

# EGYPT UNDER SISI: FROM AN AUTHORITARIAN DOMINANT- PARTY SYSTEM TO STRONGMAN POLITICS

スィーサー大統領下のエジプト: 権威主義の政党システムから個人支配へ

Housam Darwisheh\*

本論稿が主に論じるのはエジプトで 30 年近く続いたムバーラク政権の転覆後の権威主義体制への移行過程、とりわけ 2013 年 6 月のモハンマド・モルシー政権崩壊とその後のアブデル・ファッターフ・スィーサー大統領の許での権力集中である。

スィーサー政権が先行するムバーラク体制・サダト体制・ナセル体制などと著しく性格を異にしている点については多くの先行研究が論じているが、同国の政治システムの移行過程についてはこれまで十分な議論がなされてこなかった。スィーサー体制は先行する体制と異なり、その政治支配の基盤を政党に置いていないことが特徴として挙げられる。スィーサー大統領は支配の根拠を政党政治ではなく、軍や警察、司法などの強力な国家機関を背景にした個人支配の原理に置いている。本論稿ではこのような支配体制のあり方を可能にしているモルシー政権崩壊後のエジプト内外の政治環境、権力集中を可能にしている構造的背景、政治システムの移行過程について新たな視角から論じようとするものである。

(文責・鈴木均)

## Keywords

Egypt, Sisi, authoritarian consolidation, state institutions, military, elections, judiciary.

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\* Middle Eastern Studies Group, Area Studies Center, Institute of Developing Economies, Japan External Trade Organization (IDE-JETRO).  
Email: Housam\_Darwisheh@ide.go.jp

## Introduction

Egypt under the rule of Muhammad Hosni Mubarak (1981-2011) was ruled by an authoritarian dominant party regime (Lust-Okar, 2005). Mubarak ruled with the aid of the National Democratic Party (NDP)<sup>1</sup> and through holding multi-party elections which sustained elite patron-clientele networks (Adly, 2009) and maintained a controlled structure of inclusionary electoral participation (Albrecht, 2005) that generated a stake in the regime for targeted actors. Power, however, was tightly held by the executive. Mubarak mainly utilized his dominant NDP, the bureaucracy and the state security organs to implement and enforce his policies. Competitive elections solidified support for the NDP and blocked the rise of viable challengers to Mubarak. Elections were an important mechanism for Mubarak to maintain his regime and the NDP was an important tool to manage the elite and choose those who were entitled to receive spoils from the state. Parliamentary immunity protected the elite from prosecution (Blaydes, 2010) and “allow(ed) some parliamentarians to engage in all sorts of extra and sometimes illegal practices and business ventures, making significant sums of money in the process” (Shehata, 2008: 100-01).

Republican Egypt’s experience with a multi-party system, which was banned after the 1952 coup d’état (Dekmejian, 1971), began in 1970s under Muhammad Anwar Sadat (1970-81). Sadat’s move to political pluralism was part of his orientation of Egypt’s foreign policy towards an alliance with the USA (Hinnebusch, 1981) in order to consolidate power and neutralize his powerful Nasserite rivals from inside the ruling establishment (Moore, 1974). In 1976, Sadat created three platforms (*manabir*), the left, the center and the right, within Nasser’s political organization (Ayubi, 1982), the Arab Socialist Union (ASU).<sup>2</sup> Sadat’s center, Egypt (Misr) Party, won overwhelmingly in the 1976 parliamentary elections that had a low level of popular participation (Najjar, 1989). The business elite of Egypt Party formed the bulk of the NDP base, which Sadat established in 1977 after transforming the platforms into political parties and dissolving the ASU by the May 1977 Law.

Sadat’s liberalization of the political arena necessitated the legalization of political parties. By the end of Sadat’s presidency, there were six political parties: Egypt Arab Socialist Party, Umma Party, Tagammu’ Party, Free Socialist Party, the New Wafd, and the Socialist Labor Union. However, the Political Parties Law prohibited parties based on religion and ethnicity and those that had a record of political activity in monarchical Egypt. This automatically excluded the communists and the Muslim Brotherhood, which probably had large constituencies among the Egyptian public. At the outset, therefore, Sadat’s sole decision to move to political liberalization “from above” was confined to “elite levels which would not result in the pluralization of the mass political arena” (Hinnebusch, 1988: 119). As a result, the reintroduction of political liberalization and multiparty system had no impact on the president’s prerogatives (Sadiki, 2009) nor was the parliamentary majority “willing to oppose or criticize laws that were decreed by the president” as a constitutional article gave Sadat “legislative powers to issue decrees in the absence of Parliament” (El-Mikawy, 1999: 37). In fact, after pulling the political system toward political liberalization, an amendment to Article 77 of the constitution in 1980, made a year before his assassination, permitted Sadat to remain ‘President for life’ while electoral formalities were observed once every six years (Jackson, 1981). Through constitutional amendments, and strict laws and rules that

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<sup>1</sup> The NDP, founded by Anwar Sadat in 1976, remained the ruling party until Mubarak’s overthrow. Before the 2011 uprising, the NDP claimed a membership of 1.9 million people.

<sup>2</sup> Founded by Gamal Abdel Nasser in 1962, the ASU was Egypt’s sole political organization that grew out from the Free Officers Movement’s Liberation Rally and the National Union. The ASU mobilized workers, peasants, intellectuals, national capitalists and soldiers (Brooks, 2008).

accompanied the return to multiparty system, Sadat succeeded in managing the country's political elite and preventing any political force or individuals from acquiring a social or institutional base from which they might challenge the presidency. Sadat's multiparty system restricted party activities in a way that made the rise of a strong opposition party a remote possibility (Stacher, 2004).

Elections and a multi-party system with a dominant ruling party, the NDP, served as a vehicle for distributing resources to Mubarak's key civilian elites and enhanced the stability of authoritarian rule. Mubarak continued Sadat's policy of controlled political liberalization and his ruling NDP continued to secure sweeping victories in elections. The number of political parties under Mubarak reached twenty-four. While permitting the opposition, including the outlawed Muslim Brotherhood (MB) movement, to contest elections, Mubarak maintained tight control over the electoral process through placing legal and extralegal obstacles in the path of the opposition, such as rigging elections, the reliance on the NDP and its agents to maintain a majority in parliament, and the heavy-handed security forces to intimidate the opposition and dissuade voters from casting their ballots (Shukrallah, 2005).

