social matters since religion and cultural are intertwined in the Middle East. It is therefore disempowering and undemocratic. At the same time, however, a dialogue might also encourage the West to think more critically about its practices, for instance, its treatment of elderly or the fact that it too has socially enforced gender-based codes of dress that sometimes contribute to unhealthy standards of beauty. Such is actually encouraged in the literature of the United Nations Development Programme, which advocates "impartial space for dialogue."⁵⁹ However, insofar as it is directed to poorer regions, with its website hosting a labyrinth of photos showing almost exclusively darker skinned people dressed in colorful, stereotypical outfits and smiling presumably out of gratitude for Western succor, it arguably misses what genuine dialogue is.

58. See generally PLATO, *DIALOGUES OF PLATO: APOLOGY* (Benjamin Jowett trans., 2008) (1892).

59. *Democratic Governance and Peacebuilding*, UN DEV. PROGRAMME available at <http://www.undp.org/content/undp/en/home/ourwork/democratic-governance-and-peacebuilding/overview.html> (last visited Dec. 5, 2015).

PROSPECTS

The fact is that democratic experiments, as measured in utilitarian terms of human wellbeing, have been largely unproductive in the Middle East, which faces political and social realities largely absent in Western countries. In Egypt, these realities include political assassinations using explosives, coordinated assaults killing scores of police officers and decades of terrorist attacks on civilians. It might be added that militant, violent Islam is a minority position in Egypt.⁶⁰ Yet it has inordinate sway because militants are well funded and armed, and in some cases preaching to poorly educated populations, and also, as will be discussed, because Islamists have learned to be conspiratorial in response to years of oppression. The situation is more extreme in countries such as Iraq and Libya where conditions are arguably much worse than when ruled by their former repellant dictators. While it is simplistic to therefore conclude that despotic military regimes are the solution, it is equally misguided to conclude that political solutions that have worked tolerably well in the West will inevitably work in the Middle East given the disparity of situations.

In an article titled, "Why Western Democracy Can Never Work in the Middle East," Andrew Green, former British Ambassador to Syria and Saudi Arabia, observed:

Democracy is empathically not the solution for extremely complex societies and Western meddling only makes matters immeasurably worse. The fundamental reason for our failure is that democracy, as we understand it, simply doesn't work in Middle Eastern countries where family, tribe, sect and personal friendships trump the apparatus of the state. These are certainly not societies governed by the rule of law. On the contrary, they are better described as "favour for favour" societies. When you have a problem of any kind, you look for someone related to you by family, tribe or region to help you out and requests are most unlikely to be refused since these ties are especially powerful. In countries where there is no effective social security, your future security lies only in the often extensive family.⁶¹

Other articles repeat this pessimism,⁶² and even when more optimistic, cite similar obstacles.

60. *Views of Violence*, GALLUP (2011), <http://www.gallup.com/poll/157067/views-violence.aspx>.

61. Andrew Green, *Why Western Democracy Can Never Work in the Middle East*, THE TELEGRAPH (Aug. 16, 2014, 7:00 AM), <http://www.telegraph.co.uk/news/worldnews/middleeast/11037173/Why-Western-democracy-can-never-work-in-the-Middle-East.html>.

62. See, e.g., *There is No Hope of Democracy in the Middle East*, EXPRESS (Aug. 23, 2013, 5:26), <http://www.express.co.uk/comment/expresscomment/424101/There-is-no-hope-of-democracy-in-the-Middle-East>.

Writing on Egypt, Lisa Anderson, Middle East expert and former President of the American University in Cairo, remarked that “[e]verything in Egypt—from obtaining a driver’s license to getting an education—is formally very cheap but in practice very expensive.” It is so because “most transactions, official and unofficial, are accompanied by off-the-books payments.”⁶³ In the experience of my ex-students, a number of whom got driver’s licenses without knowing how to drive because their father knew someone or in one instance gave an official fish; and in my own case, where I was unexpectedly exempted from a portion of the test involving reading signs because I had a representative from the esteemed American University in Cairo with me and possibly also because I am white, which often ensures ease of treatment in Egypt, this rings true. Elaborating on the situation in Libya, which in some regards mirrors that of Egypt, Anderson went on to explain that decades of international isolation and neglect of infrastructure have left “the generation in its 30s and 40s—the one likely to assume leadership in a new Libya—poorly educated and ill equipped to manage the country.”⁶⁴ Perhaps more seriously, after years of deeply oppressive rule, “Libyans’ trust in their government, and in one another, eroded, and they took refuge in the solace of tribe and family.” Accordingly, “Libyan society has been fractured, and every national institution, including the military, is divided by the cleavages of kinship and region.”⁶⁵

