Of Uprisings and Regressions:
The Strange Fruit of Egypt's Arab Spring

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Abstract: *The events that swept Egypt six years ago gripped us all and they also raised high expectations of substantive political change. Yet, it may have been better to exercise reservation about Egypt's post-uprising direction. As we have witnessed, there are no guarantees during a transition phase of regime change. The following article investigates why and how Egypt's "Arab Spring" turned out the way it did. It argues that the current outcome, while disappointing to normative aspirations, was not wholly unexpected. The product of a polity in the capricious embrace of reactionary forces and past legacies.*

Key words: Arab Spring, democratization, Egypt, post-authoritarian politics, transition dynamics.

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> *"All men recognize the right of revolution; that is, the right to refuse allegiance to, and to resist, the government, when its tyranny or its inefficiency are great and unendurable."*
>
> Henry David Thoreau 1849

Introduction

Let us be honest, the challenges of Egypt's transition were never anything other than considerable and multiple. We all too readily assumed that the toppling of the long-standing authoritarian ruler, Hosni Mubarak, was an inextricable turn towards democracy. This was a false assumption. It may be one thing to remove a despot but quite another to establish and sustain substantive democratic change over time without stagnation or reversal (Carnegie, 2010).

As our experience of democratization phenomena over the last 30-40 years tells us, countries do not emerge from upheaval overnight. The less than optimal outcome we are witnessing in Egypt since the uprisings rests largely on the fact that during a transition period a country is not suddenly a *tabula*

rasa—merely capable of projecting the most feasible solutions. Past developmental patterns, underlying societal conventions, and reactionary forces can all constrain the possibility of political change. In fact, distinct trade-offs and ambiguous outcomes emerge primarily because any form of democratic re-arrangement vis-à-vis political power involves compromise with an authoritarian past (Bermeo, 1990; Collier & Collier, 1991; Geddes, 1999; Munck, 1994; O'Donnell, 1996; Whitehead, 2002). In other words, political transitions are a complicated and contingent affair. This "politics of transition" is as liable to stall or retreat into a semi-authoritarian condition as it is to progress into a more democratic outcome (Ottaway, 2003). The process is rarely, if ever, ideal (Carnegie, 2008).

Indeed, in recent years, numerous scholars have drawn attention to the emergence of what are more commonly referred to as "hybrid regimes" (Casper, 1995; Diamond, 2002; McFaul, 2002; Ottaway, 2003; Schedler, 2003, 2006; Zakaria, 1997). They exist on a spectrum somewhere between democracy and authoritarianism. Neither one thing nor the other. Outwardly, they may display some of the formal procedural features of "democracy" but they "play" by considerably different "rules" (Carnegie 2009, pp. 398-399). Often times, the perceived self-interests or those of "reserved domains" end up playing significant roles in shaping events and outcomes (Carnegie, 2012, pp. 71-79). In fact, a variety of electoral authoritarianism is quite possibly the most common form of political regime in the developing world.

The following article maps key stages in the politics of Egypt's post-Mubarak transition, to gauge how and why its "Arab Spring" turned out the way it did. It argues that substantive political change failed to emerge primarily because the forces and legacies of Egypt's authoritarian past weighed too heavy in the process. They drained the momentum and ability of the popular uprising to take hold and institute meaningful reform.

Translating Frustrations into Reform?

While events in Tunisia acted as a catalytic stimulus that set in train cathartic outpouring of societal frustration in Egypt, the problems that underpinned the popular uprising were more deep-seated. The protests may have focused attention on a dynastic family who had blatantly pursued massive personal gain for themselves and their associated cronies but what we also witnessed was a simultaneous convergence of multiple social, economic, and political vectors bringing things into sharp relief. If we look at the conditions in Egypt, there were some pretty clear clues to the simmering anger and frustration. We all know that there was and are massive inequalities in wealth distribution. Despite substantial wealth generation that narrow self-serving politico-business-military elites enjoyed, some of which trickled down to the middle classes, economic stagnation was and is rife. Millions struggle below the poverty line in Egypt (25-26 percent of a population of 83.5 million) with a literacy of about 66 percent and an annual GDP per capita of little more than $2,270 (*The Guardian,* 2015). Combine this with rising prices of basic foodstuffs and high unemployment among a disenfranchised, marginalized, and frustrated youthful population wired together as never before and you have an extremely volatile mix. The constant and ongoing repression of dissent by the Internal Security Services in the run up to the "rigged" 2010 parliamentary elections and the unrest generated by an intra-regime power struggle over who would succeed an aging and ailing Mubarak were the final ingredients (*The Guardian*, 2011). The failures of a corrupt, repressive, and ossified autocratic regime were about to come home to roost.

