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„Between Authoritarian Rule and *Shura*:
Participatory Elements and Traditions
in the Egyptian State since the 19th Century”

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Introduction

The revolutions of the so-called Arab Spring, starting in 2010 in Tunisia and subsequently slopping to Egypt and Libya in 2011 have, amongst others, particularly posed the question, if the establishment of democratic political systems in the Islamic Arab World is possible. In Egypt, for example, where this paper focuses on, three factors apparently make it at least more than difficult to install a stable democratic system: first, the country's authoritarian past, going back thousands of years, during which godlike Pharaohs in ancient times, brutally ruling sultans in the middle ages, despotic khedives and kings in the 19th and first half of the 20th century and finally dictatorial military rulers since 1952 have repressed each kind of political opposition; second, Islam, the country's dominant religion, seems to be incompatible with democratic values as Europeans understand them, like tolerance towards (e.g. religious) minorities, a plural society and diversity of opinion; and third, the term democracy itself is discredited amongst a lot of the Egyptian people, which has been oppressed and exploited by western democracies: From the British occupation in 1882 up to the first half of the 20th century the British Empire, symbol for one of the oldest western democracies, ruled more or less through the British General Consul and "advisor" to the Egyptian Viceroy, and since the Western patronized foundation of the Jewish State in 1948 and the Suez Crisis of 1956, up to the resignation of president Mubarak, many Egyptians felt menaced by Western, in particular American "Imperialism".

Since this is a master thesis for Global History, it strives to find participatory elements in the state not only in the intellectual world of Arab-Islamic respectively Egyptian thinking but also in the way, how Western people consider them. Democracy is definitely a Western term and the author of this paper, being Austrian, grew up with (Middle) European ideas of democracy. It could be considered problematically, that Western conceptions of and associations with this issue might not cope with specifically Egyptian notions of "democracy". But it is in fact not the aim of this paper to avoid European connotations. Moreover, the author's Western background and knowledge is part of the global method applied in it, besides the fact that European ideas actually spread to Egypt since the early 19th century, and that democracy also could be and definitely was time and again defined not only as a (Western) concept

for politics but also as the most adequate way for individual human beings to gain freedom and strive for personal self-realization. Facing the menace of totalitarian regimes in many countries all over the world, John Dewey stated in his groundbreaking book "Freedom and Culture" in 1939, "Dispositions formed under such conditions are so inconsistent with the democratic method that in a crisis they may be aroused to act in positively anti-democratic ways for anti-democratic ends; just as resort to coercive force and suppression of civil liberties are readily palliated in nominally democratic communities when the cry is raised that 'law and order' are threatened."¹ Nevertheless, he concluded, "that self-governing institutions are the means by which human nature can secure its fullest realization in the greatest number of persons."² Moreover, Dewey stated, "But that which is its weakness at particular times is its strength in the long course of human history. Just because the cause of democratic freedom is the cause of the fullest possible realization of human potentialities, the latter when they are suppressed and oppressed will in time rebel and demand an opportunity for manifestation."³

Besides, the author's view on this subject is naturally based on terms like constitutionalism and separation of power as defined by John Locke and Montesquieu, the system of "checks and balances" as it is represented in the Constitution of the United States of America, and ideas on a "society treaty" as described already by Locke and later on by Rousseau. "'Trouver une forme d'association qui défende et protège [sic] de toute la force commune la personne et les biens de chaque associé, et par laquelle chacun s'unissant à tous n'obéisse pourtant qu'à lui-même et reste aussi libre qu'auparavant?' Tel est le problème [sic] fondamental dont le contrat [sic] social donne la solution."⁴, which Rousseau defined as follows, "Chacun de nous met en commun sa personne et toute sa puissance sous la suprême direction de la volonté générale; et nous recevons en corps chaque member comme partie indivisible de tout."⁵ Freedom of expression and a free press, more or less realized at first in England at the end of the 17th and subsequently in Denmark and in the US-constitution in the late 18th century, are

¹ John Dewey, *Freedom and Culture* (New York: G. P. Putnam's Sons, 1939), 129.

² Dewey, *Freedom and Culture*, 130.

³ Dewey, *Freedom and Culture*, 129.

⁴ Jean-Jacques Rousseau, „Du contrat social,“ in *Jean-Jacques Rousseau: Oeuvres complètes*, ed. (Paris: Éditions Gallimard, 1964), 360.

⁵ Rousseau, *Du contrat social*, 361.

concepts which will be considered as well as the positioning of women in society, which has been a topic already for Montesquieu (who, interestingly, refers to the suppression of women in “Oriental despotism” as a characteristics for authoritarian rule⁶) but of course much more for John Stuart Mill a hundred years later. Finally the term Human Rights and the treatment of minorities will be an issue that has to be kept in mind, and here the author’s thinking is also determined by Western concepts like James Madison’s “Bill of Rights”, which had an enormous impact on the French Revolutionary Human Rights Declaration, as well as his Federation No. 10.

Political ideologies like Nationalism, Socialism, Liberalism, but also Islamism and Panarabism are no less global phenomena than the influence of foreigners in Egypt. Being the transmitters of such ideologies, they played a significant role in spreading these. And finally, European (in particular French) juridical principles had a huge impact on Egyptian law since the first half of the 19th century, when Mehmed Ali sent scholars to Europe, and especially to France, to study foreign languages and European administrative structures.

At the same time political life in Egypt itself was and today still is characterized by several fields of tension: between authoritarian rule and attempts for participation, between Islam and secular ideas, between Western democratic ideas and basic human values like justice, freedom, equality and responsibility, which vice versa were and still are more or less also claimed to be genuine Islamic, and between reforms according to European patterns as considered necessary for building a nation and a strong economy on the one hand and a simultaneously latent rejection of the values represented by colonial and imperial powers. In this connection it will also be an issue that European influence on the one hand initiated and strengthened democratic developments but on the other hand also hampered them, since for instance the British Empire also saw its interests endangered by an Egyptian parliament that might be a too strong opponent to the British “advised” Viceroy. Finally it will be shown that Western ideas on democracy did in fact grow in Egypt, but until today they never could and probably will for many decades in the future not be able to challenge respectively overthrow many Islamic as well as local traditions. Therefore an “Islamic democracy” will definitely look different than many people in Western

⁶ Melvin Richter, *The political theory of Montesquieu* (Cambridge: Cambridge University Press, 1977), 45-51.

countries wish it to be. That's why the author chose not to use the term "democracy" but the Arab word شورى (*shura*) in the main title of this paper, to underline the different notion of participation in the Arab-Islamic context – a word, which means not only "consultation", "deliberation", "taking counsel", "counsel" or "advice"⁷, but also "participation".⁸

This master thesis cannot provide a comprehensive and detailed analysis of every aspect of the subject. Moreover it tries to give an overview about the most important developments that led to democratic institutions and structures in Egypt since the 19th century. Though nationalist, socialist, liberal and constitutional ideas existed, of course, parallel, each one of these ideologies had its heydays more or less in one period of modern Egyptian history. Therefore the author decided to keep a chronological path through the last two hundred years and concentrate on one of these subjects in each section.

The first chapter focuses on the uprising for modernity during the era of Mehmed Ali and his successors, whereas the second chapter concentrates on political movements in the late 19th and early 20th century, which had a significant impact on participatory consciousness in the Egyptian's thinking. The Urabi Revolt, foregoing the British occupation of 1882 and the subsequent British control of the country, stands for the early nationalist movement, which culminated in the Revolution of 1919 and the founding of the Wafd Party. Meanwhile, many European foreigners, particularly Greeks and Italians as well as Armenians and Jews, but also, of course, British and French, influenced political thinking mainly of the leftist in Cairo and even more in Alexandria. Finally the Liberal movement had a main impact on Egyptian law and constitutionalism. The third chapter deals especially with the political changes after the 1952 military coup, the tentative reforms President Sadat initiated and the Mubarak era with its so-called "Pharaonic Political System", which stands for a sham democracy with a National Assembly and political parties that were, due to several reasons to be described, not at all acting as a democratic control on the government. Nevertheless, it was this lack of official opposition that strengthened civil society since the early 2000s and which finally led to the revolution of January and February

⁷ Hans Wehr, *A dictionary of modern written Arabic*, ed. J. Milton Cowan (Wiesbaden: Harrassowitz, 1961), 492.

⁸ Gudrun Krämer, *Demokratie im Islam: Der Kampf für Toleranz und Freiheit in der arabischen Welt* (Munich: Verlag C.H. Beck, 2011), 56, 59, 119.

2011. In the final chapter the role of civil society organizations as well as Islam and its political arms, both the Muslim Brotherhood and the Salafi, will be dealt with, who together have won more than 70% of the National Assembly seats in the first real democratic elections taking place in late 2011/early 2012 and who also gained a victory in the first presidential elections after the Revolution of 2011 with the Muslim Brother's candidate Mohamed Morsi (52% of the votes).

Summarizing, this paper aims to find out which participatory elements, from a European perspective, can be found in the Egyptian state since the 19th century, which genuine local institutions and traditions made and still make participation possible, and which role do particularly Islamic defined values play in the development of a specific "Egyptian Islamic democracy". This paper is based on historical and political literature and local research in Cairo, Alexandria and Luxor including interviews with politicians and political activists as well as revolutionary graffiti of the last two years referring to historical and political aspects of the subject.

The reader may excuse divergent writings in particular of transliterated Arabic expressions, in which I usually followed the different transliterations used in the literary sources.

1. Egypt's uprising for modernity in the 19th century

1.1 Mehmed Ali: modernization with unforeseen aftermaths

*"But the introduction of western organization into the armies of the Levant brought with it other important results, for the appliances of mechanical art, of education, of medical knowledge, and several system of dependence and subordination, were the needful companions of the new state of things. The transfer of the military power from unruly and undisciplined hordes to a body of troops regularly trained through the various grades of obedience and discipline, was in itself the establishment of a principle of order which spread over the whole surface of society."*⁹

The rule of Mohamed (Turkish: Mehmed) Ali Pasha (1805-1848) is commonly associated with the start of modern Egyptian history and major reforms in the country's economy and politics. It is doubtlessly true that, after the Napoleonic invasion (1798-99) and the failed British attempt to occupy Egypt only a few years later (1807), Mehmed Ali, the new *Wali* (governor) of the Ottoman province, "gave Egypt the organizational basis and the human cadres for the emergence of a modern state".¹⁰ Having faced the obvious superiority not only of European armies and weapons but also of European administration and economy, he "introduced a system of state education in order to provide the trained and skilled manpower required by the services of his state, and especially his armed forces. He reformed the administration in order to secure efficient, strict and economical control over the functions of state and government."¹¹ In fact, the main focus of Mehmed Ali's reforms was never to make Egypt an independent nation state modeled by European patterns. As Vatikiotis put it, "nationality was an unknown concept to the Pasha", who only perceived "the extension of his power and authority as the governor of an Ottoman province at the expense of his master in Istanbul."¹² Nor was it his intention to prepare the ground for a constitutional government system of the country. Sir John Bowring (1792-1872), MP and later British consul in Canton and governor of Hong

⁹ John Bowring, *Report on Egypt 1823-1838 under the reign of Mohamed Ali* (London: Triade Exploration Ltd., 1998), 137.

¹⁰ Panayotis J. Vatikiotis, *The History of Egypt from Muhammad Ali to Mubarak* (Baltimore: The Johns Hopkins University Press, 1969/1986), 52.

¹¹ Vatikiotis, *The History of Egypt*, 50.

¹² Vatikiotis, *The History of Egypt*, 67.

Kong, met Mehmed Ali during his travel through Egypt and the Middle East in 1838. In his "Report on Egypt 1823-1838 under the reign of Mohamed Ali" he cites the *Wali* of Egypt in a conversation with him as follows: "In your country you must have a great many hands to move the machine of state; I move it with my own. I do not always exactly see what is best to be done, but when I do see it I compel prompt obedience to my wishes, and what is seemingly best *is* done."¹³

Nevertheless, the reforms and measures initiated by Mehmed Ali caused unpredictable consequences for the future of the Egyptian state and the national as well as political consciousness of its population. Modernizing his army, which was Mehmed Ali's main concern, "did unwittingly contribute to the rise of Egyptian nationalism"¹⁴ by bringing tens of thousands of Egyptians, mostly fellahin, common experiences in their military service as well as by the slow but irresistible rise of Egyptians in military ranks and their rivalry against the officer corps so far exclusively held by Ottomans. Inevitably, the army reform also led to a program of education. Schools were opened in Egypt where not only military knowledge but also other sciences were taught, and the most talented Egyptians were sent abroad for technical and academic training – to Italy and England, but mainly to France. "Thus the army became the impetus for a wide programme of education of a new, secular nature."¹⁵ Several European Missionary Schools were also prominent in educating a new elite for serving as state officials, and Bowring mentions even a girl's school, attached to the boys' school of the Church Missionary Society, where about 100 scholars, "under the direction of Miss Holliday, who has been sent to Egypt at the charge of the Ladies' Society for promoting Female Education in the East", were trained mostly in needle work, which thereafter became famous in the Pasha's harem. Soon, also the women of the vice-regal family were eagerly practicing this skill. Bowring, convinced, that "it is impossible civilization or improvement, should make much progress in the East until the female sex are elevated from their degraded position" confidently argues that this sort of education "will create the appetite for instruction of a higher character."¹⁶ The beginning of Egyptian book publishing in

¹³ Bowring, *Report on Egypt*, 381.

¹⁴ Khaled Fahmy, *All the Pasha's Men: Mehmed Ali, his army and the making of modern Egypt* (Cairo/New York: The American University in Cairo Press, 2003), 268.

¹⁵ Afaf Lutfi Al-Sayyid Marsot, *A History of Egypt: From the Arab Conquest to the Present* (Cambridge: Cambridge University Press, 1985/2007), 68.

¹⁶ Bowring, *Report on Egypt*, 356.

1822, when the first state printing press was founded in Bulaq, and the first publication of the *Khedivial Journal* five years later – though it was a propaganda newspaper for the governmental policy – marked the start of an increasingly sophisticated press, represented by journals like the Official Gazette (*al-waqa'l al-misriyya*, first published in 1828) or the French *Le Moniteur Egyptien* (1832-33).¹⁷

Educational missions of talented Egyptian students started already in 1816, and ten years later, in April 1826, for the first time 40 students were sent to France to be taught in military and civil administration, artillery, chemistry and medicine but also in law, economy, translation and in arts like etching and lithography.¹⁸ Subsequent educational missions to Paris followed in 1829, 1830 and 1832, and in 1833 the Egyptian school there had 115 students, one of the most remarkable being Rifaa Rafi al-Tahtawi (1801-1873), son of a prominent family from Sohag in Upper Egypt, who had studied before at Al-Azhar University in Cairo.¹⁹ In this connection it should be remembered that also the patriarchal Al-Azhar with its traditional subjects taught and teaching methods underwent a significant change in the times of Mehmed Ali. The *Wali* appointed his friend Hasan al-Attar (d. 1833) Shaykh of the Azhar, who sought to improve teaching methods there and, moreover, interest his students in new knowledge. "Conditions in our country must change," al-Attar is reported to have said, and "We must introduce new knowledge that is yet unknown in Egypt."²⁰ Nevertheless, the Azhar increasingly lost its privileged position as the leading institution for education both to the new schools and colleges founded by the government as well as to Italian, French, British and American mission schools, whose graduates "came to constitute the membership of the modern Europeanized group of government officials, professionals and politicians [...] They came to speak and think in terms of European-inspired models of life and society, and often stood in direct opposition to the traditional cultural norm represented by the Azhar and its institutions [...]"²¹ Rifaa Tahtawi, the Azharite who went to Paris from 1826 to 1831, did not focus on technical studies there like Ali Pasha Mubarak (1823-1893), the other dominate Egyptian transmitting European knowledge to his home country, but

¹⁷ Vatikiotis, *The History of Egypt*, 99.

¹⁸ Caroline Gaultier-Kurhan, *Mehemet Ali et la France 1805-1849; histoire singulière du Napoleon de l'orient* (Paris: Maisonneuve & Larose, 2005), 125-127.

¹⁹ Gaultier-Kurhan, *Mehemet Ali et la France*, 127-128.

²⁰ Ali Mubarak, *Khitat*, IV, 38, as quoted in Vatikiotis, *The History of Egypt*, 92.

²¹ Vatikiotis, *The History of Egypt*, 103.

on the translation of French literature as well as political and philosophical texts.²² “Il étudie et traduit des ouvrages qui représentent la rationalité politique (au sens large) et philosophique de l’âge des Lumières : de Montesquieu, *De l’Esprit des Lois* et les *Considérations sur les Causes de la grandeur des Romains et leur décadence* : de Rousseau, *le Contrat social*, les *Aventures de Télémaque*.”²³ Rifaa became a veritable cultural ambassador between France and Egypt: “Il observe la société parisienne et se montre curieux de tout. Il côtoie des orientalistes comme Sylvestre de Sacy, Caussin de Perceval. Il note toutes ses impressions dans son journal de voyage et cherche à comprendre la civilisation européenne.”²⁴ He observed the Revolution 1830 in Paris and translated excerpts of the then French Constitution *La Charte* into Arabic in his “Paris Journal”, rendering it “al-sharta”. Moreover, he also translated secular legal studies and jurisprudence like the French Civil Code, which had not only a huge influence on Egyptian law under the reign of Ismail Pasha, “who was anxious to copy European legal codes”²⁵, but also in the following decades, and to some extent even until today.