Although Mubarak kept the MB, the largest political opposition group, illegal, he allowed its members to wield considerable influence over professional associations and contest parliamentary elections. This limited electoral scope gave the MB room to maneuver within an authoritarian system and marked a turning point in the trajectory of political Islam as formal institutional channels were available to mobilization and the advancement of its goals and agendas (Wickham, 2002). In fact, the Mubarak regime prevented the growth of any real opposition in parliament or in the streets only to boost the MB's outreach and image as the only viable opposition given the latter's relative freedom in extending a vast network of welfare services and charitable institutions (Hamid, 2007). By the end of the 1990s, the MB had become the biggest opposition force in parliamentary elections. In 2000, the MB won 17 seats, more than the opposition combined. In 2005 the MB won 88 seats. Despite its uneasy relations with the regime, the MB's integration in the system and acceptance of the regime's rules had a stabilizing effect on the regime. The MB's regular use of the slogan, 'participation, not domination' (Brown, January 10, 2012), which it raised during parliamentary elections, reassured the regime that the MB would not challenge the NDP's dominance in parliament or aim for power.

In 2005, Mubarak's surprise amendment of Article 76 allowed a political party to contest the election for the presidency provided that the party was five years old at the time of the nomination of candidates and holds at least five percent of total numbers of seats in both chambers of parliament (Brown, Dunne, and Hamzawy, March 23, 2007). Until 1999, Mubarak had stood unchallenged in three plebiscites. The "liberalization" of presidential elections was Mubarak's move to groom his son, Gamal, as his political successor. Since all the registered political parties were weak, the NDP's dominance in all branches of government guaranteed that a fair and free elections would stay beyond their reach.

Between 1977 and 2011, party pluralism and the formation of political parties were not the result of bottom-up movement to participate in the political process. Rather, it was initiated, controlled and most of the parties were formed due to decisions taken by the executive authority. The NDP dominated the political scene and controlled the formation of political parties through the Party Formation Committee. Hence the NDP could choose its competitors from other political parties while keeping the strong opposition of political Islam illegal. For almost 40 years after Sadat, competitive elections and the presence of a dominant ruling party remained pillars of authoritarian politics in Egypt. However, the remarkable rise of Gamal and his close business associates inside the NDP from around the year 2000 and their role in the succession question was sowing the seeds of discord inside the NDP and with other state institutions, in particular the military, given the crucial role it has played in Egyptian politics since 1952. Gamal became the "undisputed heir apparent in a government conspicuously devoid of a vice

president” (Brownlee, 2007: 78). As a result, the NDP became the only formal institutional base for grooming Gamal to power. But lacking formal support from other state institutions such as the military and the judiciary, Mubarak’s fortune became increasingly dependent on the NDP and hence popular anger against the NDP was automatically channeled against the presidency. In other words, the fortune of the presidency and the NDP became increasingly intertwined. As opposition against Gamal Mubarak succession was gaining momentum in the run-up to the 2010 parliamentary elections, the supervision of elections was moved from the courts to an electoral commission established by the regime (Shehata and Stacher, August 8, 2007) accompanied by unprecedented scale of electoral fraud, vote rigging and violence (Human Rights Watch, November 23, 2010). As a result, almost all of the opposition forces were excluded and NDP ended up controlling 97 percent of the seats in parliament, an important catalyst for Mubarak’s fall in 2011. The NDP’s practices played an important role in the demise of the Mubarak regime.

### **1. The January 25 Uprising: Toward Authoritarian Consolidation**

For the first time in Egypt’s recent history, unprecedented mass demonstrations on January 25, 2011, overwhelmed and defeated Mubarak’s security apparatus. In just eighteen days, a mass uprising led by young people led to the sudden fall of Mubarak’s 30-year presidency and the implosion of his NDP. The corrupt practices of NDP were the target that unified the masses against Mubarak. The nationwide revolt was mainly directed against the abuses of power perpetrated by Mubarak, the NDP and the police. The revolutionary upheaval shattered state institutions when the despised police withdrew from the streets. Police stations in the Sinai, for example, were burned to the ground, while the buildings of the NDP and the headquarters of the State Security Investigation agency and Interior Ministry were stormed and set ablaze (Ismail, 2012). The extensive fraud committed by the regime in the 2010 parliamentary elections, one of Egypt’s most corrupted elections, was the proverbial straw that broke the camel’s back and paved the way for the January 25 uprising (Masoud, 2011).

Mubarak’s overthrow on February 11, 2011 was ironically made possible by the intervention of the military. By the time of the uprising, the Egyptian military, empowered by the regime’s heavy investment in it, refused to relinquish power and intervened to preserve its economic and political interests. While the Egyptian military was always a crucial pillar of the regime, the presidential institution under Nasser, Sadat and Mubarak, all former military officers, was superior to the military. Prioritizing military privileges, Nasser, Sadat and Mubarak could neutralize their opponents in the military establishment (Springborg, 1987). On February 11, 2011, however, the equation was reversed when for the first time, the military neutralized the presidency by ousting Mubarak and dissolving the NDP. Mubarak’s fall gave the military the political opportunity to assert its authority by reestablishing its relationship with the presidency and preventing hereditary succession to civilian ruler (Mubarak’s son, Gamal). That was a crucial moment for the military to retain control of political decision-making and play a decisive role, this time in ruling and governing the country through the Supreme Council of the Armed Forces (SCAF).<sup>3</sup>

The SCAF temporarily sided with the January 2011 ‘Revolution’, and took over executive authority from the presidency in the name of protecting and leading the revolution. To preserve its interests and

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<sup>3</sup> The Supreme Council of the Armed Forces, Egypt’s highest military body, is composed of about 20 top senior military generals of each branch of the armed forces that convene in times of war and emergency.