One of the most fascinating aspects of the Egyptian uprising was its crosscutting nature, traversing race, gender, religion, and social status. The speed with which "horizontal bonds of

solidarity" formed between mostly student-led activist groups and the wider populaces was surprising and facilitated logistically at least by social media technology and Friday Prayers. Taking inspiration from the Kefaya (Enough) and April 6th movements, the latter originating in 2008 as an expression of solidarity with striking workers in Al-Mahala. Interestingly, the April 6th movement had itself been in contact with a Serbian group called Otpor, the student-led movement that helped bring down Slobodan Milosevic in 2000. The synthesis of this exchange obviously provided helpful tactical and strategic input in terms of setting up camp in the Capital, speaking truth to the regime and remaining resolute in the face of reprisals.

Social media also provided a distributed networked platform to publicize geographically dislocated events (Beaumont, 2011). The ability to send and receive information instantaneously about unfolding events via the use of mobile phones facilitated in the formation of important bonds of solidarity among disparate grouping. Phone cameras became the "eyes and ears" of the uprising (Preston, 2011). The Mubarak regime worked tirelessly to try and obstruct mainstream news media's access to certain events. They targeted access to phone lines and internet access all in an attempt to control the message getting out. But they could not curtail the use of social media with tech-savvy activists rerouting access through outside servers. It provided a logistical tool to keep the flow of information and conversation going. For instance, Facebook provided a platform to plan demonstrations via its "event" feature. Listing the time, location, and purpose of the demonstrations gave previously disconnected groups of people, who wanted to join in, their chance. Media technology not only enabled the protestors to share their experiences with each other but also the rest of the world in real time. The momentum it generated in 18 days was sufficient to force Mubarak from office.

Having said this, translating this popular social momentum for greater political freedoms, representation, effective rule of law, and better living conditions (that brought down Mubarak) into some form of representative capacity was always going to be an uphill task for Egyptians. What the Egyptian people were faced with was finding ways to strike a different "social contract." Uprising forces may have been large but they were weak in terms of capacity, experience, and resources, desiccated by decades of repression and co-optation of political parties (CIHRS, 2009; Ebied, 1989; Stacher, 2004). It was a populace systematically depoliticized vis à vis the state. Egyptian friends of mine used to call the political landscape a "millpond" and "open prison" where Mubarak's police-state had "removed the hope of their even being hope." Trying to establish political organizational structures capable of gaining relevant representation was no easy task. Real politics had languished in a catatonic state choked by intimidation and fear. Out with the banned Muslim Brotherhood, there was little if any organized institutions autonomous of the state. They had to be re-built and pushed hard for concessions and compromise if a progressive agenda was going to influence substantive reform. There was much at stake but time was short.

In a transition period, political actors are in contestation not just to satisfy their immediate interests but also to define rules and procedures whose configuration will likely determine winners and losers in the future. What became clear was that the mainly progressive forces that fuelled the uprising especially in Tahrir Square did not have sufficient time, experience, or resources to capacity build against powerful and organized reactionary actors (Carter Center, 2012). The organizational "deep-state" supporting structures of the military establishment and the Mubarak regime's National Democratic Party (NDP) in Egypt did not simply crumble and actually remained largely intact (CIHRS, 2011). There was strong residual presence constraining potential democratic reform and conditioning

the character of contestation between elites and oppositional forces. The following sections give more detail to this prognosis.

Free and Fair Elections?

Despite concerted efforts to organize free and fair elections, they took place in circumstances of flux and instability. There was really little point in assuming that elections in isolation would simply channel contests among political rivals and accord public legitimacy. There also had to be correspondent reform of state institutions, policymaking procedures and attendant recovery of civil liberties and political rights, in particular, enhanced freedom of expression, access to alternative information, and expansion of associational autonomy. This was in short supply. In many instances, press restrictions remained in place, harassment of democracy advocates and civil society groups continued, and the ranks of political detainees swelled, all of which indicated a less than reform-friendly climate (CIHRS, 2016).