Foreigners, also Europeans, could exert some influence on certain juridical cases since Mehmed Ali’s time. Bowring informs us, that already in 1826 a commercial court was established in Cairo “to settle all commercial disputes between rayahs (native Christians) and between rayahs and Europeans, Europeans being plaintiffs. [...] The members of the tribunal are chosen from among the different nations who are fixed in Egypt; there are two Turkish merchants, three Egyptians, two Mogrebis, two Greek Levantines, two Schismatic Greek, two Armenians, two Jews. A Turkish merchant presides.”²⁶ He adds, that a similar tribunal had been established in Alexandria, the most cosmopolitan city of Egypt, which regained its importance as the leading center of trade under Mehmed Ali. In the following chapter we will see how this foreign influence on Egyptian law was extended in the so-called “Mixed Courts” during the reign of Ismail Pasha. Mehmed Ali, by the way, promulgated penal legislation of his own, independently from the High Porte, and in the most comprehensive laws of these, the *Jam’iyya haqqaniyya* of 1844, “went further than

²² Vatikiotis, *The History of Egypt*, 113.

²³ G. Delanoue, *Les Lumières et l’ombre dans l’Égypte du XIXème siècle. Limites d’une acculturation in Le miroir égyptien*, op. Cit, as quoted in Gaultier-Kurhan, *Mehemet Ali et la France*, 128-29.

²⁴ Gaultier-Kurhan, *Mehemet Ali et la France*, 129.

²⁵ Vatikiotis, *The History of Egypt*, 113-14.

²⁶ Bowring, *Report on Egypt*, 306.

any previous law in its departure from the Shari'a."²⁷ Bowring, however, reminds us of the universal significance of the Koran as the paramount law referred to in all Muslim countries, and he remarks: "Indeed, so blind is the respect for all its [the Koran's] teachings, that it would be scarcely possible to introduce a system of philosophical jurisprudence in the East, unless it could be in some manner or other connected with the teaching of the prophet."²⁸ Considering the situation in Egypt after the Revolution of 2011 and the results of the first free parliamentary and presidential elections of 2012, it turns out that this statement still has some validity, at least for the mass of poor educated people in the country.

It is also in the countryside, where traditional dignitaries, namely the sheikhs, since Mehmed Ali's times (and long before) nowadays still play a significant role as local authorities, being equipped with "unofficial" juridical power for personal disputes in their villages. During Mehmed Ali's reign, "The native Egyptian notables (*ayan*), who had been village heads (*sheikh al-balad* or *umda*) under the mamluks, were used by the new administration and entrusted with collecting the taxes and generally representing the government at the village level. To reward the rural administrators for their new functions they were given grants of land [...]"²⁹ The government in Cairo also expected the village sheikhs to support the conscription officers in their task, but apparently they often were not collaborating: "The different local officials, from the shaykhs to the department governors, often refused to hand in the men needed for the army to the conscripting officers and instead allowed them to 'disappear' in their provinces and sometimes gave them refuge by hiding them in their own houses."³⁰ No doubt, the sheikhs were financially rewarded for hiding deserters, who mostly just could not leave their poor fellahin families for decades (it was not before 1835, that the army service was limited to 15 years³¹), but nevertheless it shows that in some fields the central government could not at all or only partly implement its power to the local level. Traditionally, the rural shaykhs were elected by their village community, but at least under the reign of Ismail, the *Mudirs* (local high officials) intervened if not

²⁷ J. N. D. Anderson, "Law Reform in Egypt: 1850-1950" in *Political and Social Change in Modern Egypt*, ed. Peter M. Holt (London: Oxford University Press, 1968), 210.

²⁸ Bowring, *Report on Egypt*, 320.

²⁹ Al-Sayyid Marsot, *A History of Egypt*, 69.

³⁰ Fahmy, *All the Pasha's Men*, 105.

³¹ Fahmy, *All the Pasha's Men*, 262.

satisfied with their choice³². Bowring tells us that also in the cities the sheikhs still played an important role in Mehmed Ali's time. There were, e.g. in Cairo, 164 guilds or corporations, each one headed by a sheikh, "who is invested with a certain jurisdiction over its members [...] and there is a superior sheikh, the sheikh of the sheikhs, who purchases his situation from the government, and who exercises a superordinate authority over the whole."³³ At the same time this system provided the Pasha and his government some control over large parts of individuals all over the country for villagers, residents of a city quarter, believers, and all the workers belonging to one of the various corporations of any profession recognized the authority of their particular sheikhs, who, furthermore, had a right to access to the Pasha.³⁴ Moreover, until the last quarter of the 19th century, the shaykhs of the guilds in the cities were responsible for the collection and payment of taxes by their guild members.³⁵ Even today, in the countryside the authority of the hereditary village sheikhs is in local affairs stronger than the one exercised by the local governor. In Mehmed Ali's time, as we have seen, this authority sometimes was used against the central authority, when "some shaykhs managed through various ways to side with their fellow villagers rather than act as reliable agents of the government in Cairo".³⁶

Nevertheless, in most other areas of administration, the Pasha reformed the system according to European patterns. Having educated a new generation of military and civil servants in the many newly founded schools (e.g. the Military School at Aswan in 1820, the Medical School in 1827, the School of Languages in 1835, or the Engineering School at Bulaq in 1844) Mehmed Ali was able to restructure the administration of the country according to his authoritative rule. Therefore he "abolished the so-called legislative and consultative bodies established by the French occupation, such as the Cairo Council (*Diwan*), the provincial councils and the General Council of Egypt. Instead, he preferred to have a Council of State and a Private Council, consisting of the corps of high public officials and ministers, acting as executive aides rather than as representatives of the public."³⁷ It is characteristic

³² Alexander Schölch, *Ägypten den Ägyptern! Die politische und gesellschaftliche Krise der Jahre 1878-1882 in Ägypten* (Freiburg i. Br.: Atlantis Verlag, 1972), 43.

³³ Bowring, *Report on Egypt*, 307.

³⁴ Bowring, *Report on Egypt*, 309.

³⁵ Gabriel Baer, "Social Change in Egypt: 1800-1914," in *Political and Social Change in Modern Egypt*, ed. Peter M. Holt (London: Oxford University Press, 1968), 143.

³⁶ Fahmy, *All the Pasha's Men*, 105.

³⁷ Vatikiotis, *The History of Egypt*, 63.

for the non-constitutional rule of Mehmed Ali, that in 1837, six ministries were established (Interior, Public Instruction, War, Finance, Foreign Affairs – this one already in 1833 –, and Commerce and Navy), but there was no kind of National Assembly so far in Egypt.

Nevertheless, Mehmed Ali laid the foundations for a new, modern Egypt with a self-confident autochthone population – he “[e]gyptianized Egypt, although he himself did not plan to do that and never knew that he had done it.”³⁸ It is true that the Khedive himself saw this modernization process in the army and administration of his country only as a means for his power politics against the Sultan and the establishment of a strong dynasty, but without doubt, “the consequences of the Pasha’s pursuit of power and dominion constituted the essential foundations of the development of modern Egypt – both as a state and a society.”³⁹ The German historian Adolf Hasenclever wrote in 1917 in a more poetic way, comparing Mehmed Ali with the biblical Moses, “der mit seinem Stab an den harten Felsen schlug und lebendiges Wasser hervorsprudeln ließ.”⁴⁰

1.2 Europeanization and European intervention

“The European powers also caused the deposition of Ismail as Khedive by the Sultan before the newly formed educated class in Egypt could coalesce into a national interest group, with functioning institutions.”⁴¹

After the death of Mehmed Ali, his grandson Abbas I (1848-54), followed by Mehmed’s son Said (1854-63), the latter granting Ferdinand de Lesseps the concession to dig the Suez Canal in November 1854, and thereafter Mehmed’s grandson Ismail (1863-79) came to rule in Egypt. The London Convention of 1840 and two *firman*s (decrees by the Sultan) in the following year had granted the dynasty extensive autonomy and hereditary rule. Subsequent *firman*s in 1866, 1867, 1872 and 1873 reflected the struggle between the High Porte and the Khedive (a title which was officially granted by the Sultan in the *firman* of 1867) about the degree of Egypt’s autonomy. In the end, Ismail was allowed to create all necessary institutions

³⁸ Al-Sayyid Marsot, *A History of Egypt*, 77.

³⁹ Vatikiotis, *The History of Egypt*, 69.

⁴⁰ Adolf Hasenclever, *Geschichte Ägyptens im 19. Jahrhundert. 1798-1914* (Halle an der Saale: Verlag Max Niemeyer, 1917), 139.

⁴¹ Vatikiotis, *The History of Egypt*, 70.

for a widely autonomous government and make administrative agreements (not treaties) with external powers and to stipulate foreign loans without consulting the Sultan.⁴² Ismail was, like his grandfather, fascinated by the possibilities of administrative reforms according to European patterns, and, moreover, wanted to make Egypt a part of Europe.⁴³ During his reign, more and more European educated Egyptians became state officials, lawyers, engineers and teachers. They slowly started to take over the administration of the country from the former Turkish-Circassian elite. European-like scientific and cultural institutions, libraries, museums, and learned societies, were established. Public works, like telegraph lines, railways, irrigation projects and canals were realized (the Suez Canal to be finished in 1869), and the major cities like Cairo and Alexandria got a European “facelift”.

Parallel to these material manifestations of Europeanization, the country underwent important social changes. The steadily takeover of higher administrative and increasingly also military office from the Turks by Egyptians was only one of these. The other one was the decline of the *Ulama*, the religious elite traditionally working as teachers, scholars, *qadis* and *muftis* – the so-called “the men of the pen.”⁴⁴ Although they retained much of their influence over the religious people, which was, still, the vast majority of the population, that majority “was politically negligible, even though it was used by absolute rulers whenever they wished to pose as liberals. Thus rulers continued to make a show of consulting the ‘ulama’, as a means of sanctioning new or unpopular moves.”⁴⁵ Since Said’s Land Law of 1858, “which played a major role in establishing rights of private ownership in land over a great part of the country”⁴⁶, it was foremost the families of ‘*Umdas* (autochthonous traditional village leaders), consigned by the Khedive with local administration offices even up to *mudirs*, who could acquire vast pieces of land.⁴⁷ Moreover, at the same

⁴² Schölch, *Ägypten den Ägyptern*, 25.

⁴³ Vatikiotis, *The History of Egypt*, 73.

⁴⁴ Afaf Loutfi El Sayed, “The Role of the ‘ulama’ in Egypt during the Early Nineteenth Century,” in *Political and Social Change in Modern Egypt*, ed. Peter M. Holt (London: Oxford University Press, 1968), 264.

⁴⁵ El Sayed, “The Role of the ‘ulama’,” 279.

⁴⁶ Anderson, *Law Reform in Egypt*, 212

⁴⁷ Schölch, *Ägypten den Ägyptern*, 42.

time, rich merchants began to acquire large estates⁴⁸, and henceforth a rising class of notables began to play an important role in Egyptian society.

All the public works and projects Ismail had initiated, “extravagant though they were, aimed at building the productive capacity of the country, but they also cost a great deal of money which the country could not supply.”⁴⁹ During the 19th century, Egypt’s traditional subsistence economy was turned into an export-oriented economy.⁵⁰ Ismail had expanded e.g. the sugar and cotton industry, the latter being particularly profitable during the American Civil War (1861-65), when the United States dropped out as the biggest supplier of that commodity.⁵¹ But after the end of that war in the USA, the prices for cotton fell again, which intensified the financial problems of the Khedive, and in the European press in 1865/66 there were even doubts about his credit-worthiness.⁵²

Since Mehmed Ali there was only one advisory board the Khedive consulted regularly: his Private Council. Hence, “To help him find a solution to his financial difficulties, in 1866 Ismail called the first parliament.”⁵³ The term “parliament” here is capable of being misunderstood, because it had in fact no legislative functions and did not at all question Ismail’s autocratic rule. Ismail was only “motivated by the need to obtain more funds both from taxation and by the contraction of fresh European loans.”⁵⁴ However, on 22 October 1866, Ismail issued two decrees: The first provided for a *Maglis Shura al-Nuwwab* (Consultative Assembly, or Council, of Deputies), consisting of 75 members (3 from Cairo, 2 from Alexandria, 1 from Damiette, and, according to their population, 1 or 2 from each district), which were to be elected by the village shaykhs and the notables of the cities for a three-year term⁵⁵. The second decree, an “organization law”, regulated the internal organization of the Assembly and provided rules of debate.⁵⁶ When Ismail, on 10 November 1866, inaugurated the

⁴⁸ Baer, *Social Change in Egypt*, 157.

⁴⁹ Al-Sayyid Marsot, *A History of Egypt*, 82.

⁵⁰ Baer, *Social Change in Egypt*, 138.

⁵¹ Edward Mead Earle, “Egyptian Cotton and the American Civil War,” *Political Science Quarterly* 41/4 (1926): 520-545, accessed July 10, 2012, <http://www.jstor.org/discover/10.2307/2142228>.

⁵² Schölch, *Ägypten den Ägyptern*, 27.

⁵³ Al-Sayyid Marsot, *A History of Egypt*, 82.

⁵⁴ Vatikiotis, *The History of Egypt*, 127.

⁵⁵ Schölch, *Ägypten den Ägyptern*, 30.

⁵⁶ Vatikiotis, *The History of Egypt*, 127.

first session of the chamber, consisting of the richest and most honorable new class of landowners and merchants, it was designed rather as an instrument to facilitate the burden of government for the monarch according to the principle of *shura* (which, on the occasion of the opening session, Ismail referred to by quoting two suras of the Koran) than to be an autonomous institution.⁵⁷ The episode of this first meeting of the Council is characteristic of the delegate's notion of their duty in this corporate body, and it was told not only in the European colonies but also amongst Egyptians many years to follow: when the Delegates were told by the Secretary of the Assembly to sit in three groups, according to the pattern of European parliaments – “pro government on the Right, opposition on the Left, and moderates in the Middle – all the Delegates crowded on the Right murmuring, ‘How can we be opposed to the Government?’”.⁵⁸ Obviously, they were also driven by fear, since they all knew, that it was highly perilous to contradict the Khedive – „Der Sudan war zwar fern, doch für Widerspenstige war er nahe, und manchmal starb man, bevor man überhaupt dort anlangte”.⁵⁹

Though the Khedive, after coming to terms with the Sultan, lost his interest in the Chamber of Deputies (it was not convened in 1872, 1874 and 1875⁶⁰, and finally suspended in 1879, before Tawfiq resuscitated it in 1881⁶¹), by the establishment of the Assembly, Ismail had opened a “Pandora’s Box”⁶², because though this first parliament “had no teeth, successive parliaments soon developed a life of their own.”⁶³ Nevertheless, Ismail presented the newly established Assembly of Deputies to the outside world as the peak of his civilization program for Egypt.⁶⁴ As mentioned above, the increasing dependency of Egypt on European, particularly French and British, investment, brought Ismail more and more in financial troubles and should, in the following years, lead to foreign control and domination of the country.⁶⁵ However, in the Assembly’s four sessions between 1876 and 1897 the Deputies neither opposed the Khedive’s financial policy, nor increasing European intrusion, nor did

⁵⁷ Schölch, *Ägypten den Ägyptern*, 28-29.

⁵⁸ Vatikiotis, *The History of Egypt*, 128.

⁵⁹ Schölch, *Ägypten den Ägyptern*, 81.

⁶⁰ Schölch, *Ägypten den Ägyptern*, 30.

⁶¹ Anderson, *Law Reform in Egypt*, 212.

⁶² Vatikiotis, *The History of Egypt*, 127.

⁶³ Al-Sayyid Marsot, *A History of Egypt*, 82.

⁶⁴ Schölch, *Ägypten den Ägyptern*, 27.