position, the military laid down ground rules for a transition that would grant it sweeping authority over civilian politics (Albrecht and Bishara, 2011). In short, the military acted as a veto player who could limit the path to transitional justice, sustain impunity, and control the drafting of a new constitution. To do so the SCAF equated revolution and change with legalism by subjecting the demands of the uprising to legalistic and procedural measures while dismissing proposals for special courts to try members of the ousted regime. Importantly, the SCAF would not facilitate a consensual political process that would bring together different forces to draft a new constitution or decide the rules of transition (Szmolka, 2015). Conducting elections before drafting a permanent constitution deepened the split within the revolutionary bloc and saved the SCAF from negotiating power with a unified force of those that had brought hundreds of thousands into the streets against Mubarak. The SCAF arrogated to itself the task of overseeing the transition for an initial period of six months (later extended to 18 months) according to its own rules, which permitted it to frequently expand its powers with constitutional declarations and amendments. This short transitional period excluded the revolutionary forces from shaping the country's transition. The military offered to cede power only when a new constitution determined who would inherit power and on what terms. In the event, the course of the post-Mubarak "transition" was dictated by institutions of the *ancien regime* led by the SCAF. The scope of post Mubarak competitive politics was narrowed to Parliament and the Presidency, institutions contested even under Mubarak. Hence, there was no challenge to the substantive power of the *ancien regime* embedded in the military, bureaucracy, judiciary and the police which effectively fragmented the social forces that drove the 2011 uprising, leaving them, unable, for example, to form a united front to draft a new constitution. As will be seen, by neither dismantling the *ancien regime* nor creating new institutional mechanisms to lead the transition, the Egyptian uprising could not force the Mubarak elite out of the picture. In fact, the latter became a powerful player in destabilizing the post-Mubarak electoral transition and garnering support for the military's intervention against Morsi (Roll, September 2013).

### **1.1. Party pluralization as a mechanism of reinforcing the status quo**

Appeasing the revolutionary forces through fulfilling a central demand of the uprising, the Supreme Administrative Court (SAC) ordered the dissolution of the NDP and the nationalization of its assets in April 2011. The SAC cited the NDP's corruption, rigging of elections and monopoly of political life, and ruled that the NDP's assets, including its bank accounts and offices, would be made the property of the state (*Financial Times* April 17, 2011). After dissolving the Parliament and suspending the Constitution, the SCAF amended Political Party Law No. 40 of 1977 by means of decree No. 12 of 2011 (Khatib, 2012). The amendment made it easier to establish political parties and the Political Parties Affair Committee was trusted to judges, and not as before, to NDP members. This amendment allowed NDP members to stay engaged in politics by forming new political parties and served to fragment the revolutionary forces. More than thirty new political parties were established in 2011 alone and by 2013, more than 80 political parties were active in the political scene (Abdalla, 2013). The SCAF endorsed party pluralism resulted in dispersing the youth activists and protestors among a plethora of different groups, significantly diluting their power to organize mass demonstrations or compete in elections. 'Party pluralism' led to the emergence of a weak party system that maintains power in the institutions of the old regime and confined change to rules dictated by SCAF. Former NDP members took the SCAF's revival of political party life as an opportunity to regroup and create new political parties (El-Din, September 18, 2011). For instance, ex-regime official and former NDP Secretary-general Hossam Badrawy created the

Al-Ettihad (Unity) Party. The Freedom (Horreya) Party was founded in July 2011 by Mamdouh Hassan and Moataz Hassan, the sons of construction magnate and former NDP parliamentary spokesman Mohamed Mahmoud Hassan. The Egyptian (Mowatin) Citizens Party was led by another former NDP Secretary general Mohamed Ragab, and included several high-profile NDP figures such as Hamdi El-Sayed, Chairman of the Doctors' Syndicate, and Abdel-Ahad Gamaledin, NDP's former majority spokesman in Parliament, and Nabil Louka Bibawi, a businessman and NDP's former media spokesman (Bassiouni, 2016).

Although the Mansoura administrative court issued an order banning former NDP members from running in the 2011-2012 parliamentary elections, the SAC repealed that order on grounds that NDP members were citizens who should not be deprived of political rights. The SAC ruled that banning anyone from participating in political life represented an attack on citizens' rights protected by the constitution.<sup>4</sup> Thus, Mubarak's overthrow and the NDP's dissolution did not prevent the latter's members from engaging in politics by "legal" means. These political parties allowed former NDP members to test the water by participating in the 2011-2012 parliamentary elections. Their opponents, fearing the return of the Mubarak regime via the ballot box, filed many lawsuits to block remnants of the NDP (*feloul* in Arabic) from running for elections. Civil society singled out the *feloul* at rallies or by online anti-NDP campaigns that posted thousands of their pictures and brief biographies (Barsalou, 2012).

While rejecting a handover of power to a civilian "presidential council" (Elgindy, 2012), the SCAF's endorsement of a free-and-fair electoral competition-based democratic transition served to enhance its political role as the guardian of a popular mandate while Egypt's endemic and decades-long economic problems were to be shouldered by the newly appointed government. To undermine the efforts of the forces of the uprising to reach a consensus on the political rules of transition, the SCAF pressed for early elections (Szmolka, 2015). The elections served to reinforce its strength and test the condition of the opposition. The SCAF implemented several reforms of the electoral system and made amendments to election laws such as reinstating the judicial supervisory model for administering elections. Two thirds of the 2011-2012 parliamentary seats (508 seats) were to be contested according to a proportional representation system and the remaining one third by 'first past the post' independent candidate elections (Faris, 2012). These amendments were believed to prevent former NDP members from contesting the elections at the expense of the newly established parties. But in practice, the non-Islamist revolutionary forces were organizationally and ideologically quite weak. They lacked experience in running for elections, had no clear agenda for guiding the post-Mubarak transition, and in some cases failed or refused to form their own political parties. As a result, the balance tipped in the Islamists' favor (Hassan, November 1, 2011) and the Mubarak elites through a combination of political opening with electoral safeguards (Ahmed, 2011). The MB's endorsement of an electoral transition and its active participation in the electoral process helped to produce around 60 percent voter turnout, according to Egypt's election commission, an unprecedentedly high figure that legitimized the SCAF's roadmap despite strong opposition from the revolutionary forces (Wickham, 2011). More importantly, the elections removed the threat of popular unrest and shifted its demands from the streets to the newly elected parliament.