The organizational structures of the old regime had not just vanished. There was strong residual presence with "old" actors contesting for power and a return to the political arena in different ways. The National Democratic Party (NDP) may have been discredited and fragmented in the immediate aftermath of Mubarak's downfall, but its underlying institutional organization and the interests it represented remained very much intact. NDP acolytes and cronies of the Mubarak regime still stalked the corridors of power. Egyptians scornfully called them "fuloul" (a remnant).

Then in June 2012 came the lamentable decision by the judges of the Constitutional Court, appointed under Mubarak, to disband the newly elected Islamist-dominated parliament and allow ex-prime-minster under Mubarak, Ahmed Shafiq, to run for the presidency. Even with the electoral success of the Muslim Brotherhood's Freedom and Justice Party (FJP) and the inauguration of Mohamed Morsi as the new president on 30th June 2012, the Constitutional Court's decision essentially green lighted General Tantawi and the Supreme Council of the Armed Forces (SCAF) to make an audacious power grab. Many Egyptians are well aware of how practiced the SCAF is at presenting an illusion of change for the wider populace, the international community, and associated media while nothing really changes.

After the ouster of elected President Mohamed Morsi and his Freedom and Justice party (FJP) in a coup d'état in July 2013, the SCAF essentially manufactured a "Hobson's choice"' for the next presidential election with their "man," the former Defense Minister, General Abdel Fattah el-Sisi standing against Hamdeen Sabahi of Egyptian Popular Current after interim president Adly Mansour declined to run. Sisi was duly elected with 97 percent of the vote at the end of May 2014 (BBC, 2014). He was able to capitalize on a wave of popular fear over disintegration and chaos and he promised stability. In reality, General el-Sisi's accession to power heralded a swift and brutal crackdown against supporters of Morsi and the Muslim Brotherhood as well as protestors and leading dissenting voices of the "Arab Spring."

Consequently, Egypt went without a Parliament for two years until the High Elections Committee (HEC) announced the composition of the 2015 parliamentary elections. There were 596 seats with 448 elected under an individual voting system, 120 elected from the party lists, and 28 appointed by el-Sisi. The seven electoral lists were from the Egyptian Front, *Forsan Misr* (The Knights of Egypt), The Independent Current, *Fi Hob Misr* (For the Love of Egypt), *Nedaa Misr* (The Call of Egypt), the Nour Party, and *al-Sahwa al-Wataneya* (The National Awakening) (IFES, 2015). Although the *Salafi* Nour

Party contested nearly 60 percent of the seats, its popularity was dented by its support for Morsi's ouster. Significantly, with the leading party from the previous elections, the Muslim Brotherhood's Freedom and Justice Party, now banned and with large numbers of its leading members languishing in jail, the stage was clear for some "old" actors to contest for power and return to the political arena in a different guise. Many former National Democratic Party (NDP) acolytes staged their return and ran as independent candidates. Moreover, the Egyptian Front is dominated by figures from *al-Haraka al-Wataneya* (The National Movement) founded by the aforementioned Ahmed Shafiq, Mubarak's former prime minster. Former NDP denizen Ahmed al-Fadali also heads up the Independent Current. The elections did little more than shore up el-Sisi's authority (*The Guardian*, 2015). Forcibly removing political opponents outside legitimate general elections and reinstituting emergency laws was no sign of democratic progress. One of the measures of democratic consolidation is the peaceful transfers of power from incumbent to opposition through free and fair elections alongside greater civilian control over the military.

The Military Returning to the Barracks?

Dismantling the most repressive structures of Mubarak's authoritarian regime and trying to reduce excessive military involvement in the political-economy of Egypt was always going to be difficult. Although the military presented itself as a guardian of the nation and provisional protector of the protestors during the uprising, its calculations ran deeper. The military establishment essentially abandoned Mubarak as they saw him as a liability to their interests. With protests spreading countrywide and Mubarak's grip on power loosening in the face this popular pressure, the only way to avert further crisis was to remove him from the heart of the body politic. After the fall of Mubarak, there was little to persuade the military establishment to "return to the barracks." They never really let their grip on power go and they remained largely beyond the influence of the protests. There was very limited time and only a small window of opportunity for protesters and activists to actually push for concessions and step by step reforms that would have allowed for a gradual phasing out of military embeddedness in Egypt's body politic. The protesters may have broken through a fear barrier of threats both psychological and physical but improved civilian rule over the military failed to materialize. In reality, Morsi's attempt to remove to members of the senior leadership of the SCAF early in his presidency was a fatal miscalculation for himself and the country. An imminent reactionary backlash was there for all to see.