⁶⁵ Vatikiotis, *The History of Egypt*, 74.

they fight for more constitutional rights. They just sought to act for the financial, economical and cultural interests of their provinces.⁶⁶

Egypt's national debt rose from ca. £ 3,5 million at Said's death up to almost £ 100 million at the time of Ismail's deposition from the throne⁶⁷. One of the reasons for this calamitous development were the so called Capitulations, which not only precluded about 100.000 foreigners resident in Egypt from taxation, but also from native jurisdiction.⁶⁸ The capitulatory system had an age-long tradition in Egypt, was based on the principal of personal rather than territorial nature of law, reached back to 1500, the late Mamluk period, and was pursued by the Ottoman Empire.⁶⁹ It privileged foreign merchants, e.g. from France, England, Austria-Hungary, Russia, the USA and others⁷⁰, and guaranteed, that the defendant's court had jurisdiction in all cases. In criminal cases, for instance, "the consular courts claimed jurisdiction in any case in which one of their nationals, or even 'protected persons', was accused."⁷¹ In 1875, the Armenian Nubar Pasha, then Minister of Foreign Affairs and later Prime Minister of Egypt for three times (1878-79, 1884-88 and 1894-95), suggested the establishment of courts organized along the lines of the existing "mixed" courts of Alexandria and Cairo.⁷² These Mixed Courts, which started to work on 1 January 1876, legitimated creditors to foreclose a land for the non-payment of a debt, for which reason many fellahs lost their land to their creditors⁷³, and eventually tied the hands of the government in financial matters with their verdicts.⁷⁴

His financial problems had led Ismail already in 1871 to decree the *Muqabala* Law, which freed any landowner, who paid his taxes six years in advance from half his liability of taxes and also granted rights of full ownership.⁷⁵ Since not enough landowners opted for this scheme, the law's provisions were made compulsory three years later, but this new tax also did not solve the problem of overflowing national

⁶⁶ Schölch, *Ägypten den Ägyptern*, 81.

⁶⁷ Schölch, *Ägypten den Ägyptern*, 53.

⁶⁸ Vatikiotis, *The History of Egypt*, 86.

⁶⁹ Josef Matuz, *Das Osmanische Reich: Grundlinien seiner Geschichte* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1994), 122-124.

⁷⁰ E. P. "The Abolition of the Capitulatory Régime in Egypt," *Bulletin of International News* 13/24 (1937): 3, accessed July 12, 2012, <http://www.jstor.org/stable/25639661>.

⁷¹ Anderson, *Law Reform in Egypt*, 211.

⁷² Anderson, *Law Reform in Egypt*, 215.

⁷³ Baer, *Social Change in Egypt*, 141.

⁷⁴ Schölch, *Ägypten den Ägyptern*, 57.

⁷⁵ Anderson, *Law Reform in Egypt*, 213.

debts.⁷⁶ The sale of his Suez Canal shares for £ 4 million in 1875 to the British government was also only a drop in the bucket. Egypt was irresistibly moving towards bankruptcy, and European creditors began to fear for their interests.⁷⁷ In the following year this led to the Goschen-Joubert mission and to the establishment of the “Caisse de la Dette Publique”, a special department consisting of representatives from the four chief bondholding countries (England, France, Austria and Italy), which ensured the service of the debt.⁷⁸ Finally, on 18 November 1876, the so-called “Dual Control” was institutionalized, and with it the appointment of two European Controllers (an Englishman and a Frenchman), one supervising the receipts and the other the expenditures of the country. Schölch gets to the point by stating, „Ägypten wurde einer ‘Zwangsschuldenverwaltung’, ja einer ‘verschleierte europäischen Kolonialherrschaft’ unterworfen.“⁷⁹

Two years later, on 30 March 1878, a “Commission of Inquiry” was appointed (including Major Baring, later 1st Earl of Cromer and, between the British occupation of Egypt in 1882 and 1907 the first British Consul-General), to examine all sources of revenue and expenditure⁸⁰. In a detailed preliminary report from 20 August 1878 this Commission recommended a multitude of financial, administrative and political reforms to foster Egypt’s progress and to advance its administration – mainly, of course, to make it a most profitable domain of European creditors.⁸¹ Here it becomes evident why all the juridical and financial historical details mentioned above must be considered in order to understand the following events and their influence on the further development of the political system of Egypt. In their efforts to optimize the financial profit of their “cash cow” Egypt, the British and French controllers forced the Khedive to accept political changes towards constitutionalism and a limitation of his power – measures they soon should regret and which finally should lead to the occupation of the country only four years later.

The Khedive, who, during his whole reign, had strived for more independence from Constantinople, knew that not only the Powers, but also the Sultan was fancying the idea of his deposition, and he had no financial means left to bribe the Padishah for

⁷⁶ Vatikiotis, *The History of Egypt*, 128.

⁷⁷ Schölch, *Ägypten den Ägyptern*, 56.

⁷⁸ Al-Sayyid Marsot, *A History of Egypt*, 82.

⁷⁹ Schölch, *Ägypten den Ägyptern*, 57.

⁸⁰ Vatikiotis, *The History of Egypt*, 130.

⁸¹ Schölch, *Ägypten den Ägyptern*, 61.

any support. Thus he accepted to recall Nubar Pasha from Europe (Ismail had exiled his Minister of Foreign Affairs in 1876) to head an Egyptian government, where European ministers served for the first time. Besides the English Sir Rivers Wilson as Minister of Finance and the French M de Blignières as Minister of Public Works, many European officials were appointed at high salaries.⁸² More important for the constitutional future of Egypt was the fact, “that Ismail was forced to accept the principle of ministerial responsibility for the first time.”⁸³ Schölch, however, relativizes this declaration from a constitutional perspective, because in the Egyptian documents only the term “ministerial independence” can be found, revealing Ismail’s real intention behind his decree of 23 August 1878, establishing this *Maglis al-Nuzzar* as a responsible Cabinet⁸⁴: The Khedive did not want to be identified in any way with this government, and hence not take over any responsibility for any of its failures (which, as he hoped, would soon occur). Moreover, the government was not responsible constitutionally to anyone – neither to the Khedive, nor to the Assembly of Deputies, nor to the Egyptian people. Therefore, the term “ministerial responsibility” served the Control Powers only as a verbal fig leaf for the mixed government, which the American Consul General accurately defined as an “irresponsible ministry in the interests of foreign creditors.”⁸⁵ Nevertheless, some substantial changes should not be underestimated: the decisions of the ministers were now taken by majority vote; and not the Khedive, but the Chief Minister from now on presided over the Cabinet.⁸⁶

Ismail, however, felt humiliated by the grip of the foreigners on his dignity and power, and sought, by promising further constitutional concessions, the support of the Assembly of Deputies, which the Chamber willingly offered. On 3 February 1879, the Assembly attacked a governmental decree, which had been issued by the Cabinet four weeks before, at the urging of the two European ministers and against Nubar’s resistance. The Assembly used this decree for protesting against their general disregard by the ministers, who never had consulted them regarding any matter, and alleged, that the Khedive, on the contrary, had always respected and consulted them. Twelve days later, Prime Minister Nubar resigned.⁸⁷ The Crown Prince, Tawfiq Pasha,

⁸² Vatikiotis, *The History of Egypt*, 130.

⁸³ Vatikiotis, *The History of Egypt*, 130.

⁸⁴ Anderson, *Law Reform in Egypt*, 212.

⁸⁵ Schölch, *Ägypten den Ägyptern*, 64.

⁸⁶ Vatikiotis, *The History of Egypt*, 130-131.

⁸⁷ Schölch, *Ägypten den Ägyptern*, 85-86.

was then accepted from the Powers as a compromise premier, but both alien ministers remained in the cabinet and therefore, European financial control continued. Moreover, the Minister of Finance, Sir Wilson, planned to declare national insolvency.⁸⁸

Ismail now intended to use the notables of the *Maglis al-Nuwwab* (Assembly of Deputies) for regaining his autocratic power: He offered constitutional concessions to the Assembly Deputies, who desired extended rights regarding the control of financial matters, if they would sign his alternative national budgetary plan and generally act against European intrusion. This alternative plan, the so-called *La'iha Wataniya*, which was issued on 2 April and signed by 73 civil servants, 93 high rank army officers, 60 'Ulama from Cairo, Alexandria and Damietta, the Coptic Patriarch and the Jewish Chief Rabbi, 41 notables from Cairo and Damietta as well as 60 members of the *Maglis al-Nuwwab*, included a petition of the Deputies claiming the same rights European parliaments had regarding financial and domestic matters for the *Maglis*, a new, European-like electoral law, and the responsibility of the Cabinet in both financial and domestic matters to the Assembly of Deputies (its presiding minister still to be appointed and the other ministers to be confirmed by the Khedive). Certainly, in Ismail's declaration of 5 April, there is no word about this extension of responsibility for the *Maglis*.⁸⁹

By the late 1870s there existed already several secret societies both among civilians (notables, ministers and journalists) and army officers. Many political leaders like Sharif Pasha, Azharites like the later famous Saad Zaghlul, intellectuals and journalists like Muhammad Abduh and army officers like Ahmad Urabi were particularly influenced by the popular Islamic reformer and political agitator Jamal al-Din al-Afghani, claiming "reforms ranging from demands for equality before the law, to ministerial responsibility and certain aspects of civil liberty."⁹⁰ The delegates of the Assembly, formally in solution, continued to meet privately in Helwan and formed the so-called "National Society", later to be known as the "Helwan Society".⁹¹ All these secret societies like "Young Egypt", founded in 1879 by journalists and intellectuals in Alexandria, or another "National Society", formed in the same year by some Egyptian

⁸⁸ Vatikiotis, *The History of Egypt*, 133.

⁸⁹ Schölch, *Ägypten den Ägyptern*, 89-91.

⁹⁰ Vatikiotis, *The History of Egypt*, 135.

⁹¹ Vatikiotis, *The History of Egypt*, 136-137.

officers⁹², may be seen as the forerunners of political parties in Egypt before the First World War.

Ismail, of course, sought the support of these groups. On 8 April 1879, he appointed a “truly Egyptian” government, consisting, however, only of Turko-Circassian ministers of the old school and headed by Sharif Pasha, a member of the “Helwan Society”, thus alarming the European Powers.⁹³ The Khedive, in a “sudden national-constitutional enthusiasm”, ordered Sharif Pasha to submit a draft constitution (17 May 1879). It was the most liberal so far, “drawn up by Sharif and his Austrian adviser, a Dr. Keller, and on June 2, the Chamber was given a new electoral law. The new draft constitution stipulated freedom of speech for the delegates and gave the Chamber a veto over laws issued by the Council of Ministers.”⁹⁴ But England and France had, by this time, already decided to force Ismail to resign in favor of his son Tawfiq, and on 26 June 1879 both of them received accordingly telegrams from the Sultan, who had given in the pressure of both powers.⁹⁵ The draft constitution, however, should become the basis for the constitution promulgated on 31 December 1881, which will be mentioned in the next chapter.

Like his grandfather Mehmed Ali, Ismail was an autocratic ruler, but his policy of Europeanization and modernization was extremely expensive. Karl Baron de Malortie described the reign of Ismail as one of “great projects, great results, and great expenditure”⁹⁶, and in his attempts to gain financial support he made constitutional concessions to the rural notables as the rising social power of this period. But the European creditors, mainly the British and French, worried of the interests of their bondholders, eventually forced Ismail to abdicate in favor of his son Tawfiq, whom they hoped it would be easier to control. Nevertheless, the seeds of political participation and constitutionalism were sown, and the whirlwind of political turbulences finally led to Egypt’s occupation by the British, as we will also see in the following chapter.

⁹² Vatikiotis, *The History of Egypt*, 140.

⁹³ Schölch, *Ägypten den Ägyptern*, 92.

⁹⁴ F. Robert Hunter, *Egypt under the Khedives 1805-1879: from household government to modern bureaucracy* (Cairo: The American University in Cairo Press, 1999), 225.

⁹⁵ Schölch, *Ägypten den Ägyptern*, 97.

⁹⁶ Karl Baron von Malortie, *Egypt, Native Rulers and Foreign Interference* (London, 1883), as quoted in Vatikiotis, *The History of Egypt*, 85.

1.3 Early constitutionalism until 1882

“Encouragement of the Press, constitutional experiments, and the importation of European models in general [...] taught Egyptians for the first time the idea of opposition to a ruler.”⁹⁷

We here do not have to go into the turbulent details of the Urabi revolt and the subsequent British occupation of Egypt in 1882. For us, only the socio-political circumstances leading to this turmoil, and the impact these events had on the further political and constitutional development of the country, are important.

As mentioned in the previous chapter, the rich landowners, represented in the Assembly of Deputies, several army officers, and a young generation of intellectuals, influenced by liberal political as well as ideas of religious reform preached by Jamal al-Afghani, were increasingly demanding a more constitutional form of government.⁹⁸

There was no independent press in the country so far, but during the last years of his reign, Ismail sponsored some young Christian intellectuals coming mainly from Syria, “to counter his detractors both domestic and foreign”⁹⁹. These men founded e.g. in 1876 al-Ahram, the oldest still existing newspaper in Egypt. Other journals like *Misr* and the Coptic *al-Watan* (both 1877), *al-Tigara* (1878) and *Mirat al-Sharq* (1879) followed, and, though they were not allowed to criticize the government’s policy (the first satiric gazette *Abu Naddara*, founded in 1877, was closed down after only 15 issues)¹⁰⁰, they prepared the ground for a non-official press in the years and decades to come and influenced the political discourse in the country.

The liberal intellectuals in Egypt enjoyed a short period of hope for a new political era providing more “*shura*”, when the young Khedive Tawfiq appointed Sharif Pasha prime minister and invited him to draw a new and more liberal constitution. But, suspicious of a strengthened Assembly and influenced by the British consul, he soon changed his mind and appointed the conservative Riad Pasha new prime minister. The critical press was turned down, al-Afghani arrested, and the “Law of Liquidation” (1880) strengthened European control over the disposition of Egyptian finances by ensuring the larger part of the country’s revenue to the Caisse de la Dette.¹⁰¹

⁹⁷ Vatikiotis, *The History of Egypt*, 166.

⁹⁸ Al-Sayyid Marsot, *A History of Egypt*, 85.

⁹⁹ Vatikiotis, *The History of Egypt*, 181.

¹⁰⁰ Schölch, *Ägypten den Ägyptern*, 105-106.

¹⁰¹ Al-Sayyid Marsot, *A History of Egypt*, 83-85.

Though there existed no real political parties (*hizb*) then, there were, as mentioned in the previous chapter, societies (*gam'iya*) with their fellow groups, who shared their goals of either national independence, loyalty to the Khedive or as sympathizers of the army.¹⁰² It was then, however, neither the liberal pashas along with the landowning bourgeoisie, nor the young intellectuals, nor declared nationalists (*al-hizb al-watani*) taking the initiative, but the Egyptian officers in the army. The Khedivial Decree of 31 July 1880, limiting military service to four years, was intended to retain the Turkish-Circassian military elite their privileges by preventing Egyptians from a rise to the commissioned grades of the officer corps, and immediately provoked the latter's revolt.¹⁰³ But the Egyptian officers, represented by Ahmad Urabi, did not trust the promises of Tawfiq and his government to reform the army according to their wishes, and this brought the landowning notables into the play: They realized their chance to gain more influence on the administration and policy of the country by uniting with the "Urabists".¹⁰⁴

Urabi in fact entered the stage of history in summer 1880 just as a rebel fighting for the rights of his *fellah* soldiers, although, in his memoirs, presented himself as a fighter for constitutionalism and personal freedom. But, as Schölch has demonstrated, public calls for institutional guarantees were not made before 9 September 1881, the day, when the Urabists overturned the government of Riad Pasha.¹⁰⁵ Thus, the demonstration of 9 September at Abdin Palace in Cairo was not a simple "mutiny", as Marsot describes it¹⁰⁶, and Urabi was at this moment not only acting as a "representative of the Egyptian army officers", as Vatikiotis put it¹⁰⁷, but it was the result of a conspiracy, planned months before, between the Urabists and the big rural landowners. Schölch quotes the memoirs of the renowned reformer of Islam, and journalist Shaykh Muhammad Abduh (1849-1905), who refers to the alliance between the notables and the officers in detail and which shall be presented here for it lively illustrates the practice of then backstage politics:

"The seven months between the affair of Kasr-el-Nil [the rescue of three arrested army officers by the Urabists] and the demonstration of September

¹⁰² Schölch, *Ägypten den Ägyptern*, 119.

¹⁰³ Al-Sayyid Marsot, *A History of Egypt*, 85-86.

¹⁰⁴ Schölch, *Ägypten den Ägyptern*, 134.

¹⁰⁵ Schölch, *Ägypten den Ägyptern*, 141-142.

¹⁰⁶ Al-Sayyid Marsot, *A History of Egypt*, 86.