The SCAF succeeded in narrowing down the scope of post-Mubarak competitive politics to parliament and the presidency, the same institutions contested even under Mubarak. There was effectively no threat to the substantive power of nearly six decades of dictatorship that was deeply

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<sup>4</sup> *Ahram Online* November 14, 2011, "Egypt Supreme Administrative Court Suspends Election Ban on Former NDP Members," <http://english.ahram.org.eg/NewsContent/1/64/26554/Egypt/Politics-/Breaking-Egypt-Supreme-Administrative-Court-suspen.aspx> (accessed 5 May 2016)

embedded in the military, bureaucracy, judiciary and police. In other words, the transition was overseen by the institutions that Egyptians revolted against in early 2011.

## **1.2. Legalism as a mechanism to contain election results**

Between the fall of Mubarak and overthrow of Morsi in July 2013, Egyptians went to the polls five times – for the March 2011 constitutional referendum, the 2011–2012 parliamentary elections, the 2012 elections to the Shura council, the 2012 presidential election, and the December 2012 constitutional referendum. Many voters in the unexpectedly massive turnouts hoped that their votes would push the military from power or keep the rising Islamist parties in check through free elections. In the event, the MB had won every election, electoral contestation having become a field in which the MB had excelled for decades. Opening up the political arena through a multi-party system and elections, to a parliament which lacked real power without a constitution, fragmented both Islamists and secular forces and exacerbated their political polarization. The secular forces wanted a constitution before parliamentary elections since they expected that the Islamists would dominate the drafting of a constitution after winning the parliament (Darwisheh, 2014). That exactly what happened. The secular revolutionary forces were the most disadvantaged because they lacked electoral experience and organization. In contrast the Islamists maintained organizational cohesion in contesting the elections and building coalitions in Parliament. In April 2011, the Muslim Brotherhood established its political arm, the Freedom and Justice Party (FJP), while factions that defected from the Brotherhood established five independent parties, namely, Wasat Party, Nahda, Egyptian Current, Riyada, and Reform and Development. Arguably by default political Islam became the driving force of the electoral transition. The MB's electoral alliance captured 47 percent of the newly elected parliament (2011-2012) while the Salafist Islamists won the second largest share of seats, about 25 percent. Now over 70 percent of the seats were controlled by Islamist political parties, while the two main secular groupings, the Wafd Party and the Egypt Bloc, gained about 8 percent of the seats.

Developed over decades under Sadat and Mubarak, the status quo was threatened for the first time by the sudden rise of long outlawed and oppressed Islamists forces, in particular the MB which was kept out of power by the state for more than eight decades. The large Islamist majority in parliament consolidated the MB's position as the chief power broker and its authority over the 100-member constituent assembly, which was tasked with drafting Egypt's new constitution. At that point, the MB represented the long-term threat to the authority of the military. The state institutions became increasingly suspicious of the MB and saw its victory as the end to their veto power.

On June 14, 2012, two days before the second round of presidential elections that pitted Mohammad Morsi against Ahmed Shafik, ex-military man and Mubarak's last prime minister, the Supreme Constitutional Court (SCC) ruled that the 2011-2012 Parliament was technically unconstitutional because one-third of the parliamentarians were illegally elected. Based on this constitutional ruling and armed again with legalism, the SCAF immediately dissolved Parliament by decree and ringed the parliament building with troops. As such the ruling returned wide-ranging legislative powers to the SCAF until fresh elections take place. New constitutional declarations handed the SCAF all authority of setting up a constitutional panel to draft a new constitution.<sup>5</sup> To non- Islamists,

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<sup>5</sup> A translation of the declaration is available online at <http://english.ahram.org.eg/NewsContent/1/64/45350/Egypt/Politics-/English-text-of-SCAF-amended-Egypt-Constitutional-.aspx> (accessed 2 February 2013)

the judiciary and the military had saved the state by preventing the handover of power to the MB. From the Brotherhood's standpoint, they saw the judiciary as the deep state trying to limit its agenda for reform. Crucially, the dissolution of Parliament relieved the judiciary from any MB legislation that would limit the former's authority and recast its membership. But the dissolution of the first democratically elected parliament deepened the MB's suspicions of the judiciary and the SCAF and prevented the MB and its electoral rivals from reaching any stabilizing compromise. The MB started to move more aggressively against to what it saw as a counterrevolution. The democratically elected president, Morsi, was compelled to rule by decree to preserve the MB's electoral victories. His measures eventually galvanized the opposition and produced tragic consequences for the MB and the transition as a whole.

The MB's attempt to legalize its new electoral victories failed. While the military still held real power, the MB strove to establish a new legalistic and constitutional reality to safeguard what was left of their electoral victories and translate their power into policy. To overcome the revolutionary forces' strong opposition to an election-based transition and force its non-Islamist opponents to accept their electoral defeat, the MB sought to legalize its victories through the rule of law and constitution-making. To stabilize its rule and craft a new constitution as the legal blueprint for post-Mubarak Egypt, the MB needed the endorsement of the electoral results by the military. The MB government also needed to institutionalize its legal authority by purging the judiciary of judges of the Mubarak era (Darwisheh, 2018). The MB's ally in the Shura Council, the Wasat Party, proposed an amendment to the Judicial Authority Law (JAL). The proposal would lower the retirement age for judges from seventy to sixty (*Al-Ahram* April 28, 2013). Mubarak had steadily raised the retirement age to keep friendly and anti-Islamist judges in control of the judiciary (Bernard-Maugiron, 2008: 8). If it was enacted, the JAL would have forced the retirement of more than 3,000 judges, including the most senior ones who tended to be the most loyal to the old regime. Since the Ministry of Justice still had authority over judicial appointments, the thousands of vacancies arising from the new law would have permitted the appointment of judges vetted by the MB. To pave the way for appointing practicing lawyers as judges, moreover, Morsi planned to enforce Article 41 of the JAL that required a quarter of the judges in the Courts of First Instance to be selected from practicing lawyers. This measure, it was believed, would allow lawyers associated with the MB and its allies to join the judiciary en masse. If successfully effected, a sudden influx of judges would have re-orientated the judiciary's leanings and undermined the military's ability to contain or weaken the power of the presidency through the judiciary (Aziz, 2015: 158).