Arwa al-Magariaf, former Libyan refugee and daughter of the first post-Gadhafi president, who visited Libya for the first time in 32 years in 2011, repeated similar sentiments when I interviewed her. Aside from incredibly poor infrastructure and educational resources, she heartbrokenly lamented that the Libyan culture she used to know, by in large, no longer exists; that the roughly four decades of Gaddafi rule robbed people of their spirit and promoted self-serving, shallow, suspicious and malicious attitudes; and that she—once among the most unflaggingly optimistic individuals when it came to Libya—has relinquished hope and no longer even wishes to identify as Libyan. She explained that observing neighbors being beaten, dragged through the street and hanged, and fearing to intervene and consequently doing nothing to prevent the cruelty, convinces witnesses that they themselves are evil. Believing this and also seeing others failing to act, people soon thereafter come to see others in their society as evil too. Deprivations leading people in the community to plunder the home of the victim exacerbates this feeling, as does the practical necessity of accepting paltry handouts from the government. Other practices diminish individuality, for example, that the Gadhafi

63. Lisa Anderson, *Demystifying the Arab Spring: Parsing the Differences Between Tunisia, Egypt, and Libya*, COUNS. ON FOREIGN REL. (Apr. 3, 2011) at 3.

64. *Id.* at 5.

65. *Id.* at 4.

government made large batches of similar clothing available at given times, so that many women would wear essentially identical dresses; or that soccer players were only referred to as numbers until one of Gadhafi's sons took up the sport; or that women learned to escape deplorable poverty by giving their bodies to Gadhafi loyalists. As Dewey reasoned, "democracy as a way of life is controlled by personal faith in personal day-by-day working together with others,"⁶⁶ and this faith was largely eradicated under the conditions described by al-Magariaf, which eroded civic mindedness and personal empowerment, along with a sense of personal worth and confidence in the value of others.

All this points to a potential error in Green's earlier described assessment, and also to possible hope, albeit not in the immediate future. To re-quote, Green conjectured "that democracy, as we understand it, simply doesn't work in Middle Eastern countries where family, tribe, sect and personal friendships trump the apparatus of the state."⁶⁷ However, perhaps rather than being a primary cause of failures, the arrangement instead follows from longstanding oppression, first, by colonial rulers, then military governments, often supported by the West. That is, while the Middle East emphasizes family and tribal connections, this is not inevitably counterproductive. It may be the insular, mistrusting nature currently present has been exacerbated by the fact that governments cannot be trusted; that individuals and their loved ones might be taken by police at any time or attacked by thugs; and that one therefore learns to rely on connections and personal favors. This also offers hints as to why Morsi and the Brotherhood, though popularly elected, flouted democracy, namely, because Islamists in Egypt "have been schooled by decades of repression" and "their movement survived only after being conspiratorial and organized."⁶⁸

Under such circumstances, it is difficult to live a democratic life and by extension to establish democratic governments, an argument Dewey, sometimes known as "the philosopher of democracy," made in a piece penned late in life. Passages from this work—"Creative Democracy – The Task Before Us"—are worth quoting at length. Dewey noted, to begin with, that it is a commonplace that democracy is a way of life; yet we often act as if it mainly occurs in state capitals or when populations go to polls. Dewey insisted this narrow understanding is only escaped by realizing "in thought and act that democracy is a *personal* way of individual life."⁶⁹ More specifically, we need to stop seeing "our own dispositions and habits as accommodated to certain institutions" and "to learn to think of the latter as expressions, projections and