¹⁰⁷ Vatikiotis, *The History of Egypt*, 145.

were months of great political activity, which pervaded all classes. Arabi's action gained him much popularity, and put him into communication with the civilian members of the National party, such as Sultan Pasha, Suliman Abaza, Hassan Sherei, and myself, and it was we who put forward the idea of renewing the demand for a Constitution. The point of view from which he at that time regarded it was as giving him and his military friends a security against reprisals by the Khedive of his Ministers. He told me this repeatedly during the summer. We consequently organized petitions for a Constitution, and carried on a campaign for it in the press. Arabi saw a great deal of Sultan Pasha during the summer, and Sultan, who was very rich, made much of him, sending him presents, such as farm produce, horses, and the rest, in order to encourage him, and to get his support for the constitutional movement. It was in concert with Sultan that the demonstration of Abdin was arranged, and it is quite true, that Sultan expected to be named to a Ministry after the fall of Riaz. But Sherif Pasha, who became Prime Minister, did not think of him and overlooked him. Afterwards Sultan was pacified and pleased when he was offered the presidency of the new Chamber of Notables."¹⁰⁸

It is very interesting in this connection that the new Prime Minister Sharif Pasha, in his program submitted to the Khedive on 14 September, for the first time defined the idea of the separation of powers in an official Egyptian document: in the Arabic text, these are defined as the legislative, judiciary and executive power (*al-quwa al-munawwata bi-wad' al-qawanin wa-l-quwa al-tanfidiya*). Three days later, in the newspaper *Al-Waqa'l al-Misriya*, it was stated, that the new government would protect with all its strength these "three columns of government", since veritable reforms could only be undertaken on their basis, and the legislative power was defined as the "Chamber of the people (*maglis al-umma*), which is watching over all its interests and makes decisions to everyone's welfare."¹⁰⁹

The pressure to summon again the Chamber of Deputies (which Sharif Pasha had dissolved on 6 July 1879) grew, when on 18 September 1881 the notables submitted two petitions to the Minister of the Interior, the second one being "one of the most significant constitutionalist documents of the period", as Schölch calls it. In this petition, directed to the Khedive, the notables declare that the order in the world and human society can be guaranteed on the basis of freedom and justice alone, which can be achieved only by the establishment of a just government, based upon the principle of *shura* (*hukuma shuriya adila*). They refer to the European parliaments as protectors of their peoples (*umma*) against their governments and appeal to Tawfiq to

¹⁰⁸ Muhammad Abduh to the British poet Wilfrid Scawen Blunt (1840-1922), as quoted in Schölch, *Ägypten den Ägyptern*, 143-144.

¹⁰⁹ Schölch, *Ägypten den Ägyptern*, 152.

give the Egyptian people again their *Maglis al-Nuwwab*, but provide it with the same rights as the parliaments in civilized kingdoms. Therefore, Schölch concludes, the notables wanted the Chamber to be an instrument to accomplish and guarantee justice, freedom as well as material and personal security. Their aim was not a “parliamentary government” but an effective representation of their interests and the protection of their socio-economic position. Besides, Sharif Pasha’s idea of the separation of powers was not mentioned. Tawfiq, whom the Deputies asked to convene the *Maglis al-Nuwwab* for 23 December 1881, assured them he would consult the Assembly regarding taxes, the corvee, and Provincial Councils, but not in questions of international agreements.¹¹⁰ Sharif Pasha now fetched the “liberal” draft constitution of 1879, and the government agreed to it, after some changes and appendages, on 31 December 1881. This draft, repeatedly presented as the “first constitution of Egypt”¹¹¹, was not much more than an arbitrary sequence of 49 articles regulating the election of the delegates of the Assembly, the internal organization of the Chamber, its participation in the process of legislation and its relation to the Council of Ministers. Like the draft of 1879, the new version, presented to the Chamber on 2 January 1882, did not make it a real legislative corporate body, and “ministerial responsibility” was nothing more than an empty phrase, as ministers could not be prosecuted. Regarding the budget, the Chamber was allowed only to give its opinion but had no further authority. The projected “State Council”, which should be a kind of Higher Administrative Court and draft laws and decrees, was not realized.¹¹²

After Riad had been overturned (due to his resistance against constitutionalism and the Assembly) and substituted by Sharif Pasha, Tawfiq, humiliated by the Urabists, and in fact opposing any erosion of his power, sought the support both of the Sultan and the European Powers against this revolt, which led to the Joint Note of January 1882 by Britain and France, assuring the Khedive that they supposed him to be “the only guarantee of good order and the development of prosperity in Egypt.”¹¹³ Confronted with the Joint Note, the Deputies demanded the right of control over the part of the budget destined for internal expenditures, which Sharif Pasha, the proud

¹¹⁰ Schölch, *Ägypten den Ägyptern*, 155-156.

¹¹¹ Abdel Asis El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten: 1922-1967* (Diss. Ludwig-Maximilians-Universität München, 1968), 26.

¹¹² Schölch, *Ägypten den Ägyptern*, 177-180.

¹¹³ Al-Sayyid Marsot, *A History of Egypt*, 87.

Turkish-Circassian Prime Minister, refused: "The Egyptians", he replied to Wilfrid Scaven Blunt, "are children and must be treated like children. I have offered them a Constitution, which is good enough for them, and if they are not content with it they must do without one. [...] These peasants want guidance."¹¹⁴ The Assembly of Deputies achieved his replacement as Prime Minister by Mahmud Sami al-Barudi (4 February – 28 May 1882). The new government included, for the first time, several Egyptian ministers (Urabi amongst them as Minister of War), according to the slogan "Egypt for the Egyptians". However, the positions of Europeans in the administration were untouched. Nevertheless, in order to discredit the Assembly and the new government, the news agency Reuter sent message to Europe stating that the Chamber was completely under control of the army.¹¹⁵ Moreover, "the British consul, the Controller and others, induced the British cabinet to believe the Urabists were dangerous revolutionaries who were out to take over government and had to be destroyed by military means."¹¹⁶

On 7 February 1882, the constitutional law was accepted by the Chamber and, on the same day, sanctioned by Khedive Tawfiq. The legislative process was therein defined as follows: the Council of Ministers was in charge of introducing bills, the Chamber to vote and the Khedive to sanction them. Although the law on the Chamber expressed only the delegate's situational interests and did not exceed the principle of *shura*, its conclusion was, nevertheless, the most significant event in the constitutional history of 19th century Egypt.¹¹⁷ In March 1882, a new electoral law for the Chamber was decreed, introducing a two-stage electoral system and raising the number of Deputies up to 125. Eligible to vote were all off the age of 21 being members of the '*Ulama*, Rabbis or Christian clergymen, all teachers, civil servants, army officers, lawyers, doctors, pharmacists, engineers and architects, and all men paying at least 5,000 P.T. rates or other taxes.'¹¹⁸

Schölch very much corrected the traditional view on the events around the British occupation, represented e.g. by Vatikiotis, who wrote that in February 1882, Urabi

¹¹⁴ Schölch, *Ägypten den Ägyptern*, 183.

¹¹⁵ Schölch, *Ägypten den Ägyptern*, 186-187.

¹¹⁶ Al-Sayyid Marsot, *A History of Egypt*, 87.

¹¹⁷ Schölch, *Ägypten den Ägyptern*, 188-190.

¹¹⁸ Schölch, *Ägypten den Ägyptern*, 191-192.

“sought to bring the Assembly under his control.”¹¹⁹ Though, the revolting Urabists had forced Tawfiq to re-open the Assembly, as we have seen, it was the delegates using the army’s power to press for a constitution. In fact, after the convention of the Assembly, the public interest turned away from the army officers towards the *Maglis al-Nuwwab*, which were shown as the true representatives of the Egyptian people.¹²⁰ In the following turbulent months from May to July 1882, the Chamber was not able to play an important or at least stabilizing role. The people gathered around Urabi, and on 31 May, the Khedive, accompanied by leading members of the Chamber, moved to Alexandria, where, two weeks before, an Anglo-French fleet had appeared for his protection.¹²¹

However, after the resignation of the government at the end of May, the massacre in Alexandria on 11 June and the subsequent bombardment by the British ships exactly one month later (11 July), in Cairo, a provisory Assembly of about 250 notables from the capital and the provinces confirmed Urabi as the legitimate Minister of War to carry on leading the army. Further, he should not obey the Khedive’s commands, for Tawfiq had, in their eyes, become a tool in the hands of Egypt’s enemies, and the Sultan should decide about his eventual dismissal. All the other affairs of state the *Maglis al-Urfi* should take care of, a group of 29 administrative and military bureaucrats, which constituted itself on 3 August 1882 as a kind of substitute or emergency government.¹²² It is remarkable, that in this “Egyptian government”, Turkish-Circassians worked harmoniously together with Muslim and Coptic Egyptians. The importance of the *Maglis al-Urfi* grew as well as its self-image, and from 3 August on it claimed not only the civil but also the highest military authority (although Urabi still was *ra’is al-gais*, or highest military commander). The “head” of this government was Ya’qub Sami, though the way of governing was collegially, meaning that decisions were not taken by the majority but by concord. The *Maglis al-Urfi* held its meetings almost every day and in fact governed the country until the capitulation after the battle of Tell el-Kebir on 13 September 1882.¹²³ This government was not at all political or social-revolutionary, for it promoted a rather religious-patriotic resistance against the foreign invasion and referred to the Sultan as its highest

¹¹⁹ Vatikiotis, *The History of Egypt*, 149.

¹²⁰ Schölch, *Ägypten den Ägyptern*, 197-199.

¹²¹ Vatikiotis, *The History of Egypt*, 151-152.

¹²² Schölch, *Ägypten den Ägyptern*, 236-237.

¹²³ Schölch, *Ägypten den Ägyptern*, 238-239.

authority – “What the revolution was really about was that a new Egyptian bureaucracy, landowners, professionals and army officers wished to replace in power and influence an older Turco-Egyptian aristocracy.”¹²⁴

¹²⁴ Vatikiotis, *The History of Egypt*, 165.

2. Constitutionalism, judiciary and political movements under British occupation

2.1 Constitutionalism and judiciary after the occupation

*"These latter [the Egyptians] have, for centuries past, been a subject race. [...] Neither, for the present, do they appear to possess the qualities which would render it desirable, either in their own interests, or in those of the civilized world in general, to raise them at a bound to the category of autonomous rulers with full rights of internal sovereignty."*¹²⁵

Lord Dufferin, then British ambassador to the Sublime Port, was commissioned to re-organize administration in Egypt.¹²⁶ First, he "prevailed on the Khedive to abrogate the Fundamental Law."¹²⁷ Dufferin's "Organic Law" of 1 May 1883, also proclaimed through the Khedive, reorganized the whole constitutional framework of the country by creating "two semi-parliamentary institutions, a Legislative Council and a General Assembly"¹²⁸ – in fact a puppet parliament with no powers and controlled by the British "to supervise reforms that were deemed necessary for the well-being of the country and to make sure the bondholders continued to be paid."¹²⁹ Reforms, as already the "astute Lord Dufferin" (Vatikiotis) realized, which "could not be effected unless the British occupation was prolonged indefinitely".¹³⁰ And though e.g. the liberal governments in London, headed by Prime Minister Gladstone, seriously wished at least within the next ten years the evacuation of British troops, it became increasingly difficult to leave Egypt or, as Deighton put it, "It was to prove much easier to go into Egypt than to get out of it."¹³¹ Thus, a historical contradiction, "namely, the myth of the temporary nature of the British occupation of Egypt"¹³², had been born.

¹²⁵ Baring, Evelyn, Earl of Cromer. *Modern Egypt*, Vol. I. (London: Macmillan and Co., Ltd., 1908), 328.

¹²⁶ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 26.

¹²⁷ Bruce K. Rutherford, *Egypt after Mubarak: Liberalism, Islam and Democracy in the Arab World* (Princeton University Press, 2008), 33.

¹²⁸ Jacob M. Landau, *Parliaments and Parties in Egypt* (Tel Aviv, 1953), as quoted in El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 26.

¹²⁹ Al-Sayyid Marsot, *A History of Egypt*, 89.

¹³⁰ Vatikiotis, *The History of Egypt*, 172.

¹³¹ H. S. Deighton, "The Impact of Egypt on Britain: A Study of Public Opinion," in *Political and Social Change in Modern Egypt*, ed. Peter M. Holt (London: Oxford University Press, 1968), 246.

¹³² Vatikiotis, *The History of Egypt*, 172.

The newly created “Legislative Council” (*Maglis shura al-Qawanin*) consisted of thirty members (sixteen elected by prominent landowners, and fourteen chosen by the Khedive) and had, in principle, the power “to examine the budget, review legislation, and hold ministers to account. In practice, it served only an advisory role and had little impact on legislation.”¹³³ Thus, it could not take over initiative by making legislative proposals, and the government could reject its decrees.¹³⁴

Besides this Legislative Council and the Provincial Councils, Dufferin’s “Organizational Law” created a new “General Assembly” (*Al-Jamiyya al-umumiyya*). Yet, on the local level, the Provincial Councils with their very limited consultative power and subordination to the central administration could not deceive, that, “the British occupation did away with the large autonomy which rural notables had enjoyed in time of Ismail.”¹³⁵ The General Assembly was composed of 82 members made up of six ministers, the 30 members of the Legislative Council, and 46 delegates elected by landholders for six years.¹³⁶ Its head was the President of the Legislative Assembly, who was appointed by the Khedive, and its candidates had to be older than 30, literate, and pay at least £ 50,00 annual tax.¹³⁷ The General Assembly met only every other year and had little impact on policy.¹³⁸ However, new direct taxes could not be imposed without its approval, and it also had to be “consulted” on many other subjects. In 1913, it was merged with the Legislative Council into the so-called “Legislative Assembly” and its powers were considerably increased (e.g. it was empowered to question ministers and to veto the raise of direct taxes, and besides its 66 elected members, the 17 appointed deputies represented the interests of minorities¹³⁹), but only two years later, when Britain declared martial law, it was suspended. However, within its short existence, “it provided vital experience in public debate for advocates of liberalism [and thus laid the] foundation for the constitutionalist movement that emerged after World War I.”¹⁴⁰

¹³³ Rutherford, *Egypt after Mubarak*, 33.

¹³⁴ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 27.

¹³⁵ Gabriel Baer, *Fellah and Townsman in the Middle East* (London, Frank Cass & Co., 1982), 113, as quoted in Ninette S. Fahmy, *The Politics of Egypt: State-Society Relationship* (Abingdon: Routledge, 2002), 179.

¹³⁶ Anderson, *Law Reform in Egypt*, 218-219.

¹³⁷ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 27.

¹³⁸ Rutherford, *Egypt after Mubarak*, 33.

¹³⁹ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 28-29.

¹⁴⁰ Rutherford, *Egypt after Mubarak*, 34.

Evelyn Baring, 1st Earl of Cromer, the former British Controller-General and then appointed the first Consul-General in Egypt (September 1883 – May 1907), “stated candidly, that neither of these bodies was intended to create representative government in Egypt. Their goal was to ‘give the Egyptian people an opportunity of making their voice heard, but at the same time not to bind the Executive government by parliamentary fetters, which would have been out of place in a country whose political education was so little advanced as that of Egypt.’”¹⁴¹ The character of this British “Veiled Protectorate” is properly illustrated in the following quotation:

*“The ministers were inclined to respect the opinions of the Legislative Council when the British allowed them to do so ... for all the Ministries a British Under-Secretary of Adviser exercised effective control and operated under the general directions of the British Consul-General. Their plans were imposed through the Khedive and the Ministers who, in accordance with Lord Granville’s instruction, either obeyed or ceased to hold office.”*¹⁴²

Al-Sayyid Marsot brings it to the point by stating, that the British “were to rule from behind a façade of Egyptian ministers who had little authority, and were rubber stamps for their British manipulators.”¹⁴³ This system, which held executive authority in Egyptian hands, organized in government departments and ministries, but left political control exclusively in British hands¹⁴⁴, worked for both Tawfiq and the pashas, and the latter, “fearful of losing their possessions and suffering the Khedive’s vengeance”¹⁴⁵, appealed to Cromer, who, in exchange for their cooperation, protected them.

Nevertheless, the British also initiated important juridical modifications, which helped to eventually develop a more liberal form of government in Egypt after the First World War.¹⁴⁶ For instance, the establishment of the National Courts in 1883, by extending the codes and procedures of the “Mixed Courts” of 1876 to the entire Egyptian judicial system, strengthened equality before the law and before the courts.¹⁴⁷ From then on, the National and Mixed Courts applied a codified law, in which Western

¹⁴¹ Baring, Evelyn, Earl of Cromer. *Modern Egypt, Vol. II* (London: Macmillan and Co., Ltd., 1908), 274, as quoted in Rutherford, *Egypt after Mubarak*, 33-34.

¹⁴² Tom Little, *Egypt* (London, 1958), as quoted in El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 28.

¹⁴³ Al-Sayyid Marsot, *A History of Egypt*, 89.

¹⁴⁴ Vatikiotis, *The History of Egypt*, 174.

¹⁴⁵ Al-Sayyid Marsot, *A History of Egypt*, 90.

¹⁴⁶ Rutherford, *Egypt after Mubarak*, 34.

¹⁴⁷ Anderson, *Law Reform in Egypt*, 219.

influence greatly predominated. Moreover, these courts “were staffed by lawyers trained in the modern way, who came to constitute one of the most influential, liberal, and progressive elements in the population.”¹⁴⁸ On the other hand, there still existed the *Sharia* courts and the courts of the non-Muslim communities, using non-codified law, but both were strictly confined to matters of family law.¹⁴⁹ Until 1890, French inspired legal codes were dominant in Egypt, following the influence of French law in the Ottoman Empire, but after a series of corruption scandals and a rise in the crime rate, Cromer, who had always regarded French law as ill-suited for the backward state of Egypt, initiated the integration of the Anglo-Indian procedural code into the Egyptian legal system.¹⁵⁰ An Englishman, Sir John Scott, was therefor appointed as advisor to the Ministry of Justice, and English judges were appointed to the National Courts.¹⁵¹ The British also founded a Committee of Judicial Surveillance, which consisted of three senior European judges, appointed to supervise the operation of the whole judicial system. Besides, and in contrast to India, local notables were still allowed to apply traditional law and to serve as magistrates. Finally, the occupation power established several training schools for lawyers and judges and restructured the Egyptian Law School. An Egyptian College of Law was established in 1886, and, due to the long-standing ties of the Egyptian legal profession to French legal and political thinking, a French School of Law was created in 1890.¹⁵² Many of these lawyers should also become most prominent in the national movement, which will be described in the next chapter.