Furthermore, in December 2012, the MB managed to narrowly pass a new constitution<sup>6</sup> through a referendum in the absence of almost all non-Islamist forces. The new constitution, more precisely Article 176, reduced the number of SCC judges from 18 to 11, and dismissed several veteran members, including Deputy of the Constitutional Court Judge Tahani Al-Gebali, the only female judge, and the most vocal critic of Morsi and the MB, who reportedly urged the SCAF to delay the parliamentary elections (Grewal, February 4, 2015). The move was widely interpreted as an attack on the SCC's independence and Morsi's attempt to get rid of anti-MB judges. Article 177 of this constitution reduced the SCC's jurisdiction by limiting judicial review of the constitutionality of laws governing presidential and parliamentary elections to the period before they were promulgated. This article aimed to prevent the courts from invalidating laws after polling that had led to the dissolution of the elected parliament in June 2012. Morsi's move gave credibility to accusations of the growing 'Brotherhoodization' of the state and its laws to force the judiciary into submission (Brown, April 23, 2013). Even if the MB's move to reform

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<sup>6</sup> Nariman Youssef, November 30, 2012. "Egypt's Draft Constitution Translated," *Egypt Independent*, <https://www.egyptindependent.com/egypt-s-draft-constitution-translated>, (accessed June 11, 2018).

the judiciary was well intentioned, Morsi and the MB's unilateral moves to do so had further polarized the country, and turned many, including reformist judges, against them. Polarization unleashed instability across the country as clashes between the MB and their opponents erupted in several cities.

The secularists feared an Islamist takeover of the state through elections while the Islamists dreaded being forced back underground by future secular regimes. At the same time, the revolutionary youths were afraid of being overwhelmed by a triumphant MB majority while the secular forces, watching the MB play by the SCAF rules, were frightened of an MB-SCAF alliance. In these circumstances, there was no national coordination to manage a transition from uprising to stable democracy. Weak, fragmented and unable to force Morsi's hand nor challenge the Brotherhood's electoral dominance, the demands of the non-Islamists increasingly depended on judicial or military intervention.

### **1.3. The business elite: reliable partners**

Business elites played a large role in the mobilization against Morsi. They supported and mobilized the Brotherhood's adversaries by funding opposition parties and politicians, using private-sector media that was very critical of the MB (Roll, September 2013). In the tense milieu of late April 2013, a new and well-planned anti-Morsi campaign called Tamarod (Arabic for rebellion) was launched. Soon to be known as the second "revolution" of June 30, 2013, Tamarod claimed to be a youth group whose main goal was to collect fifteen million signatures, more than the number of votes Morsi gained a year earlier, for a petition to demand an end to Morsi's presidential term and to convene new presidential elections. The campaign was financed by a billionaire businessman and Mubarak crony, Naguib Sawiris, abetted by former Judge of the SCC Tahani Gebali, organized by the Ministry of Interior and security services (Letourneau, 2018), and given massive media exposure (Hubbard and Kirkpatrick, July 10, 2013). In a matter of weeks, protests in support of Tamarod spread to almost all governorates in a well-orchestrated campaign that required extensive organization and resources way beyond the capacity of a new and small group. For instance, Sawiris allowed Tamarod to use the offices and facilities of his Free Egyptian Party (FEP) across the country (El Tarouty, 2015). When the masses gathered in Tahrir Square demanding regime change, army jets and helicopters flew overhead carrying Egyptians flags and were cheered by jubilant protesters. On July 3, following three days of large-scale, anti-Morsi demonstrations backed by an alliance of the judiciary and the police, the SCAF staged a coup and overthrew Morsi.

Following the ouster of Morsi, the Tamarod movement went on to support and legitimize the government's repressive policies against the Muslim Brotherhood and other activists critical of the return of the military to power. In fact, Tamarod joined Sisi's presidential election effort (Abdalla, 2015). The roles played by wealthy Mubarak era business elites, the security services, the military and other state entities in mobilizing the streets, raising public dissatisfaction with the Morsi regime and creating the conditions to remove him from power are still subjects of research and examination (Bassiouni, 2016; Ketchley, 2017; Ottaway, 2017)

## **2. The Triumph of Cohesive State Institutions Over a Polarized Society**

The ouster of Morsi captured the ultimate triumph of state institutions. Field Marshal Abdel Fattah al-Sisi appeared on national television with Egypt's powerful religious leaders of al-Azhar University and the Coptic Church, and the opposition leader, Mohamed ElBaradei, Tamarod movement leaders and

the Salafist Nour Party standing behind him to announce that Morsi had been deposed, arrested and detained in an undisclosed location and that the military was discharging its “patriotic duty to the Egyptian masses.”

The military succeeded in creating a united front of state institutions, empowered by constitutional guarantees of autonomy, against both the Islamists and the revolutionary forces, and effectively forestalled any genuinely democratic process that would threaten to bring under popular scrutiny their nepotism, abuse of power and corruption (Aziz, August 20, 2014). Post Mubarak Egypt presented state institutions the opportunity to entrench and consolidate their constitutional authority and legitimacy. The initial phase of the 2011 uprising came as a shock to Mubarak’s political establishment and state institutions. Soon, however, the steam seemed to have run out of the unorganized and polarized opposition. When the SCAF acquiesced to Mubarak’s ouster, it claimed to be protecting the revolution. The SCAF made a similar claim when deposing Morsi, allowing many anti-Morsi or anti-MB forces to welcome the coup as the SCAF’s move to guide Egypt’s transition.