The swift denunciation and military-led ousting of the elected Morsi government indicated that the SCAF never really relinquished the political power it had granted itself under the 17 June 2012 addendum to the Constitutional Declaration. The addendum gave the SCAF the legislative powers of the recently dissolved People's Assembly and key powers previously held by the Egyptian military. It also formalized the SCAF as a governing institution within the constitutional framework. Although circuitously elected president, el-Sisi and his administration are essentially the same group of Egyptian generals that formed the backbone of the Mubarak regime. In fact, the Egyptian military is still Washington's favored institution for holding onto Egypt and maintaining a regional status quo conducive to its interests and that of local and global capital. There has been little change in the form of government. The el-Sisi military junta represents little more than the continuation of Mubarak's so-called civilian administration.

Transitional Justice?

After the events of the Tahrir Square, distrust in institutions such as the judiciary and police enforcement were open wounds in need of healing. If substantive change had really been a serious consideration, political elites would have moved quickly to reign in the arbitrary power and nefarious practices of the internal security services, or Mukhabarat but they did little*.* While public demand was strong, leaders of emerging oppositions tried to negotiate and seize the opportunity provided by the uprising to push hard for concessions from a disoriented regime but were kept at arms-length. Out with the efforts of civil society groups and activists, serious considerations about transitional justice and what form that might take and the steps needed to achieve it were in short supply—too many skeletons in the cupboards. One way forward could have been a good airing but the SCAF were busy ensuring its impunity and that no retrospective prosecutions would eventuate for the armed forces (CIHRS, 2013). The SCAF and established political elites displayed little appetite for initiatives such as the establishment of some form of truth and reconciliation commission as seen in places like South Africa or East Timor. Despite some superficial judicial proceedings and the show trial of "Mubarak and Sons," key issues of who would be brought to justice for past crimes, and how far back into the past that justice process would reach were never truly resolved. The mortar needed to rebuild respect for the rule of law and combat endemic corruption, cronyism, and nepotism failed to arrive.

Constitutional Reform?

In the decades prior to the uprising, the Mubarak regime was skilled in using the Constitution to its advantage especially by renewing the state of emergency powers that had been continuous force since the assassination of President Anwar Sadat in 1981. Although Mubarak repeatedly vowed to amend the Emergency Law (no. 162 of 1958) to end the permanent state of emergency, it never eventuated primarily because it allowed him to maintain his grip on power (Kausch, 2009).

Under the state of emergency, state security agencies had sweeping powers of arrest, detention and special trial, habeas corpus and constitutional rights were suspended, and censorship was effectively legalized. With the mirage of a constitutional mandate, Mubarak implemented several laws that allowed the regime to regulate the freedoms of political parties by limiting their financial resources activities and functions. Moreover, the regime controlled the registration process of newly established parties. It also employed constitutional means to exert control over the media and access to it. Although the constitution guaranteed media freedom in Egypt, Mubarak's regime still exerted major control over it through the Emergency Law and Press Law (no. 20 of 1936). This allowed the Minister of Interior Affairs to prevent "subversive" publications and broadcasts while detaining journalist deemed the same (Ibrahim, Lachant, & Nahas, 2003). As such, the regime exerted a draconian control over the media and forms of civil and political organization under the pretext of maintaining public order (CIHRS, 2009).

After Mubarak's ouster, the constitutionally mandated enactment of Emergency Law (no. 162 of 1958) reached its expiry date at midnight on 31 May 2012 and with it Egypt's state of emergency. Yet, a mere two weeks later, on 13 June 2012, the Justice Ministry issued a decree effectively reimposing *de facto* martial law by extending the arrest, detention, and military trial powers of security forces. In December 2012, after two rounds of polling, the electoral approval for a new Constitution was a mere 63 percent on a 30 percent turnout (BBC, 2012). While the 2012 Constitution did introduce changes to Mubarak's 2007 Constitution, both its formation and content were contentious. Many members of the

Constituent Assembly withdrew during the process after then President Morsi issued a decree giving himself wide-ranging powers. The Cairo Administrative Court even referred the legality of the Constituent Assembly to the Supreme Constitutional Court.