2.2 The first Nationalist parties until independence

*"If I weren't an Egyptian, I would have wished to be an Egyptian."*¹⁵³

The first political party in Egypt was called “National Constitutionalist Party” (*al-Hizb al-Watani al Dustury*)¹⁵⁴ and founded on 2 April 1879 by military officers as a secret

¹⁴⁸ Anderson, *Law Reform in Egypt*, 220.

¹⁴⁹ Anderson, *Law Reform in Egypt*, 219-220.

¹⁵⁰ Rutherford, *Egypt after Mubarak*, 35.

¹⁵¹ Anderson, *Law Reform in Egypt*, 221.

¹⁵² Rutherford, *Egypt after Mubarak*, 36-37.

¹⁵³ Mustafa Kamil, as quoted in Tom Dale, “Fishing for meaning in a play of patriotism and immigration,” *Daily News Egypt*, 6 April 2012, accessed 12 August 2012, <http://thedailynewsegypt.com/2012/04/06/fishing-for-meaning-in-a-play-of-patriotism-and-immigration/>.

society. The extreme nationalist wing of this party split only seven months later and formed the “National Party of Egypt” (*al-Hizb al-Watani al-Misri*) on 4 November 1879 under the leadership of Ahmad Urabi.¹⁵⁵ The Urabi revolt, however, was rather a religious-patriotic reaction to foreign, predominantly British, influence and control over Egypt’s government, than a real national movement (e.g. it did not doubt the supreme authority of the Ottoman Sultan). However, the two parties founded in 1879 both demanded an administrative reform, an “Egyptianization” of the state apparatus and a constitution, the National Party of Egypt also an education reform, a finance plan, enhancement of the armed forces, and “resistance against foreign intervention”.¹⁵⁶

After the suppression of the “Society for Revenge” in 1883, a terrorist organization aiming to drive out the British and assassinate those Egyptians who had betrayed the Urabi revolt (one of its members was the later famous Saad Zaghlul)¹⁵⁷, there was no serious political manifestation against the occupying power for one decade.¹⁵⁸ Maybe “many Egyptians believed British promises of their intention to ‘rescue and retire’, and waited to see democratic institutions set up”¹⁵⁹, as Al-Sayyid Marsot put it. But Cromer, besides considering that “subject races” did not really want or need self-government, was in any case deeply convinced that they were totally incapable of it. Instead he pursued “a ‘full belly’ policy which fed the population, kept it quiescent and allowed the elite to make money and so cooperate with the occupying power.”¹⁶⁰ As long as the weak and obedient Tawfiq was ruling, this policy worked. The Khedive also time and again countered the inimical press by launching his own newspapers. But Egyptian journalists and authors like Adib Ishaq (1856-85), who, though a loyal “Ottomanist”, in his essays on freedom and the rights and duties of citizens shows to be strongly influenced by his readings about the French Revolution, or Al-Naqqash, who is usually credited with coining the expression “Egypt for the Egyptians”,

¹⁵⁴ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 54.

¹⁵⁵ Mahmud Zayid, „The Origins of the Liberal Constitutionalist Party in Egypt,“ in *Political and Social Change in Modern Egypt*, ed. Peter M. Holt (London: Oxford University Press, 1968), 334-335.

¹⁵⁶ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 55-56.

¹⁵⁷ Arthur Goldschmidt, Jr., “The Egyptian Nationalist Party: 1892-1919,” in *Political and Social Change in Modern Egypt*, ed. Peter M. Holt (London: Oxford University Press, 1968), 309.

¹⁵⁸ Schölch, *Ägypten den Ägyptern*, 262.

¹⁵⁹ Al-Sayyid Marsot, *A History of Egypt*, 90.

¹⁶⁰ Al-Sayyid Marsot, *A History of Egypt*, 90.

contributed to intensify an Egyptian self-confidence.¹⁶¹ On the one hand, newspapers and magazines published by Christian Syrian emigrants stood for progressive reform ideas, “which could serve as the basis for a secular national independence movement”¹⁶², but were also associated with foreign, moreover Christian, interests (e.g. *al-Muqattam* favored cooperation with the British authorities, whereas *al-Ahram* was suspected of advancing French interests). On the other hand, the conservative Muslim press was represented by the daily *al-Mu’ayyad*, edited by Shaykh Ali Yusuf (1863-1913), which was, since 1890 and until Mustafa Kamil, from 1900 to 1907, published his *al-Liwa (The Standard)*, the major platform for nationalist writers.¹⁶³

The turning point for the nationalist movement came when Tawfiq’s eldest son, Abbas II, succeeded his father as Khedive in 1892. Unlike Tawfiq, Abbas sought to get rid of British paternalism, and therefor not only looked both to the Sultan and to France as possible allies, but also supported the Islamic nationalists of Shaykh Ali Yusuf as well as young and patriotic law student Mustafa Kamil (1874-1908). In his memoirs, dictated to his secretary about 25 years after he had been exiled from Egypt in 1914, Khedive Abbas Hilmi II sought to justify, why he had supported both groups around Shaykh Ali Yusuf and Mustafa Kamil at different times:

*“The concept of nationhood had a different meaning for each of these two groups and could clearly not be realized in an identical form and at the same time! I soon came to the conclusion that it was impossible to unite them. It was necessary to act first with one and then with the other; that is what led people to say that I played a double game. On the contrary, it meant that I could avoid a clash between these two rival forces by carefully limiting dissension between them and so forestall the turmoil that could result from such a clash. I especially did not want, by possible preference, to cause jealousy that would set one party against the other. I preferred the moderates, but I understood the extremists. However, I did not make use of either one or the other. Since they both disapproved of the principle of total English occupation, I was wholeheartedly with both of them.”*¹⁶⁴

Latif Salim, a former Urabist, had founded a secret society called the Nationalist Party. When Kamil, who had continued his studies in France, returned to Egypt, he soon took over the leadership of this new organization. He had a devoted following among students and “labored to show that Egyptians did form a nation, one which

¹⁶¹ Vatikiotis, *The History of Egypt*, 185.

¹⁶² Vatikiotis, *The History of Egypt*, 186.

¹⁶³ Vatikiotis, *The History of Egypt*, 203.

¹⁶⁴ Abbas Hilmi II, *The Last Khedive of Egypt. Memoirs of Abbas Hilmi II*, trans. & ed. Amira Sonbol (Cairo: The American University in Cairo Press, 2006), 126.

demanded independence from foreign tutelage, and a constitutional government of Egyptians ruling for the benefit of Egyptians.”¹⁶⁵ After Kamil had finished his law study in Toulouse, he went home to Egypt in November 1894, and on his journey made the acquaintance of Colonel Baring, brother of the British Consul-General Lord Cromer, who asserted that it was not the intention of Britain to ever leave Egypt. Back in Cairo, Kamil Mustafa published this conversation in *al-Ahram*, which caused a huge controversy in Egyptian political circles. Soon thereafter, Kamil, together with the Khedive, created the secret “Society for the Revival of the Nation” (*al-Jam’iyya li-lhya al-Watan*).¹⁶⁶ In May 1895, Abbas II again sent Kamil to France to carry out a press campaign, which was intended to swing European public opinion against the British occupation.¹⁶⁷ Besides France he also visited Vienna (where Abbas, then Crown Prince, had had been educated at the famous Theresian Academy), but the campaign failed, although Kamil, by the support of the famous writer Juliette Adam, gained access to leading French writers and newspapers.¹⁶⁸ He returned to Egypt in January 1886. And though, in the following years, several incidents between British soldiers and native Egyptians, like the one in Aqaba (1906) or another in Dinshawai (1907), aided nationalist sentiments in Egypt itself, and on further travels to Europe, Kamil “assured his European audience that the Egyptians were eager to absorb the fundamentals of Western civilization [and] disclaimed any xenophobic or anti-Christian feeling”¹⁶⁹, French interest in the “Egyptian Question” declined, particularly due to the Entente Cordiale (1904) between Britain and France, which tempered their colonial concurrence.

Besides, the conflict between Kamil and Shaykh Ali Yusuf on the nationalist leadership¹⁷⁰, the continuous distrust of Kamil towards the Khedive, culminating in their temporary discord after Abbas’ visit to London in 1900, Cromer’s strategy of “divide [the nationalist movement] et impera”, and finally, the succession of Cromer by the more conciliatory Eldon Gorst in 1907, weakened the nationalist cause before the First World War. Already in 1906, Abbas II, in a secret meeting with Mustafa Kamil and other leading personalities of the Nationalist Party, decided to make the

¹⁶⁵ Al-Sayyid Marsot, *A History of Egypt*, 92.

¹⁶⁶ Goldschmidt, *The Egyptian Nationalist Party*, 312-313.

¹⁶⁷ Al-Sayyid Marsot, *A History of Egypt*, 92.

¹⁶⁸ Goldschmidt, *The Egyptian Nationalist Party*, 314.

¹⁶⁹ Goldschmidt, *The Egyptian Nationalist Party*, 317.

¹⁷⁰ Vatikiotis, *The History of Egypt*, 206.

latter an open movement.¹⁷¹ In its program the party demanded the same stipulations like the National Party of Egypt in 1879 (mentioned above), and it was, like the former, open to both Muslims and Christians, but it also claimed the abolishment of the Mixed Courts and the retreat of all foreign troops. However, Lord Cromer sought to weaken the party by supporting the formation of other, moderate parties.¹⁷²

In the same year of the formation of the Nationalist Party, it lost its unique position as the only nationalist party, when the moderate *Umma* (People's Party) was founded in September (and dissolved already eight years later, in 1914), consisting of wealthy notables, government officials, and young intellectuals, which opted for cooperation with the British. At the end of 1907, the Palace initiated the founding of the Constitutional Reform Party (which, however, neither formulated an ideology nor won a mass following).¹⁷³ The Revolution of the Young Turks in the following year (24 July 1908), resulting in the abdication of Sultan Abdulhamid, was something Khedive Abbas Hilmi II did consider neither possible nor necessary in his realm, for Egypt, as he understood it, had transformed and restored its prosperity already a long time before. Furthermore, as he wrote in his memoirs, "Egyptians understood that if Turkey had been able to establish an Ottoman (and therefore national) Parliament without too much trouble, they themselves would establish one only with enormous difficulties, and in the distant future."¹⁷⁴

Also in 1908, Mustafa Kamil died unexpectedly, and his successor in leading the Nationalist Party, Muhammad Farid, contributed in the fractionation of the party e.g. by his controversial decision to increase the mass appeal of the party newspaper *al-Liwa* by appointing the pan-Islamist Shaykh Abd al-Aziz Jawish as its new editor.¹⁷⁵ Farid even had to flee to Europe in 1912, due to prosecution in Egypt for criticizing the government. The Khedive's judgment on him reveals not only Abbas Hilmi's opinion about Farid but also part of his own understanding of politics: "Muhammad Farid did not realize that even in opposition, it is necessary to know how to maintain a certain degree of tact, and for opposition to be effective, it must be based on something. He had had the pretension to lead the movement without having the

¹⁷¹ Goldschmidt, *The Egyptian Nationalist Party*, 319-321.

¹⁷² El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 57-59.

¹⁷³ Goldschmidt, *The Egyptian Nationalist Party*, 321-322.

¹⁷⁴ Abbas Hilmi, *The Last Khedive of Egypt*, 129.

¹⁷⁵ Goldschmidt, *The Egyptian Nationalist Party*, 323.

necessary discernment; he consulted no one and disclaimed all obligations towards the Throne. He had forgotten that, without the Palace, the task of his predecessor would have been unproductive, that Mustafa Kamel had drawn part of his strength from the encouragement of his Prince. Kamel found in his Prince the buttress for his talent, his faith and his popularity.”¹⁷⁶

Though particularly the Nationalist Party had contributed to the development of a nationalist self-confidence of Egyptians, and, since Mustafa Kamil, strikes and demonstrations “became a constant feature of Egyptian national life from that time to this day”¹⁷⁷, the party itself was not truly a national party, since its members represented mainly the small, Muslim, urban middle class. Moreover, the major decisions were not made by majority vote of the general assembly, but by the president and only a small clique of advisers in secret meetings.¹⁷⁸ This kind of decision-making should become a typical feature for Egyptian parties until the early 21st century, and should not only distinguish them from Western parliamentary parties but also prevent that the consciousness for real parliamentary democracy in Egypt could strike roots in the mass of the people. Writing about Mustafa Kamil's legacy as a party leader, Khedive Abbas Hilmi II also reveals his elitist outlook on modernity and relations between state and society: “He had founded newspapers to disseminate his thoughts and ideas to the masses, but he had not thought about the practical organization of his party or of creating a solid framework for it. His personal magnetism and dynamism had always taken precedence over reasoning and method. That was why the captivated crowds were more attached to his person than to his ideas. The Oriental has this trait, that he follows a man more readily than a principle. It is a recurrent theme in history. Institutions have, in the history of the Egyptian people, played a completely secondary role.”¹⁷⁹

Besides the Nationalist Party, whose radicals were presumably inspired by French ideas of liberty¹⁸⁰, and the *Umma* Party of the lawyer Ahmad Lutfi al-Sayyid, founded in 1907, also in opposition to the occupation, but nevertheless affected by British ideas of individual freedom and utilitarianism and advocating “co-operation with the

¹⁷⁶ Abbas Hilmi, *The Last Khedive of Egypt*, 141.

¹⁷⁷ Al-Sayyid Marsot, *A History of Egypt*, 93.

¹⁷⁸ Goldschmidt, *The Egyptian Nationalist Party*, 332-333.

¹⁷⁹ Abbas Hilmi, *The Last Khedive of Egypt*, 138.

¹⁸⁰ Vatikiotis, *The History of Egypt*, 216.

British in the gradual implementation of reform, particularly in education”¹⁸¹, five other moderate political parties were formed in Egypt before World War I: first there was the Constitutional Reform Party (1907), led by Shaykh Ali Yusuf until 1913, and later by Shaykh Rashid Rida. Both were Muslim pseudo-liberals, pursuing a nationalist interpretation of Egypt’s Islamic identity. Then there was the National Free Party, the Party of Independent Egyptians, the Young Egyptian Party, and finally the Party of Nobles. However, the latter were all minor parties and had no real influence on the course of events during these years.¹⁸²

The problems of all parties were not only their time and again changing relations to and publically declared opinions about the Khedive, the Sultan, and the British, who were themselves linked by varying alliances, but also their repeated internal fractionation and the rivalries among their leading figures. Consul-General Eldon Gorst, for instance, by his much more conciliatory policy towards Egyptians, was able to separate the Khedive from the extreme nationalists and turn him against the Nationalist Party. He intended to give Egyptians greater responsibility in administering their country by expanding the authority of the Egyptian council of ministers, and, respectively, limit that of British advisers. Thus, he promulgated by law new Provincial Councils in June 1909.

As mentioned already in the previous chapter, Gorst’s successor, Herbert Kitchener (1911-14), by his Organic Law from 1913, merged the former Legislative Council and the General Assembly, established by the Organizational Law of 1883, into the “Legislative Assembly”, which should be in permanent session every year, from mid-November until the end of May (before that it had met every other month). Moreover, members of the Legislative Council were now encouraged to question ministers on all matters of public policy.¹⁸³ Besides, the Legislative Assembly now consisted to a higher proportion of elected than nominated members (66:17).

On the whole, and compared to the situation before, the new Assembly was “a modest and cautious advance in the direction of a more democratic system of government.”¹⁸⁴ Kitchener’s strategy was to humiliate the “wicked little Khedive” and

¹⁸¹ Zayid, *The Origins of the Liberal Constitutionalist Party*, 338.

¹⁸² Zayid, *The Origins of the Liberal Constitutionalist Party*, 339.

¹⁸³ Vatikiotis, *The History of Egypt*, 209.