Between Mubarak’s downfall in 2011 and Morsi’s ouster in 2013, the SCAF had grasped *de facto* executive power, leaving an elected civilian president shorn of centralized power and real authority. In other words, the popular mobilization against the regime in 2011 deposed the president and some of his associates but did not dismantle state institutions or curb the power of the military. When Morsi tried to prevent the military and the judiciary from undermining his presidency, by issuing his constitutional declarations of November 22, 2012, it was, arguably, “too little, too late.” Morsi’s move to grant the presidency extraordinary powers that would place it beyond judicial review – in a word, to centralize power in his office – backfired, upsetting non-Islamist forces and antagonizing the military, providing a pretext for a subsequent coup.

After Morsi’s ouster, Sisi rewarded pro-government judges by appointing the Chief Justice of the SCC, Adly Mansour, as Acting President, and announced a ‘road map’ to amend the constitution and move towards new parliamentary and presidential elections. By dissolving the Shura Council, the last MB’s stronghold, Mansour concentrated power in the Executive once again. Mansour’s ascent to the presidency showed how the judges embraced the role of statesmen, providing legal backing to the ruling elite to crush protest movements that could “tear down the state” (Hamzawy, March 16, 2017). The new regime pushed an aggressive strategy of punishing dissent and restoring the state institutions that had weathered the political storm of 2011. More importantly, with its anti-protest rulings, the judiciary again implanted fear of the security agencies in the hearts and minds of political activists and closed off arenas for expression in the media and on the streets (El-Sadany, 2017).

The courts eventually dropped all criminal charges against Mubarak, his associates, and dozens of police officers who stood trials for the killing of nearly 900 protestors during the 2011 uprising. But the courts meted out harsh sentences to the MB members and supporters. In September 2013, a ruling dissolved the Freedom and Justice Party, banned the MB, and ordered their assets to be confiscated. Thousands of people were detained on accusations that they belonged to a banned terrorist group and took part in violent protests. The MB’s sphere of social outreach and activism collapsed when its social service network of community organizations, such as hospitals and schools, was shut down (Brooke, August 2015). With the MB crushed, the regime moved to punish non-Islamist opponents of the regime. In April 2014, a court ruling banned the second oppositional group, the secular liberal April 6 Movement, on charges of “damaging the image of the state” and making illegal contacts with foreigners (Kholaf, April 29, 2014). The April 6 Movement, a leading force of the 2011 uprising, had opposed the post-Morsi interim authorities and Sisi’s presidential ambitions. The movement’s leaders, Ahmed Maher and Mohamed Adel, and other activists were sentenced to lengthy imprisonment and heavy fines for violating

the Protest Law by conducting unauthorized street protests (Dunne, April 15, 2015). Such level of repression and exclusionary strategies have generated higher levels of grievance but made it more difficult for the opposition to coordinate due to polarization and failure of civilian forces to maintain and consolidate revolutionary unity.

### **2.1. Depoliticizing the masses through exclusionary electoral processes**

The reassertion of the state institutions' control over civilian politics was pivotal in the restoration of much of the old order. Whereas the state was apprehensive of mass mobilization in 2011, by 2013 the secular revolutionary forces became scared and dependent on the state for their security and empowerment against the Islamists. The state's control over society was asserted through repression and exclusionary authoritarian order that manifested itself in a high degree of unrestricted repression against both Islamist and secular dissidents (Hamid, November 3, 2015).

The military in 2011 helped a popular uprising by a highly unified opposition to oust a dictator whereas the military in 2013 ousted a democratically elected president in a highly polarized political environment. Severe political polarization allowed the army to repress opposing forces in turn. That the 2013 coup overthrew a democratically elected president provoked strong opposition to the coup which drew further repression of the 2013 opposition. Sisi rose when the military reached its peak in legitimacy and power and when the democratic institutions were at their weakest. As Maged Mandour astutely notes "the shift toward more repression is likely a result of the change in the composition of the ruling elite, particularly the dominance of the military over the NDP-backed business elite that had been their partner during the Mubarak era. The regime's ideological base has changed from liberalization and economic progress to political stability, containing the Muslim Brotherhood, and fighting terrorism" (Mandour, August 11, 2014). To the extent that Sisi and the military achieved a triumph of the state over society, the post-Morsi regime does not need a dominant ruling party to maintain its control and authority. Instead, the military and the police control a parliament that is comprised of loyal rent-seeking and fragmented elite. This explains how Alaa Abed, a former police officer and NDP parliamentarian under Mubarak, and who now belongs to the majority bloc that supports Sisi, became head of the Egyptian parliament's Human Rights Committee.

Unlike Mubarak, Sisi rules a polity where state institutions, in particular the judiciary and the police, are united in supporting the military regime as the only way to preserve their interests and autonomy from society. The resulting "equilibrium" has facilitated the rise of a personalistic authoritarian regime that does not need a dominant ruling party. The survival of the military and the regime are more interconnected than before and the presence of the military and the police in parliament prevents the rise of any political threat to the regime. In addition, the continued rivalry for rent among parliamentarians prevents the return of a dominant party. While still dominating all significant political decision-making processes, the military laid the ground for facilitating continued cohesion and coordination between state institutions against any future crisis through institutionalizing their interests and autonomy in the constitution and ascending to the presidency.

### **2.2. Constitutionalizing authoritarianism: the 2014 constitution**

The new post-Morsi Constitution was approved by 98 percent of voters in a referendum held on January 14 and 15, 2014. This Constitution institutionalizes a military-judicial-police state in Egypt. The sphere of civilian politics is diminished while the most important positions are reserved for the military, the judiciary, and the police. The Constitution places the authority of the military beyond the control of the executive branch. In particular, the army is exempted from civilian oversight over the defense budget which falls within the purview of a National Defense Council. However, the Constitution does not specify who has the power to approve the defense budget. In addition, the Constitution stipulates that the Minister of Defense must be a military officer chosen by the SCAF. To quell opposition to military rule, the Constitution allows military trials for civilians in which the authorities can intimidate or silence its opponents by accusing them of terrorism. In the absence of a balanced relationship between a civilian state and a military establishment, the regime has no need of a dominant political party.