66. JOHN DEWEY, *Creative Democracy – The Task Before Us*, in 14 JOHN DEWEY: THE LATER WORKS, 1925–1953, 1939–1941, 224, 228 (Jo Ann Boydston ed., 2008)

67. Green, *supra* note 61.

68. The Arab Spring, *supra* note 6, at 11.

69. DEWEY, *supra* note 66, at 226.

extensions of habitually dominant personal attitudes.”⁷⁰ Dewey allowed that this is nothing fundamentally new. However, “when applied it puts a new practical meaning in old ideas,” for “it signifies that powerful present enemies of democracy can be successfully met only by the creation of personal attitudes in individual human beings[.]”⁷¹ Dewey accordingly held that civic statutes, military intervention and the like do little to protect democracy if “separated from individual attitudes so deep-seated as to constitute personal character.”⁷²

As importantly, Dewey urged that democracy, as a way of life, demands faith “in the possibilities of human nature” and in common people irrespective of race, religion, gender, class and other discriminations.⁷³ Enshrining such ideas in statutes is worthwhile, but “it is only on paper unless it is put in force in the attitudes which human beings display to one another in all the incidents and relations of daily life.”⁷⁴ Thus attacking this or that authoritarian regime for intolerance and cruelty is insincere, for example, if we discriminate which refugees will be accepted on the basis of whether or not they are Muslim, as some prominent politicians currently advocate; or more broadly, if we are motivated “by anything save a generous belief in their possibilities as human beings, a belief which brings with it the need for providing conditions which will enable these capacities to reach fulfillment”;⁷⁵ and faith, moreover, “in the capacity of human beings for intelligent judgment and action if proper conditions are furnished.”⁷⁶

While allowing that many will see this vision as utopian; and without suggesting that it has been fully achieved, which is impossible from Dewey’s standpoint since democracy is always an ongoing process, Dewey stressed that he did not invent this faith, but gained it inasmuch as it energized his surroundings. He wrote:

When I think of the conditions under which men and women are living in many foreign countries today, fear of espionage, with danger hanging over the meeting of friends for friendly conversation in private gatherings, I am inclined to believe that the heart and final guarantee of democracy is in free gatherings of neighbors on the street corner to discuss back and forth what is read in uncensored news of the day, and in gatherings of friends in the living rooms of houses and apartments to converse freely with one another.⁷⁷

70. DEWEY, *supra* note 66, at 226.

71. DEWEY, *supra* note 66, at 226.

72. DEWEY, *supra* note 66, at 226.

73. DEWEY, *supra* note 66, at 226.

74. DEWEY, *supra* note 66, at 226.

75. DEWEY, *supra* note 66, at 226.

76. DEWEY, *supra* note 66, at 227.

77. DEWEY, *supra* note 66, at 227.

It is precisely this that al-Magariaf said is lacking in Libya. It also seems to be evaporating in Egypt and other places.

It has been said “[p]laces designed with distrust [often] get what they [are] looking for,”⁷⁸ as when high fences and razor wire chase people away, creating a vacuum for questionable activities that occur away from prying eyes. Something comparable applies to social relations, as William James cogently argued. He noted that strength of a belief is measured by willingness to act on it;⁷⁹ acting on a belief generates consequences that sometimes verify it; and accordingly “our faith beforehand in an uncertified result” can be “*the only thing that makes the result come true*.”⁸⁰ James illustrated in the following way. When first we make someone’s acquaintance, we can mistrust until the person demonstrates his or her worth; or we can trust until such a time—if it ever comes—that evidence shows the person is untrustworthy.⁸¹ In both cases we initially act without evidence, meaning we take a small leap of faith, and in both cases this increases the chances of verifying the stance we initially took on faith. This is so because if we act on the assumption that people are untrustworthy, and accordingly do not smile, talk coldly, remain standing when they enter our office so that they do not sit down, they are more likely to return our frosty behavior and therefore appear unfriendly. If, by contrast, we are hospitable, they are more likely to respond in kind. The choice, then, is not between faith and non-faith, but between two varieties of faith: one engendering failure, the other success. James urged that a kind of faith that would prevent us from realizing certain desired ends is irrational.⁸² Based on such reasoning Dewey similarly advocated an optimistic faith in his writings on democracy.