¹⁸⁴ Landau, *Parliaments and Parties in Egypt* (Tel Aviv, 1953), as quoted in El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 29.

to force his abdication¹⁸⁵, which should be accomplished at the beginning of the War. Due to the Ottoman alliance with Germany, the British wanted to separate Egypt from the Ottoman Empire, which they did on 18 December 1914 by the declaration of Egypt as a protectorate. Simultaneously, they deposed Khedive Abbas and replaced him by his uncle Hussein Kamil who was entitled "Sultan" in order to demonstrate the separation from the Ottoman Empire (besides, the personal resentment between Kitchener and Abbas Hilmi played a significant role in this decision). The Legislative Assembly was suspended and martial law proclaimed, which led to more suppression both of the nationalist movement and the anti-British press.¹⁸⁶

However, although the Legislative Assembly was suspended after such a short life, the leaders of the 1919 independence movement emerged out of it, amongst them the most influential and illustrious political personality of the years to come, until his death in 1927: Saad Zaghlul. After the elections to the Legislative Assembly in December 1913, "both the *Umma* and the National Party had supported Zaghlul."¹⁸⁷ Both parties recognized the former journalist, judge in the Court of Appeals (1892), Minister of Education (1906) and Minister of Justice (1910), as the leader of opposition in the Legislative Assembly. Zaghlul was, for sure, one of the most prominent examples for the "rising generation of lawyers and writers in the Legislative Council and Legislative Assembly from 1883 to 1913."¹⁸⁸

Lawyers and judges like Ahmad Lutfi al-Sayyid, since March 1907 editor of the newly founded newspaper *al-Jarida*, and leading spokesman of the *Umma* Party, were the advocates both of liberalism and nationalism at the beginning of the 20th century. Rutherford remarks, that, around 1900, "the legal profession had become a center of liberal discourse and culture within the elite"¹⁸⁹, and Anderson, besides many others, calls it "noteworthy that the nationalist cause was largely led by lawyers."¹⁹⁰ One of these lawyers, Qasim Amin (1865-1908), was even a pioneer of female emancipation and caused a controversial discourse in intellectual circles after the publication of his book *Tahrir al-Mar'a* ("The Emancipation of Women") in 1899 and the subsequent volume *Al Mar'a al-Jadida* ("The New Woman"), providing not only intellectual

¹⁸⁵ Zayid, *The Origins of the Liberal Constitutionalist Party*, 340.

¹⁸⁶ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 29.

¹⁸⁷ Zayid, *The Origins of the Liberal Constitutionalist Party*, 340.

¹⁸⁸ Vatikiotis, *The History of Egypt*, 216.

¹⁸⁹ Rutherford, *Egypt after Mubarak*, 37.

¹⁹⁰ Anderson, *Law Reform in Egypt*, 224.

arguments for the emancipation of women, but for the advantages of westernization in general.¹⁹¹

In the meantime, the War had interrupted the development of political institutions, but the nationalists had never stopped their constitutional demands. Nevertheless, a year after the death of Sultan Kamil and the succession of his brother Fu'ad (October 1917), the British authorities decreed a new constitution in November 1918, which "entirely ignored the existence of the national sentiment which the war had stimulated [...] it proposed the creation of a new legislature in whose upper chamber, the senate, not only British Advisers, and Egyptian ministers were to have seats, but also representatives of the large foreign communities, chosen by electorates, to voice their commercial, financial, and professional interests [...] The opinion of the senate were to prevail in all matters of essential policy [...] clearly with a view to secure the passage of whatever the British government might consider necessary for the maintenance of their controlling authority."¹⁹²

Three delegates of the Legislative Assembly protested against this constitution by constituting themselves into a *Wafd* ("Delegation"). On 13 November 1918 they "met with Sir Reginald Wingate, the British High-Commissioner, to request they be allowed to proceed to the Paris Peace Conference and present Egypt's case."¹⁹³ These three delegates were Saad Zaghlul, the new leader of the national movement, Ali Sha'rawi, and Abd al-Aziz Fahmi. They acted in full agreement with Prime Minister Rushdi Pasha, for they had, at that time, the support of Sultan Fu'ad I, whose different motives were, however, "deriving from his autocratic tendencies."¹⁹⁴ When the British authorities kept the *Wafd*, as any other delegation, from going to London or Paris, nationalist protests followed, leading to the declaration of martial law and the arrest and deportation of Zaghlul and two other *Wafd* members to Malta (8 March 1919).¹⁹⁵ The result was "an explosion of violence in all regions in support of the national leader"¹⁹⁶, demonstrations by students and other intellectuals in Cairo, Alexandria and other major cities, as well as "massive strikes by transport workers, judges and

¹⁹¹ Vatikiotis, *The History of Egypt*, 234-235.

¹⁹² George E. Kirk, *A Short History of the Middle East* (London, 1964), 132-133, as quoted in: El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 30.

¹⁹³ Al-Sayyid Marsot, *A History of Egypt*, 96.

¹⁹⁴ Zayid, *The Origins of the Liberal Constitutionalist Party*, 341.

¹⁹⁵ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 30.

¹⁹⁶ Al-Sayyid Marsot, *A History of Egypt*, 96.

lawyers.”¹⁹⁷ Some of the rural areas even broke away from the central government, using the revolution as an excuse to “re-establish village unity by creating their own rural republic.”¹⁹⁸

In the meantime, Britain had been informed at the Peace Conference, that the Allies would recognize the British Protectorate over Egypt. Therefore General Allenby, Wingate’s successor as High Commissioner, released Zaghlul and his fellows on 7 April. But when the *Wafd* arrived in Paris shortly later, they were not only denied a hearing, but also “shocked at the recognition of the protectorate by President Wilson and several powers”¹⁹⁹, contradicting Wilson’s own Fourteen Points speech (in the fifth point of this speech, regarding colonial claims, Wilson had spoken in favor of the interests of the populations concerned, which “must have equal weight with the equitable claims of the government whose title is to be determined.”)²⁰⁰ These difficulties and the British refusal to accept “complete independence” of Egypt, led to major differences within the *Wafd* and eventually to a split between the hardliner Zaghlul, and his delegate colleague Adli Yeken, Adli was more willing to compromise and enjoyed the support of Sultan Fu’ad, who had appointed him Prime Minister in March 1921. In the end, the leading Adlists succeeded, with Lord Allenby’s support.

On 28 February 1922, Britain unilaterally declared Egypt an independent state, the protectorate abolished, and martial law removed, though four points were reserved to the discretion of the British government, making the independence well-nigh void: the security of British communications in Egypt, defense, the protection of foreigners, and the Sudan.²⁰¹ In order to support the new policy, Adli and his supporters, 250 lawyers and great landowners, mainly former members of the dissolved *Umma* Party, felt the need to found a political party, and on 30 October 1922, the Liberal Constitutionalist Party was formed. Besides independence, its program contained also demands for social, educational and economic reforms.²⁰²

However, “Practically none of these parties was organized along European lines ... these parties were chiefly based upon personal attachments to the leaders, and the

¹⁹⁷ Vatikiotis, *History of Egypt*, 264.

¹⁹⁸ Al-Sayyid Marsot, *A History of Egypt*, 96.

¹⁹⁹ Zayid, *The Origins of the Liberal Constitutionalist Party*, 342.

²⁰⁰ Fourteen Points Speech by US-President Woodrow Wilson, accessed 22 July 2012, http://en.wikisource.org/wiki/Fourteen_Points_Speech.

²⁰¹ Zayid, *The Origins of the Liberal Constitutionalist Party*, 343.

²⁰² El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 63.

leadership itself was often merely the cloak of private ambition ... The published programmes of all these parties show an amazing resemblance to one another; save for education...”²⁰³ Besides, a liberal experiment was about to be tried in Egypt, which should grant the country “a constitutional form of government, to institute representation and political parties, freedom of speech, the right to opposition”²⁰⁴ – a liberal experiment, which, eventually should fail, causing dramatic consequences until the early 21st century.

2.3 Liberalism versus political radicalization

“[...] remember, what Mustafa al-Nahas did, when he took over the leadership of the Wafd Party in 1927. At the time he was a big well-known lawyer, but as soon as he became party leader he withdrew from legal practice, closed his office and made his famous remark: ‘Today I have become an advocate for the whole nation, so I can no longer defend individuals in court.’”²⁰⁵

Following the British unilateral declaration of Egyptian independence on 28 February 1922, the British, as George Lloyd, 1st Baron Lloyd and High Commissioner to Egypt (1925-29) mentioned later, “‘forced’ the parliamentary régime upon the country ‘in the face of the king’s wishes’.”²⁰⁶ A Commission to draft the final constitution was appointed by the government and therefore not accepted both by the Nationalist Party and the *Wafd*, who argued, “that only an elected constituent assembly representing the nation could legitimately draft the fundamental law of the land.”²⁰⁷ On the other hand, the king was not willing to accept a constitution “that would limit his authority or would even have strong powers of enforcement.”²⁰⁸ This constituent “Commission of Thirty”, consisting of 30 influential persons, mainly lawyers and high-ranking officials, but also e.g. the head of the Sufi orders, an ex-*Mufti* of Egypt, five Copts, one Jew, as well as representatives of commerce and of the Bedouins,

²⁰³ M. J. Landau, *Parliaments and Parties in Egypt* (Tel Aviv, 1953), 147; as quoted in El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 67.

²⁰⁴ Al-Sayyid Marsot, *A History of Egypt*, 97.

²⁰⁵ Alaa al-Aswani, *On the State of Egypt: The Issues That Caused The Revolution* (Cairo: The American University in Cairo Press, 2011), 32.

²⁰⁶ Elie Kedourie, “The Genesis of the Egyptian Constitution of 1923,” in *Political and Social Change in Modern Egypt*, ed. Peter M. Holt (London: Oxford University Press, 1968), 348.

²⁰⁷ Vatikiotis, *History of Egypt*, 273.

²⁰⁸ Al-Sayyid Marsot, *A History of Egypt*, 98.

seemed to be well-balanced in affording representation to different interests and sections, and was ably assisted by legal experts.²⁰⁹

Nevertheless, it had a difficult job, for it had to balance the interests of Fu'ad and the British with the attempt to limit the power of the king and create a more or less form of constitutional monarchy, leaving legislative power to elected institutions. Furthermore, there was conflict about the king's designated title "King of Egypt and the Sudan", which jeopardized the Anglo-Egyptian Condominium of the Sudan (1899-1956). Though Prime Minister Sarwat and his followers "may have disliked this provision, they had no means of opposing it without giving the king and Zaghlul a powerful pretext for attacking them as creatures of the British government."²¹⁰ Yet, "the draft constitution, however solicitous of the king's prerogative, represented a serious limitation of his powers."²¹¹ In the course of the constitutional struggle, not only Sarwat resigned from office (November 1922), but also his successor Tawfiq Nasim (March 1923). The final version was "a defective constitution"²¹², but the only possible compromise between the wishes of the king, British interests, the Commission's liberal stipulations and the nationalist's demands. The intrigues and animosities respectively temporary strategic alliances between former enemies (like the king and Saad Zaghlul on the Sudan) before the enacting of the constitution were just a foretaste of the political controversies in the next three decades.

However, the constitution was promulgated on 19 April 1923. "Although, like the Ottoman Constitution of 1876, it owed much to the Belgian model of 1831, it appeared to follow more closely the Ottoman model in its authoritarian provisions. Thus, it gave extensive powers to the monarchy which tended to undermine the authority of parliament and cabinet."²¹³ The "King of Egypt and the Sudan" was not only head of state (art. 33), but also of the executive (art. 48), and he exercised legislative jointly with a bicameral parliament (art. 24). The king was not responsible to any person or institution (art. 33) and had the right to suspend or dissolve parliament (art. 38 and 39). He appointed the prime minister, who chose his cabinet, which again had to be confirmed and also could be dismissed by the king (art. 49). In

²⁰⁹ Kedourie, "The Genesis of the Egyptian Constitution of 1923," 351-352.

²¹⁰ Kedourie, "The Genesis of the Egyptian Constitution of 1923," 355-356.

²¹¹ Kedourie, "The Genesis of the Egyptian Constitution of 1923," 356.

²¹² Al-Sayyid Marsot, *A History of Egypt*, 98.

²¹³ Vatikiotis, *History of Egypt*, 276.

non-session periods of parliament and in the state of an emergency, royal decrees were to be enacted (though, according to art. 60, they had to be signed by the president of parliament and the prime minister). The cabinet as a whole and each single minister were responsible to parliament (art. 61), which, on its part, could overthrow the cabinet by a no-confidence vote (art. 65). Parliament consisted of the Senate and the Lower House (art. 73). The Senate, which had mainly the power to revise laws promulgated by the Lower House (art. 28), consisted of 147 members, two-fifth of which were appointed by the king (art. 74); the rest was elected directly and for ten years (art. 79) out of all male Egyptians with an minimum annual income of 1,500 Egyptian Pounds respectively an annual tax rate of 150 Egyptian Pounds (art. 78). The king also appointed the president of the Senate (art. 80). The Lower House, on the one hand, had fiscal sovereignty and budgetary control, and, on the other hand, fixed public tariffs and wages (art. 137).²¹⁴ It consisted of 260 delegates, to be elected every five years (art. 86) on the basis of universal manhood suffrage.²¹⁵ It should also be mentioned, that the constitution “guaranteed freedom of expression and assembly, and asserted the equality of all citizens before the law, regardless of race, language, or religion (articles 3, 14, 20, 21).”²¹⁶ On the local level, the principle of representation by Provincial Councils was embodied in the constitution, thus laying down the basis of a modern system of local government. Article 133 stipulated that, “provincial and municipal councils were to be elected bodies and local policies formulated and executed after prior approval by the central authorities.”²¹⁷

Elections were held in January 1924, resulting in an overwhelming victory for the *Wafd* under Saad Zaghlul, who formed the first *Wafd* government on 28 January.²¹⁸ Actually, the balance of political power in the country was quite fragile: “Zaghlul – who was dubbed ‘the king of hearts’, as opposed to the real king sitting in the palace at Abdin, and the uncrowned king, the British High Commissioner, sitting in his palace at Qasr al-Doubara – had to toe a fine line in that tripartite power setting.”²¹⁹

The *Wafd* was indeed the preeminent political force in Egypt until the early 1950s, gaining overwhelming victories, whenever free elections were held. But especially in

²¹⁴ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 32-35.

²¹⁵ Anderson, *Law Reform in Egypt*, 224.

²¹⁶ Rutherford, *Egypt after Mubarak*, 39.

²¹⁷ Fahmy, *The Politics of Egypt*, 180.

²¹⁸ Vatikiotis, *History of Egypt*, 277.

²¹⁹ Al-Sayyid Marsot, *A History of Egypt*, 99.

the 1920s and in the early 1930s, being a *Wafdist* was merely a synonym for being a nationalist, or, as the brilliant Naguib Mahfouz put it bluntly in one of his novels, “At the same time the whole country was [*Wafdist*].”²²⁰ The party was based both in the rural middle-class and in high-status urban groups, the so-called *effendiyya*, meaning modern educated university students, teachers, lawyers, journalists, government-functionaries and other professionals.²²¹ Beinín and Lockman characterize it “as a bourgeois nationalist party, representing most directly the interests of the urban and rural middle class: the owners of medium-sized agricultural properties and the urban *effendiyya*.”²²²

Ideologically the *Wafd* was bourgeois-democratic, in matters of church-state relations it stood for secularism, and it was always in opposition to the king and his allies.²²³ But foremost, it united the overwhelming majority of Egyptians from all classes, geographical areas and both Muslims and Copts, behind its banner by almost monopolizing the national issue and demanding complete independence from Britain, unification with the Sudan (which was jointly administered with the British in the Anglo-Egyptian Condominium since 1899) and the withdrawal of British troops.²²⁴ But thereby, the party neglected the social issue and, ensuring “the continual reelection of the faithful *umda*”²²⁵, it avoided the issue of land reform thus continuing social disparity throughout the country. Additionally, Saad Zaghlul’s authoritarian style both inside his own party and in the Lower House was not helpful for developing real parliamentarianism and a democratic consciousness throughout the majority of the population, aside a small group of intellectuals and leftists in the country. Within the *Wafd*, he brooked no differences of opinion. And in the House, which he ruled with an iron fist, there was also no opposition to speak of. He answered attacks of the opposition press by applying the sanctions of the harsh 1881 Press Law against newspapers and magazines, which was “disastrous for the Egyptian experiment in

²²⁰ Naguib Mahfouz, *Miramar* (Cairo: The American University in Cairo Press, 1978), 41.

²²¹ Joel Beinín and Zachary Lockman, *Workers on the Nile. Nationalism, Communism, Islam, and the Egyptian Working Class, 1882-1954* (Princeton, N. J.: Princeton University Press, 1987), 10.

²²² Beinín and Lockman, *Workers on the Nile*, 13.

²²³ Selma Botman, *Egypt from Independence to Revolution, 1919-1952* (Syracuse, NY: Syracuse University Press, 1991), 55-56.

²²⁴ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 62.