The judiciary, an unelected institution, has been rewarded for strongly supporting the coup. The Constitution has shifted the appointment of the prosecutor-general from the president to the Supreme Judicial Council. The judiciary is also shielded from legislative influence. Now each judicial body has been granted autonomy and receives its budget in a lump sum, exempt from parliamentary oversight. If anything, the judiciary is vested with powers to disband parliament and prevent new elections from being held. Thus, an autonomous judiciary, essential in any democratic setting, has emerged as a powerful political actor by being an ally of the military regime. The judiciary has helped the regime to persecute its enemies and the opposition under the newly enacted Protest Law and Terrorism Law by classifying the Muslim Brotherhood as an outlawed ‘terrorist organization’, jailing journalists and protestors, and banning the secular April 6 Youth Movement, a key player in the January 25, 2011 uprising.

The Constitution virtually returns to the pre-2011 era by prohibiting the establishment of religiously based political parties and threatening the existence of more than fifteen Islamic parties established since 2011. The prohibition provided by Article 74 seeks to preclude strong opposition, represented by the Muslim Brotherhood, for example, and to curb the potential of other rising Islamic opposition. Moreover, Article 237, which requires the state to fight ‘terrorism’ and cut off its funding support, is really aimed at combatting the opposition (Revkin, February 11, 2014), again mostly targeting the Muslim Brotherhood and its financial resources.

### **2.3. Keeping the generals at the helm: the 2014 presidential elections**

Whereas thirteen candidates contested the 2012 presidential elections, only two candidates stood in the single-round 2014 elections. The leading candidate was Sisi, supported by the army, other state institutions, private and public media, and the business community. The other candidate was Hamdeen Sabahi, a leftist Nasserist politician, leader of the Egyptian Popular Current and third in the 2012 presidential election who claimed to have the support of the poor and the youth.

The enormous support given to Sisi by the military and state institutions as well as part of the society made Sisi less paranoid in finding ways to maintain his rule. This was clear in the way Sisi ran his presidential campaign. Unlike the closely contested 2012 presidential election, Sisi’s ascension in the 2014 election to the presidency was widely regarded as a foregone conclusion. Egypt’s de facto leader after July 3, 2013, Sisi did not mount a grassroots electoral campaign and did not appear in public to mobilize people to vote for him. Instead, he constantly appeared on pre-recorded TV interviews during which he did not talk about his electoral program but he offered his vision for Egypt and made emotional speeches on patriotism (El-Nawawy and Elmasry, 2016). Sisi neither made populist promises (such as to

create a massive number of jobs or to present a clear economic agenda to boost the economy) nor gave democratic pledges (of more inclusive and less repressive politics). Instead, he vowed to achieve security and stability for Egypt and asked Egyptians to support him in his ‘war on terror’ in Sinai Peninsula and against the Muslim Brotherhood.

Before and during the presidential campaign period, Egyptian state and private media outlets glorified the army as the ‘guardian of the revolution’ and exaggerated Sisi’s popularity by portraying him not as a *candidate* as such but as a *president*. The media, saturated with pro-Sisi stories, images and music videos, endlessly exhorted, admonished and warned the public to vote in the name of patriotism (El Issawi, 2014). There were, moreover, abundant and huge posters promoting Sisi, part of his well-funded campaign run by the teams of Ahmad Shafiq, Amr Mousa and businessmen who once belonged to Mubarak’s NDP. Since Sisi had no civilian background and no political party, his campaign relied on the military and Mubarak’s patronage network to mobilize votes for him (Abul-Magd, July 2014: 36).

Sisi aimed for a high turnout for the election, calling for at least 40 million of the 54 registered voters to vote. A high voter turnout was important to Sisi to show strong popular support for the military coup and his leadership, and to convince his international partners, USA in particular, that Sisi’s roadmap had sufficient support to restore stability, and to bolster his legitimacy by gaining more votes than Morsi’s 13 million votes in 2012. However, even though the government extended the scheduled two-day voting period to a third day and declared a holiday for public and private employees, Sisi did not win the ‘turnout battle’. For many Egyptians, there was no genuine electoral competition: Sisi was assured of victory due to the support of state institutions, and the majority of those who voted were pro-Sisi. In contrast, voters had cast for a total of thirteen candidates in the 2012 presidential election and the majority rallied behind Morsi in the second round to forestall the restoration of the old regime.

#### **2.4. Sisi’s loyalists control a depoliticized and fragmented parliament**

According to the military’s original plan for the post-Morsi transition, parliamentary elections were supposed to take place before the presidential election. The eventual decision to hold the presidential election first had the objectives of strengthening Sisi’s control over society, bolstering the legitimacy of a government of unelected officials, and promoting the military’s legislative agenda through executive decrees without any parliamentary challenge. A few days before Sisi was inaugurated as President, the interim president, Adly Mansour, passed a new law for parliamentary elections. Many political parties criticized the new electoral law because it would weaken the representation of political parties while allowing wealthy individuals and powerful local figures with ties to Egypt’s security forces and Mubarak’s former National Democratic Party to control Parliament. According to the new law, 420 of the 567 seats would be elected on an individual basis, 120 on party list (although individuals may form groups and contest the seats allocated for party lists), and 27 seats would be filled by the President. This law differed significantly from the law under which the 2011–2012 parliamentary elections were held. Back then, two thirds of the seats were allocated to political parties and only one third to independents.

Sisi does not belong to a political party but individuals loyal to him and the Mubarak regime gained control of the new Parliament, thus undermining its legislative authority by effectively placing it under executive control. Subsequently, former NDP members and parliamentarians were resurrected. It was clear that the weak and divided secular and liberal political parties, which lacked organizational capacity and grassroots constituencies, could not stop the patronage networks that thrived under Mubarak from dominating the new parliament.

Moreover, by declaring existing electoral law unconstitutional and postponing parliamentary elections, the president delayed devolving legislative power to the parliament. Hence Sisi kept the legislative authority to issue a number of laws pertaining to Egypt's economy. Sisi was unenthusiastic about holding new parliamentary elections since the opposition to him had been largely eliminated and as a result voter turnout was expected to be low. The environment of the 2014 parliamentary elections was similar to Mubarak's last parliamentary elections of 2010 that excluded most of the opposition. Sisi lacked interest in civilian politics and wanted to immunize the ruling structure from changes in civilian politics. Besides, the new parliament had to review and approve all the laws passed and ratified since Morsi's ouster in order for them to remain in effect. But since the constitution required parliament to pass or reject these laws within two weeks, pro-Sisi's parliamentarians were expected to rubber-stamp the laws.