Optimism and hope of course do not conquer all, but when combined with perseverance and goodwill they have contributed to remarkable things, as in movements led by Mahatma Gandhi and Martin Luther King. Mistrust, on the other hand, has long impeded democracy, as in the McCarthy era, for example. A prevalent source today is fear arising from Islamic terrorism, and I am ashamed to say I sometimes feel it too. Yet the dangers of mistrust are apparent. Libya represents an extreme case, and Egypt, though unlikely to degrade to that state in the foreseeable future because initial conditions are better and people there possess strong national identity, is moving in that

78. WILLIAM WHYTE, *THE SOCIAL LIFE OF SMALL URBAN SPACES* 61 (1980).

79. William James, *Rationality, Activity and Faith*, 2 *THE PRINCETON REV.* 58, 70 (1882).

80. WILLIAM JAMES, *IS LIFE WORTH LIVING?* 56 (1896); WILLIAM JAMES, *The Will to Believe*, in *THE WILL TO BELIEVE AND OTHER ESSAYS IN POPULAR CULTURE* 13, 18–25 (Harvard Univ. Press 1979) (1897).

81. See William James, *Some Problems of Philosophy*, in *WRITINGS 1902–1910*, at 979, 1098–99 (Bruce Kuklick, ed., 1987); See also *The Will to Believe*, *supra* note 80, at 9–18; See generally William James, *Humanism and Truth*, in 13 *MIND*, 457–475 (1904).

82. See *The Will to Believe*, *supra* note 80, at 9–19

direction. National identity is of course a two-edged sword. It can create trust and unity, but equally mistrust and fear of the other. Increasingly this is the case in Egypt where the Muslim Brotherhood is branded a terrorist group, arguably unjustly, and identifying people with that name is a pretext for attack, as in the case of the former Libyan Ambassador and the earlier mentioned reporter and researcher Ismail Alexandrani. Affairs are much the same, albeit in lesser degree, in the West where many applaud Donald Trump for openly racist comments against Mexicans, or for declaring that state officials should keep Muslims out, and where political leaders too many to enumerate have advocated the same.⁸³

Though not so starry-eyed to propose we blindly trust everyone, admit refugees and immigrants with no background checks and so on, mistrust has ruined Libya, oppressed Egypt and is breeding fear in the West. In so doing, it is arguably promoting conditions that cultivate the very things that are feared, along with tendencies antithetical to democracy: oppression, suspicion, exclusion, discrimination, scapegoating and hatred on the basis of ethnicity and religion, therewith increasingly insular, disaffected and alienated social arrangements. Certainly it has undermined the faith that Dewey held necessary for democratic flourishing in the Middle East, and there is a danger that the same thing is occurring in the West. Yet this also suggests a hope for bringing about a better world, namely, avoiding paranoid mistrust and thereby restoring conditions under which democratic faith can flourish.

83. See generally, Michelle Ye Hee Lee, *Donald Trump's False Comments Connecting Mexican Immigrants and Crime*, THE WASH. POST (July 8, 2015), <https://www.washingtonpost.com/news/fact-checker/wp/2015/07/08/donald-trumps-false-comments-connecting-mexican-immigrants-and-crime/>. Under former Prime Minister Stephen Harper, this arguably occurred in Canada. See Lee Berthiaume, *Government Faces Questions About Anti-Muslim Bias over Syrian Refugees*, OTTAWA CITIZEN (Dec. 12, 2015), <http://ottawacitizen.com/news/national/government-faces-questions-about-anti-muslim-bias-over-syrian-refugees>; see also Joe Friesen, Ian Bailey & Gloria Galloway, *Harper Defends How Refugees are Processed*, THE GLOBE & MAIL (Oct. 9, 2015), <http://www.theglobeandmail.com/news/politics/government-prioritized-some-refugees-be-cause-they-are-being-targeted-by-isis-harper-says/article26746945/>.