After the coup d'état to remove Morsi in 2013, the Supreme Constitutional Court suspended the 2012 Constitution. On 14 August 2013, interim president Adly Mansour reinstated a temporary state of emergency and curfew following deadly clashes between security forces and supporters of deposed President Morsi and the Muslim Brotherhood. This remained in place until a revised constitution in 2014 achieved an electoral approval of approximately 98 percent on a 38.5 percent turnout (BBC, 2014a). The latter does provide some limitations on the imposition of emergency regulations in comparison to the previous two constitutions. Nonetheless, the draconian and repressive Emergency Law (no. 162 of 1958) remains the applicable juridical instrument in such instances. As el-Sisi was declaring to CNN in 2015 that "Egypt enjoys unprecedented freedom of expression", thousands languished in detention without trial and the country was ranked second worst for the incarceration of journalists with at least 23 behind bars (CPJ, 2015). Dictatorship and tyranny by another name is still dictatorship and tyranny. What is important is what something is and not what it is called.

There were also limited constitutional reforms of overly centralized political power structures and insufficient limitations on the power of the executive. Steps toward more effective representation and diminishing power asymmetries by constitutionally de-coupling the corrupt and corrupting nexus between politics, business, and the military could have laid foundations for future democratic legitimacy and an effective check to facilitate peaceful civilian transfers of power.

Radical Islamist Ascendancy?

A major concern for future political developments in Egypt was the spectre of radical Islamist ascendancy. Previously and although banned, the Muslim Brotherhood had been able to organize around and prosper off the deficiencies of Mubarak's regime. It stepped in where the regime had so abjectly failed including the provision of education, health, and sanitation for the poorest in society. As such, it had built up a country-wide organizational structure and solid popular support base. Yet, despite the electoral success of Islamist parties in the first post-Mubarak elections, the tenor of the uprisings suggested that the majority of people were against the institution, a form of Islamist theocracy. The electoral success of the Muslim Brotherhood's Freedom and Justice Party (FJP) and the inauguration of Mohamed Morsi as the new president in June 2012 was short lived. Popular discontent and protests began to grow over the increasingly autocratic and inept style of Morsi's presidency and the FJP's air of Islamist theocracy. This was a situation the SCAF was effective at leveraging with a fearful electorate to their advantage. They were able to (re)present a narrative that Mubarak and the military establishment had long spun about themselves in Egypt—that their strongarm is the lone bulwark and protector against a fanatical Islamist takeover. Unfortunately, the irony of liberal-secularist groupings' annoyance and critical disdain of Morsi's style of leadership and the failures of his party's rule is that it led them into taking a disastrous shortcut. Their tacit support of military action to undermine Muslim Brotherhood supremacy in Egypt was a Faustian pact that ushered in the return of a ruler with an iron fist. It became a perverse form of exchange whereby the military unconditionally retained its reserved economic domains, privileged status, and authority. It also seems that the international community was willing to recognize a regime that prioritized western interests and stability above the democratic and participatory desires of its inhabitants.

Conclusion

As mentioned, varieties of electoral authoritarianism are quite possibly the most common form of political regime in the developing world today. While there was no denying the significance of Egypt's uprising, an unfettered triumphalism was premature. It was an entrance into uncertainty characterized by opportunity but also fraught with considerable danger. This article foregrounded some of the key reasons why and how the process stalled and retreated back into an "authoritarian condition." It showed that the forces and interests of Egypt's past weighed heavy in its post-uprising political landscape. The popular momentum of the uprising failed to translate into effective political reform, a situation that broadly conforms to a less than appetizing insight from the democratization literature. To wit, short-lived and turbulent events may remove a despot but they are less likely to deliver wide-ranging and substantive change. The real work and the real difficulties start after the downfalls. Unfortunately, there was no simple remedy, the perceived self-interests of "reserved domains ' ended up playing significant roles in shaping outcomes. Egypt's "Arab Spring" yielded some strange fruit, indeed.

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