The diversity quota for women, Christians and youths imposed exclusively on party lists was designed to further weaken political parties. The quota may have boosted regime legitimacy internationally and domestically by demonstrating its commitment to inclusion and democracy, but it strategically aimed at creating new patronage networks and stabilizing authoritarian status quo. It facilitated the entry of former army officers, police, bankers and independent candidates in parliament. Candidates had to be supported by police and military agencies to win seats in parliament. Presently 75 parliamentarians are former army officers, the largest number of former security members in the history of Egyptian parliaments and approximately 140 are from the private sector. No political party obtained enough seats to have a majority. More than 10 percent of the 2015 parliament now are controlled by former military, police and intelligence officers. The parliament has passed a law that protects senior military commanders from being prosecuted over the deadly crackdown that followed the ouster of Morsi. Moreover, the parliament has approved the expansion of military activities in the economy. The electoral alliance loyal to Sisi, "For the love of Egypt" (Fi Hubb Misr), led by former intelligence officer Sameh Seif Elyazal, won all the 120 seats allocated to "winner takes all" lists (Dunne, April 15, 2015; Rutherford, 2018). In the 2015 parliament 448 of the 568 seats were allocated to individual lists. More than 80 former Mubarak parliamentarians made a comeback in the new parliament. Sisi and the military had only to face a weak and fragmented parliament.

As in monarchy-style political systems in the Arab Gulf, Middle East and North Africa, popular unrest can be tamed by dissolving a parliament or appointing a new government in the name of reform while power is retained by the state and its institutions. In Egypt, previous regimes used a dominant political party when the military did not govern comprehensively. Now, the military and other state institutions have proven to be more reliable in maintaining power than dominant ruling parties. Modes of exit are also more secure under the protection of state institutions. Mubarak was deserted by the military but owed his survival to the state's judicial system. He has walked free while leaders of the 2011 uprising languish in prisons. In December 2018, Mubarak even appeared in court to testify in the trial of Morsi on mass jailbreak charges.

After parliamentary elections the Egyptian regime worked to prevent the rise of any effective political party in parliament. The Free Egyptians Party offers a case in point. The party won 65 seats (12%) and headed the largest bloc in parliament. Later the party underwent internal strife, its leader Nagib Sawiris was ousted and more than 50 of its members resigned and moved to "Nation's Future Party", one of the regime's strongest arms in parliament (El-Gundy, 22 May 2018). The Wafd party faced a similar fate when Colonel Muhammad Samir, former military spokesman and Sisi's close ally, was appointed as Vice-President for Youth.

There are 104 formally registered political parties in Egypt. Only 19 parties are represented in parliament. The regime has aimed to create a majority party in parliament by reducing the number of parties, merging them or firing their leaders. Future of the Nation Party (Hizb Mustaqbal Watan) is a good example of this trend of joining independent parliamentarians from Free Egyptians Party and the New Wafd as well as merging with “In Support of Egypt” in order to reach a two-thirds representation in parliament and form the majority party.

Mubarak did not remove the opposition completely from the political scene. His policies were aimed at controlling the parliament through the NDP while coopting the opposition. He allowed the latter some space for activism without permitting it to win elections. However, Sisi has opted to expunge even the basic elements of the political process, such as political parties, parliament, constitution and civil society organizations. He excluded political opponents like the Muslim Brotherhood, labelled it a terrorist organization and relied on the state and its institutions to legitimize and consolidate personal power.

### **Conclusion: Egypt’s Political System: The Vanguard of New Authoritarianism**

Sisi’s political system does not restore those of his predecessors. Sisi does not want to tie his fortune to a new ruling party through which the business community can have access to state resources. Instead, he allowed the business elite to enter parliament on an individual basis. He thereby frees himself from fusing the regime’s interests with theirs and exercises closer control over them and their corrupt practices. The huge popular support Sisi enjoyed in the wake of Morsi’ ouster (Abdel Aziz, 2013) gave him enough legitimacy to be president without a political party. He counted on receiving support from the forces that opposed the Muslim Brotherhood as well as the support of the state institutions. As it were, he has elevated himself above politics and oversight so that he cannot be blamed if parliament and the government fail to solve Egypt’s socioeconomic problems.

At the same time, with no organized resistance to his policies, Sisi rules by decree and takes major policy initiatives such as energy and subsidy cuts, importation of gas from Israel and tax increase. If a popular uprising erupts, he can pacify the people by forcing the government to resign or dissolving a dysfunctional parliament. In any case a fragmented parliament not led by a well-organized party distracts popular mobilization against a ruling party as in the past when the practices of the NDP sparked a mass uprising. The presence of weak, non-partisan, and unpopular forces in parliament, which suggests that political parties are incapable of orderly transfer of power, makes Sisi out to be the pillar of Egypt’s stability and security. Furthermore, there are no domestic actors that are pushing strongly for democracy and civil society has been thoroughly disseminated by NGO laws that depoliticize it and make any political activism by civil society illegal. Nor Egypt’s key international supporters, the United States and Saudi Arabia, are expected to push for democracy. As a result, there is little pressure on the military for accountability and transparency about how it operates.

The Egyptian population is now distrustful of civilian politics and suspicious that democracy brings nothing but insecurity and instability. Fearful that the absence of strong parties could create a political vacuum that will permit a return to power of the Muslim Brotherhood or other Islamists, the population turns to the state and its institutions as their protectors. In this milieu Sisi claims that the people have delegated authority to him rather than elected institutions. He can therefore override the parliament and government. In conclusion, we are seeing a reconfiguration of authoritarian governance in Egypt. Repressive exclusionary forms of authoritarian governance have replaced Mubarak’s previous inclusionary, cooperative and redistributive strategies of authoritarian governments. Compared to

Mubarak, Sisi occupies a “presidential monarchy”, where the president is above civilian and party politics, not even bound to a dominant party, and as a result allowing himself to stay in power for life and exercise unprecedented unilateral authority over both the state and society.

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