²²⁵ Botman, *Egypt from Independence to Revolution*, 56.

constitutional government.”²²⁶ Moreover, he “introduced a system of patronage into political life, and a system of violence and of public demonstrations as a weapon against the opposition.”²²⁷ Apart from the continuous struggle with the king to rule according to the constitution, to secure “the distribution and separation of powers and prerogatives, the *Wafdist* concept of power, of politics and government was essentially inimical to the healthy development of parliamentary life and rule.”²²⁸ But although the *Wafd* did not have a “European” party structure, it was the only well organized party in Egypt and even established and supported organizations, that “dealt with women’s, student’s and worker’s issues.”²²⁹

However, after only ten months in office, Zaghlul was forced to resign after having been indirectly blamed for the assassination of the British commander-in-chief of the Egyptian army, Sir Lee Stack, on 19 November 1924. High Commissioner Allenby was convinced, that Zaghlul’s fiery speeches had incited violence. Although the prime minister had nothing to do with Stack’s murder (it was committed, unbeknown to Zaghlul, by a paramilitary arm of the *Wafd*), Allenby presented the government with an ultimatum, demanding not only an indemnity of half a million pounds but also the withdrawal of all Egyptian army units from the Sudan. Zaghlul signed the indemnity check, but refused all the other stipulations of the ultimatum, and resigned on 23 November.²³⁰

King Fu’ad took the opportunity for a first stroke against constitutional rule by appointing a new government under his ally Ahmad Ziwari Pasha, first President of the Senate, which accepted and implemented the British ultimatum unconditionally. One of the few positive outcomes of the first *Wafd* government had been a new electoral law in July 1924, allowing direct elections. Now, the king, by decree, postponed the parliamentary session for one month and then dissolved the House, which was again calamitous for democratic development. Besides, and to make “another *Wafd* electoral victories more difficult, the indirect two-stage election process was reinstated.”²³¹ The confidence in political parties was further weakened by the emergence of splits inside the *Wafd* after Zaghlul’s death in 1927. His legacy

²²⁶ Vatikiotis, *History of Egypt*, 279.

²²⁷ Al-Sayyid Marsot, *A History of Egypt*, 102.

²²⁸ Vatikiotis, *History of Egypt*, 280.

²²⁹ Botman, *Egypt from Independence to Revolution*, 59.

²³⁰ Al-Sayyid Marsot, *A History of Egypt*, 100-101.

²³¹ Vatikiotis, *History of Egypt*, 281.

to Egyptian politics was for sure an authoritarian style in and “absolutist control over party politics”²³², and therefor “had sown many of the public ills that have beset political life to the present day.”²³³

His successor as party leader, Mustafa al-Nahas, was a respected lawyer, but also a bulldog and demagogue, and in the following years many *Wafdists* left the party and formed splinter parties, which, however, had little influence both in parliament and in the population. As mentioned in the previous chapter, already in 1922 the Liberal Constitutionalist Party had been formed under Adli Yeken. Politics in the following thirty years were characterized by personal animosities and jealousies, which became more important than principles and the country’s common interest²³⁴ and thus undermined the people’s confidence in the democratic system.

In the meantime, the king had initiated another royal coup against parliamentary life: After the formation of a government in alliance with the pro-Palace *Ittihad* in June 1928, Fu’ad postponed parliamentary session for one month, “and on 19 July dissolved Parliament and postponed election for three years”²³⁵, during which, of course, Egypt ought to be governed by royal decree. In 1930, Prime Minister Ismail Sidqi, one of Egypt’s most ambitious politicians, formed the conservative People’s Party (*Hizb al-Shaab*), which was actually more a clique around its founder than a political party, “set up to support Sidqi’s own political aspirations and to undermine the interests of the Unity and Wafd parties.”²³⁶

On 22 October 1930, Sidqi abolished the constitution of 1923 and drafted not only a new one but also promulgated a new electoral law, thereby on the one hand strengthening the powers of the monarch, and on the other hand minimizing the chances of overwhelming *Wafdist* victories in elections.²³⁷ Albeit, there were no elections, for parliament had been suspended in July 1930 and should be so until May 1936,²³⁸ thus making the Sidqi regime and the three succeeding governments with five years and ten months the longest period of rule by decree since 1922. Al-Sayyid Marsot calls Sidqi’s premiership (20 June 1930 – 22 September 1933) even

²³² Botman, *Egypt from Independence to Revolution*, 37.

²³³ Al-Sayyid Marsot, *A History of Egypt*, 102.

²³⁴ Al-Sayyid Marsot, *A History of Egypt*, 102.

²³⁵ Vatikiotis, *History of Egypt*, 284.

²³⁶ Botman, *Egypt from Independence to Revolution*, 68.

²³⁷ Vatikiotis, *History of Egypt*, 287.

²³⁸ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 51.

“the most repressive period of government Egypt had known.”²³⁹ Besides, on 20 October 1930, a royal decree disbanded all the – mostly pro-*Wafd*ist – Provincial Councils.²⁴⁰ All in all it was the third stroke against constitutional government by the king. In the early 1930s, when the depression stroke Egypt’s population hard, when people in daily demonstrations shouted against the king, and even an attempt to assassinate Sidqi himself was undertaken, his government became “a byword for corruption and the abuse of power.”²⁴¹ Besides, in 1934 the financial pressures induced the government to provide for the re-establishment of Provincial Councils, but interestingly the local notables, whose highly profitable cotton trade depended to a large extent on the central government and the British, favored protection of their economic interests instead of increased responsibility and accountability and therefore perpetuated a pattern of dependency on the central government.²⁴²

The second major split inside the *Wafd* happened in 1937, when the banker Nokrashi Pasha left the party and, two years later, founded the Saadist Party, which was joined mainly by industrialists.²⁴³ On Fu’ad’s initiative, another new party, *al-Ittihad*, was established out of courtiers and *Wafd* dissidents, to represent his interests in the House.²⁴⁴ But it was formed solely of bankers and great landowners, and hardly attracted support amongst the population.²⁴⁵ Moreover, parliament as a whole was dominated by landowners and did not allow the creation of fellah labor unions (landowners, representing only two percent of the population, controlled half the land).²⁴⁶

As mentioned above, one of the main reasons for the failure of the “liberal experiment” in Egypt was that King Fu’ad and his successor Farouk (1936-52) obstructed parliamentarianism as much as they could, dismissed ministers and dissolved the House time and again. In the 28 years between 1924 and 1952, parliament was, altogether, only for 17 years in session. For the remaining 11 years,

²³⁹ Al-Sayyid Marsot, *A History of Egypt*, 104-105.

²⁴⁰ Vatikiotis, *History of Egypt*, 287.

²⁴¹ Al-Sayyid Marsot, *A History of Egypt*, 105.

²⁴² Fahmy, *The Politics of Egypt*, 181-182.

²⁴³ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 62-64.

²⁴⁴ Vatikiotis, *History of Egypt*, 281.

²⁴⁵ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 64.

²⁴⁶ Al-Sayyid Marsot, *A History of Egypt*, 103.

the monarchs ruled by decrees.²⁴⁷ The *Wafd's* lack of interest, or at best conservative approach towards social issues, already mentioned above, became a problem when the third al-Nahas government failed in negotiating complete independence from Britain. The Anglo-Egyptian Treaty of 1936 was for most Egyptians not satisfying on that matter. Though the government assumed full administrative control over its armed forces, Capitulations were abolished, and the Mixed Tribunals were to be closed after a transition period of twelve years, the defense of Egypt was kept to Britain. This was now called "Anglo-Egyptian military alliance" instead of "occupation", leaving 10.000 British soldiers in the Canal Zone. Moreover, the question of sovereignty over the Sudan was still not settled, leaving the country, for the time being, under British administration.²⁴⁸ Overpopulation, unemployment and the education problem were not solved either, fostering political extremism and activism both from the leftist and the right.

All this resulted in a political radicalization in the 1930s, which mirrored also the political mainstream in Europe, where simultaneously more and more fascist parties came to power. Sidqi's cabinet was by most Egyptians believed to be supported by the British government, but the disastrous economical situation was generally blamed on the influence of Europeans, resulting in a "rejection of the British presence, [which] was equated with a rejection of everything foreign".²⁴⁹ Amongst the religious reaction, the conservative Muslim response shall here be mentioned first, which is mainly represented by Shaykh Hassan al-Banna's formation of the Muslim Brotherhood (*al-Ikhwān al-Muslimūn*) in 1928 and by Rashid Rida's *Salafiyya*, the latter one propagating a medieval Islam influenced by the teachings of Ibn Taymiyya (1263-1328) and Muhammad Abdul Wahhab (1703-1792). Besides, there were other organizations like the Pan-Islamic Young Men's Muslim Association (YMMA), founded by the Abdul Hamid Sa'id in 1927, which soon became a counterpart to the Christian YMCA.²⁵⁰ The conservative Muslim contribution to political life in Egypt will be dealt with more detailed in the final chapter of this paper.

Radicalization in the secular sphere of politics was expressed e.g. in the *Wafdist Vanguard*, which represented the left wing of the *Wafd* and sought to equip the party

²⁴⁷ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 51.

²⁴⁸ Vatikiotis, *History of Egypt*, 291.

²⁴⁹ Al-Sayyid Marsot, *A History of Egypt*, 107.

²⁵⁰ Vatikiotis, *History of Egypt*, 326-327.

with a revolutionary social and nationalist program, establishing links to the communist “New Dawn” movement as well as to Marxist groups.²⁵¹ Besides, the *Wafd* established a paramilitary youth organization, the Blue Shirts, which were “founded to mobilize party followers and the masses, as well as to intimidate and terrorize the opposition.”²⁵² On the extreme right, the Blue Shirts were countered by the anti-Western, religious, patriotic, militaristic, and socially conservative movement Young Egypt (*Misr al-Fatat*), wearing Green Shirts.²⁵³ The ideology of Young Egypt can be characterized by their slogan “Country, Islam, and King”.²⁵⁴ Founded in 1933 and transformed into an official political party in 1938, it reflected the discontent of liberal, secular, “European” democracy in Egypt. In 1940 the party changed its name into National Islamic Party and became even more radically religious and chauvinist. Finally, before the 1952 coup d’état, it was renamed into Socialist Party, but though it then stressed anti-imperialism and social reform, it always remained a small opposition group.²⁵⁵

The liberal experiment last not least failed, because the continuous “three-sided political manoeuvres that necessitated a coalition of two against the third marred political life and injected an element of intrigue into it. Sooner or later either the king or the political party in power had to go to the British High Commissioner as the final arbiter, instead of appealing to parliament.”²⁵⁶

Already in the late 1930s, King Farouk’s and many politician’s sympathies for the Axis powers became evident, but facing the advance of Rommel against Egypt in early 1942, the British government confronted the king with an ultimatum: either al-Nahas, the leader of the *Wafd*, be appointed premier, or King Farouk would be deposed. Subsequently, the *Wafd*, “which had come into being on the strength of its opposition to the British presence in Egypt was now to collaborate with that very presence against the king.”²⁵⁷ This, of course, shocked many Egyptians and further undermined the credibility of the party. In 1943, the publication of the so-called “Black Book” (*al-Kitab al-aswad*) by al-Nahas’ former fellow party member Makram Obayd,

²⁵¹ Botman, *Egypt from Independence to Revolution*, 62.

²⁵² Vatikiotis, *History of Egypt*, 292.

²⁵³ Botman, *Egypt from Independence to Revolution*, 117.

²⁵⁴ Vatikiotis, *History of Egypt*, 292.

²⁵⁵ Botman, *Egypt from Independence to Revolution*, 117-119.

²⁵⁶ Al-Sayyid Marsot, *A History of Egypt*, 102-103.

²⁵⁷ Al-Sayyid Marsot, *A History of Egypt*, 119.

blaming the government of venality and indicting al-Nahas, further discredited the *Wafd*.²⁵⁸ But the main legitimization problem of the Egyptian Parliament resulted out of the fact that it represented only a small part of the Egyptian population, small groups or cliques that, though they were constituted in political parties, did not differ in their interests or programs; in fact their interests mostly did not differ from the monarch's. Personal interests dominated political life, and El-Ghannam therefor uses the term "parliamentary oligarchy"²⁵⁹, a system that survived in Egypt until today. The Egyptian anthropologist Dr. Mohamed Yosri E. Debees confirms that, "In Islamic countries people do not differ between personal and professional relationships."²⁶⁰

The disastrous performance of the Egyptian army in the first Palestinian War (1948-49) and the scandals around the private life of King Farouk were only the final coffin nails for the liberal experiment and led directly to the takeover of power by the Free Officers clique in 1952. Both extremist conservative-religious and radical leftist groups considered the *Wafd* "as the embodiment of privilege partly derived from political corruption."²⁶¹ As "a result of Wafdist restraints on the political process, the masses' connection to mainstream political life in Egypt remained weak"²⁶², for the whole period, and this should remain a characteristic of Egyptian political parties until today.

2.4 The leftist and the highly contested working class

*"Why socialism, when we have Islam?"*²⁶³

The history of the Egyptian leftist can be traced back to the 1870s, when European, mainly Italian revolutionaries and anarchists fled repression in their home countries. Many of them went to Egypt, and e.g. the famous Errico Malatesta even fought at Urabi's side against British troops in 1882. It was also in April 1882, when "several thousand coal-heavers at Port Said on the Suez Canal went on strike for higher

²⁵⁸ Vatikiotis, *History of Egypt*, 352.

²⁵⁹ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 52.

²⁶⁰ Interview with Dr. Mohamed Yosri Ebrahim Deebes, Alexandria, 17 August 2011.

²⁶¹ Vatikiotis, *History of Egypt*, 355.

²⁶² Botman, *Egypt from Independence to Revolution*, 33.

²⁶³ Yusuf Mansur Siddiq, as quoted in Tewfik Aclimandos, "Officiers libres et officiers communistes : collaborations et confrontations," *Cahiers d'histoire. Revue d'histoire critique* 105-106 (2008): para. 30, accessed 25 July 2012, <http://chrhc.revues.org/528>.

wages, an event that appears to have been the first major manifestation of collective action by indigenous workers in modern Egyptian history.”²⁶⁴ As a result of urbanization since the last quarter of the 19th century²⁶⁵, a “nucleus of an industrial labour force began to grow in Cairo, Alexandria, Ismailiyya, Suez and Port Said.”²⁶⁶

In the 1890s, a second wave of exiled Italian anarchists reached Egypt and founded anarchical newspapers and publications in Cairo and, foremost, in Alexandria.²⁶⁷ The first of these was *La Tribuna Libera*, published since October 1901 in Italian and French²⁶⁸, and edited by the native Palestine Jew Joseph Rosenthal, a jeweler and key figure of the early socialist movement in Egypt.²⁶⁹ But anarchical ideas were also discussed in well-established modernistic newspapers like *al-Muqtataf* or *al-Hilal*.²⁷⁰ On 26 May 1901, the Free Popular University (*Università Popolare Libera*, UPL) was opened at the Theatre *Zizinia* in Alexandria. Inspired by anarchical intellectual and political ideas from Europe but with a specific Egyptian character, “it aimed to break free from national and religious frames of reference by offering a programme of free, modern and accessible education for all, and particularly ordinary people.”²⁷¹

Already at the turn of the century (December 1899 – February 1900), the Greek cigarette rollers organized the first strike in Cairo, demanding higher wages, shorter hours and better working conditions. They were experienced in trade unionism, and between 1899 and 1907, labor militancy and organization among several groups of mainly foreign skilled workers increased, although employers often skillfully manipulated tensions between the privileged foreign and the Egyptian workers who, furthermore, sometimes opted for loyalty towards the company bosses.²⁷² In fact, unionization of foreign workers was often motivated by the ambition to protect their

²⁶⁴ Beinín and Lockman, *Workers on the Nile*, 23.

²⁶⁵ Baer, *Social Change in Egypt*, 155-158.

²⁶⁶ Vatikiotis, *History of Egypt*, 253.

²⁶⁷ Ilham Khuri-Makdisi, “Intellectuels, militants et travailleurs: la construction de la gauche en Égypte, 1870-1914,” *Cahiers d'histoire. Revue d'histoire critique* 105-106 (2008): para. 16, accessed 24 July 2012, <http://chrhc.revues.org/504>.

²⁶⁸ Anthony Gorman, “Socialisme en Égypte avant la Première Guerre mondiale : la contribution des anarchistes,” *Cahiers d'histoire. Revue d'histoire critique* 105-106 (2008): para. 29-30, accessed 24 July 2012, <http://chrhc.revues.org/1241>.

²⁶⁹ Beinín & Lockman, *Workers on the Nile*, 138.

²⁷⁰ Gorman, “Socialisme en Égypte avant la Première Guerre mondiale,” para. 35.

²⁷¹ Anthony Gorman, “Anarchists in Education: The Free Popular University in Egypt (1901),” *Middle Eastern Studies* Vol. 41, Nr. 3 (May 2005): 303-304, accessed 26 July 2012, doi: 10.1080/00263200500105877.

²⁷² Beinín & Lockman, *Workers on the Nile*, 51-54.

own jobs and wages by excluding cheaper Egyptian labor from their trades. Nevertheless, the consciousness also of Egyptian workers was stimulated by these first, mostly small “craft unions” or, how the future nationalist leader Muhammad Farid commented unionization, “This European disease has spread to Egypt”.²⁷³ In 1908, anarchists founded the *Ligue Internationale des Ouvriers Cigarette et Papetiers du Caire*, which was open both to Egyptians and foreigners.²⁷⁴ In the following year, the Nationalist Party supported the establishment of the “Manual Trades Worker’s Union”²⁷⁵, and on 31 July 1911, the tramway workers of Cairo, aspiring self-organization in a union too, started a major strike.²⁷⁶

The costs of World War I affected the British protectorate Egypt and increased the socio-economical problems, and the widespread revolts during the 1919 Revolution against British occupation were the real turning point in the development of leftist societies enrooted within the population.²⁷⁷ They were accompanied by the establishment of numerous unions in May and June 1919, which were supported or even led by bourgeois lawyers or notables, constituting a link between the labor and the nationalist movement.²⁷⁸ In February 1921, on Rosenthal’s initiative, the *Confédération Générale du Travail* (CGT) was founded, and in October of the same year, the Egyptian Socialist Party (ESP) established. Yet, only one year later, after having attended the Fourth Congress of the Communist International in Moscow (5 November – 5 December 1922), the party was transformed into the Communist Party of Egypt (CPE), and Rosenthal, opposing any changes in the party line according to Moscow’s directives, was expelled.²⁷⁹

However, it was mainly two problems, which the leftist movements faced: first that its ideas were transmitted by foreign workers (mainly Italians, Greeks, Jews and Armenians in Alexandria), who profited from the British occupation by higher loans

²⁷³ Bein in & Lockman, *Workers on the Nile*, 55.

²⁷⁴ Gorman, “Socialisme en Égypte avant la Première Guerre mondiale,” para. 51.

²⁷⁵ Bein in & Lockman, *Workers on the Nile*, 68-69.

²⁷⁶ Bein in & Lockman, *Workers on the Nile*, 63.

²⁷⁷ Sherif Younis, “Marxisme et patriotisme dans les régimes militaires de libération nationale : les « Officiers Libres » et les communistes égyptiens,” *Cahiers d’histoire. Revue d’histoire critique* 105-106 (2008): para. 6, accessed 25 July 2012, <http://chrhc.revues.org/543>.

²⁷⁸ Bein in & Lockman, *Workers on the Nile*, 103-104.

²⁷⁹ Bein in & Lockman, *Workers on the Nile*, 139-141.

and other privileges²⁸⁰, and who therefor were not really credible as “Egyptian” movements – especially since they sought to downplay the importance of the nationalist struggle and criticized the bourgeois character of the nationalist leadership represented by the *Wafd*, the dominant political power between 1919 and 1952.²⁸¹ The second problem was the principal incompatibility of the classic leftist approach towards religion with the traditional religiousness of the mainly rural working class.²⁸² Even one of the most influential figures of the Egyptian socialist movement in the 1930s, Isam al-Din Hifni Nasif, attempting to demonstrate the compatibility of Islam and socialism in his 1933 published book *al-Mabadi ishtirakia* (Principles of Socialism)²⁸³, could not do away with this contradiction. And one of Nasser’s Free Officers, Yusuf Mansur Siddiq, after having quit his membership in Curiel’s HADITU in 1950, argued that all commandments and ideals of socialism are consistent to Islam: social justice, peace amongst the peoples, equality and solidarity of all human beings, and abolition of exploitation²⁸⁴, concluding with the question quoted at the beginning of this chapter, “Why socialism, when we have Islam?”

Since the all-dominant subject throughout the country – independence – was almost entirely in the hands of the *Wafd*, the leftist could not achieve a major role in Egypt’s politics. The *Wafd* only cooperated with leftists when it was advantageous for them otherwise considered it as a political concurrent and, facing increasing labor activism and strikes, actually as a threat to social order.²⁸⁵ Eventually, after a short heyday between 1921 and 1924, the government of Ahmad Ziwari banned the Communist Party on 5 June 1925 and arrested its leaders²⁸⁶, and the whole movement was limited to only a few scattered and isolated groups.²⁸⁷ One of the few groups worth

²⁸⁰ Katérina Trimi-Kirou, “Être internationaliste dans une société coloniale : le cas des grecs de gauche en Égypte (1914-1960),” *Cahiers d’histoire. Revue d’histoire critique* 105-106 (2008): para. 76, accessed 24 July 2012, <http://chrhc.revues.org/513>.

²⁸¹ Zachary Lockman, “La gauche et le mouvement ouvrier au début des années 1920,” *Cahiers d’histoire. Revue d’histoire critique* 105-106 (2008): para. 21, accessed 24 July 2012, <http://chrhc.revues.org/539>.

²⁸² Beinín & Lockman, *Workers on the Nile*, 25.

²⁸³ Anouar Moghith, “Un travaillisme égyptien autour de ‘Esâm Hefnî Nâsef, ou la production d’un marxisme indépendant et modéré dans l’entre-deux-guerres,” *Cahiers d’histoire. Revue d’histoire critique* 105-106 (2008): para. 38-39, accessed 24 July 2012, <http://chrhc.revues.org/518>.

²⁸⁴ Aclimandos, “Officiers libres et officiers,” para. 30.

²⁸⁵ Lockman, “La gauche et le mouvement ouvrier,” para. 30.

²⁸⁶ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 77.

²⁸⁷ Lockman, “La gauche et le mouvement ouvrier,” para. 62.

mentioning during the 1930s was the then founded *Ligue Pacifiste*, initiated by the *Égyptiotes*, the Greeks in Egypt, with branches in Cairo and Alexandria, and uniting leftists of all ethnics – Jews, Italians, Greeks and Egyptians.²⁸⁸

However, the whole leftist was weak, compared to its European equivalents, not only since it was led mainly by foreigners, but also due to: first, the disastrous social status of the Egyptian workers, who concentrated their struggle rather on better living conditions than on the liberation of the working class; and second to most worker's illiteracy, which hampered them to access, for instance, communist ideology.²⁸⁹ Besides, the aftermaths of the traditional guilds in the 19th century prevented the development of class-consciousness. And political parties supported unions only when they hoped to gain thereby more votes in elections.²⁹⁰

In the late 1930s, workers in the textile industry formed the core of the Egyptian worker's movement. The spinners and weavers of the textile industries at Shubra al-Khayma (a suburb of Cairo) had a weekly newspaper (*Shubra*) and, with the *Shubra al-Khayma Mechanized Textile Worker's Union* (SKMTWU), "one of the most militant, best organized, and politically independent trade unions in Egypt by the early days of World War II."²⁹¹ But many strikes had to be aborted, since the unions were not provided with enough money for strike-pays, and Egyptian workers still lacked a leftist political consciousness at that time: e.g., in 1939, textile workers had founded a union, which, after a strike, had achieved the fulfillment of their demands. But when the government sent the police to arrest the union officials, the workers did not react in any way, and the union therefore dissolved. Only then the workers realized that there was nobody to fight for their rights, and they re-established it.²⁹²

With the approach of World War II, the British authorities changed their policy towards labor movements. Instead of repression, cooption was their new strategy, and thus, "British colonial policy makers began to encourage the enactment of labor legislation, including the legalization of trade unions."²⁹³ In August 1939, the Ministry

²⁸⁸ Trimi-Kirou, "Être internationaliste dans une société coloniale," para. 40.

²⁸⁹ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 77.

²⁹⁰ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 81.

²⁹¹ Beinin & Lockman, *Workers on the Nile*, 280-283.

²⁹² Mohamed Osman, *Zur Entwicklung der ägyptischen Textilindustrie zwischen 1939 und 1952*. Europäische Hochschulschriften: Reihe 3, Geschichte und ihre Hilfswissenschaften; Bd. 464 (Frankfurt a. M.: Verlag Peter Lang GmbH, 1991), 52.

²⁹³ Beinin & Lockman, *Workers on the Nile*, 287.

of Social Affairs, with an attached special Department of Co-operatives, was established for the first time.²⁹⁴ Eventually, also the *Wafd* sought to win the support of workers, and in September 1942, enactment law 85 granted “explicit legal recognition to trade unions for the first time in Egypt”²⁹⁵, although there were some restrictions: they were not allowed to be politically active; public servants, rural and hospital workers were not permitted to unions, and the unions themselves were strictly controlled by the government.²⁹⁶

In the 1940s, when the working class was already a core area in the political struggle between the *Wafd*, the minority parties and the Palace, new communist organizations emerged, commonly known as the “second communist movement.”²⁹⁷ When growing fascism in Europe was mirrored in political radicalization and increasing anti-Semitism in Egypt, the Jewish Youth actually had only two alternatives for political activity: Marxism or Zionism.²⁹⁸ Therefor this second communist movement was borne by foreigners, mainly Jews, the most famous one being Henri Curiel (1914-1978)²⁹⁹. Besides Curiel, two other Egyptian Jews, Hillel Schwartz and Marcel Israel, were the most prominent leaders of the Democratic Federation (*al-Ittihad al-Dimuqrati*), an association of intellectuals founded in 1938/39. Though, on the one hand, the second communist movement sought to establish a society based on the (modern bourgeois) values of individualism and a democratic political system³⁰⁰, on the other hand it considered the Egyptian bourgeoisie traitors, due to its alliance with colonialism and feudalism, and therefore also despised parliament and democratic systems in general.³⁰¹

Between 1940 and 1942, the Democratic Federation split into three rival communist organizations: People’s Liberation (*Tahrir al-Sha’b*) led by Israel, ISKRA led by Schwartz, and the Egyptian Movement for National Liberation (EMNL – *al-Haraka al-Misriyya li’l-Tahrir al-Watani*, abbreviated HAMITU) led by Curiel. While the first two

²⁹⁴ Vatikiotis, *History of Egypt*, 334-335.

²⁹⁵ Beinín & Lockman, *Workers on the Nile*, 291.

²⁹⁶ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 82.

²⁹⁷ Younis, “Marxisme et patriotism,” para. 7.

²⁹⁸ Joël Beinín, “Le marxisme égyptien (1936-52) : nationalisme, anti-impérialisme et réforme sociale,” *Cahiers d’histoire. Revue d’histoire critique* 105-106 (2008): para. 13, accessed 24 July 2012, <http://chrhc.revues.org/532>.

²⁹⁹ Younis, “Marxisme et patriotism,” para. 8.

³⁰⁰ Younis, “Marxisme et patriotism,” para. 20.

³⁰¹ Younis, “Marxisme et patriotism,” para. 22.

consisted almost exclusively of intellectuals, only the EMNL / HAMITU was successful in recruiting significant numbers of workers. Despite the ban of leftist and labor movements by a law promulgated on 11 July 1946 by Prime Minister Ismail Sidqi³⁰², frequent cooperation between ISKRA and HAMITU in 1947 eventually led to their fusion into the Democratic Movement for National Liberation (DMNL – *al-Haraka al-Dimuqratiyya li'l-Tahrir al-Watani*, abbreviated HADITU). However, the communist movement was suffering factual contention, mainly between the HAMITU (and later HADITU) and the New Dawn group (eventually in 1958 these struggles were briefly abandoned with the establishment of the united Communist Party of Egypt).³⁰³

But after the proclamation of the Jewish state of Israel in 1948 and the subsequent first Arab-Israeli War, the major problem for the second communist movement turned out to be its Jewish leadership and its support for the United Nations Partition Plan for Palestine, which made it easy both for nationalists and Islamic conservatives to denunciate the HADITU as Zionists.³⁰⁴ Henri Curiel himself was arrested and expelled from Egypt on 26 August 1950. One and a half year later, the founding congress for a General Federation of Egyptian Trade Unions was planned for 27 January 1952, but it was aborted due to the Cairo fire on the day before. In the aftermath of the fire, martial law was promulgated, and all Marxist organizations and publications were shut down.³⁰⁵

In the course of the third Marxist movement, Fu'ad Morsi and Ismail Sabri Abdallah, two economists who had studied in Paris, had founded a new Communist Party of Egypt (CPE) on 1 January 1950, which existed until 1957.³⁰⁶ But since it denounced the Nasserist regime after the coup d'état of 23 July 1952 as a pro-American fascist dictatorship, it had to remain underground until Nasser concluded an arms purchase agreement with Czechoslovakia in September 1955. This weapon purchase as well as Nasser's "patriotism", his neutral positioning at the Bandung conference in the same year, the nationalization of the Suez Canal in 1956 and his nationalization policy in general, as well as his turning away from the West, then encouraged many

³⁰² Beinin, "Le marxisme égyptien," para. 20.

³⁰³ Beinin & Lockman, *Workers on the Nile*, 325-327.

³⁰⁴ Beinin, "Le marxisme égyptien," para. 34.

³⁰⁵ Beinin, "Le marxisme égyptien," para. 38.

³⁰⁶ Beinin, "Le marxisme égyptien," para. 40.

leftists to support the regime.³⁰⁷ Nevertheless, thousands of communists were arrested in 1959³⁰⁸, amongst them the feminist activist Soraya Adham, who declared during the police questioning, “le peuple choisisse lui-même son système de gouvernement, que celui-ci élargisse les libertés politiques du peuple afin qu’il s’organise lui-même. [...] De même, elle considère obligatoire l’élection d’une assemblée constituante pour élaborer la constitution de la République arabe unie que le peuple accepte et qui gouverne sur cette base. [...] De même, elle considère que la nature du développement dans notre pays et de nos intérêts est que prédomine un système socialiste qui combatte l’exploitation et qui agisse pour l’extension (nachr) de la démocratie. [...] De même, elle approuve tout ce que le peuple choisit concernant la nature du régime qu’il souhaite voir gouverner.”³⁰⁹

Although the CPE advocated only secret union trade work and therefore had no influence at all in the trade union movement,³¹⁰ leftist intellectuals had an ambivalent attitude towards Nasser’s Free Officers and vice versa, as will be shown also in the next chapter. Their friendly stance against the “patriotic” government did not change, when the regime tightened its control over the workers movement by coopting unions in 1957.³¹¹ This chatting-up eventually culminated in the self-dissolution of the two biggest communist organizations in 1965.³¹² Many of their members had been confident, that Nasser would welcome them as political advisors in his “Arab Socialist Union” (ASU), founded three years earlier. But “[t]hose who believed that the dissolution of the party would result in their direct participation in the intellectual leadership of the socialist transformation of Egypt soon discovered that they were isolated, quarantined, and contained.”³¹³ However, by supporting the regime,

³⁰⁷ Younis, “Marxisme et patriotism,” para. 33.

³⁰⁸ Younis, “Marxisme et patriotism,” para. 43.

³⁰⁹ Didier Monciaud, “Une trajectoire féminine dans la gauche égyptienne : dimensions et enjeux des engagements de Soraya Adham (1926—2008),” *Cahiers d’histoire. Revue d’histoire critique* 105-106 (2008): para. 35, accessed 25 July 2012, <http://chrhc.revues.org/550>.

³¹⁰ Beinín & Lockman, *Workers on the Nile*, 420n.

³¹¹ Younis, “Marxisme et patriotism,” para.34.

³¹² Younis, “Marxisme et patriotism,” para. 1.

³¹³ Tareq Y. Ismael and Rifa’at El-Sa’id, *The Communist Movement in Egypt: 1920-1988* (Syracuse, N.Y.: Syracuse University Press, 1990), 127.

Marxists had already before lost their ability and legitimization to articulate an independent voice in Egyptian political life.³¹⁴

Looking at the legacy of the leftist in general, and of Marxist movements in particular, one might say with Beinín, “On peut dire que malgré ses nombreuses faiblesses, le mouvement marxiste fut pionnier dans sa façon de lier les questions nationales et sociales en Égypte. Il a permis à de nombreux travailleurs de développer une conscience politique, et c’est un héritage politique qui reste vivant jusqu’à aujourd’hui.”³¹⁵

³¹⁴ Beinín, “Le marxisme égyptien,” para. 45.

³¹⁵ Beinín, “Le marxisme égyptien,” para. 47.

3. Political changes from Nasser to Sadat

3.1 The “Revolution” of 1952 and the Nasser regime

“Mansour Bahi is very intelligent, don’t you think?” I asked. ‘He doesn’t talk much, but goes quietly to work. A true child of the Revolution.’ ‘Why should he or anyone else go along with the Revolution?’ ‘You speak as if there were no peasants, no workers, no youth in the land.’ ‘The Revolution has stolen the property of a few and the liberty of all.’ ‘You speak of liberty in the old sense,’ I said. ‘And when you were top dog you didn’t even show respect for that!’”³¹⁶

The “Revolution” of 23 July 1952 with the coming into power of the Revolutionary Command Council (RCC) under the chairmanship of Nasser, and the subsequent forced resignation of King Farouk (followed by the overthrow of the monarchy itself and the proclamation of a republic on 18 June 1953), were in fact a military coup of the Free Officers and not the result of a mass movement. Vatikiotis comes to the point when he cites two studies of the early 1960s by Egyptian Marxists in exile, according to which the events of that summer “meant nothing more than the replacement of a monarchy (which was assisted in governing by a propertied group of landowners, financiers, and administrators, as well as by a foreign power) with a new state bureaucratic *élite* of soldiers, technocrats, and petty officials.”³¹⁷ For most Egyptians, however, the coup was insofar associated with hope for a better future, as for the first time in more than two thousand years, Egypt was in fact ruled by Egyptians. They believed not only that the officers were nationalists, who would end British meddling in Egyptian politics, but also that they would reform the country.³¹⁸

As a matter of fact, first the Free Officers around Colonel Gamal Abdel Nasser and General Mohamed Naguib (the latter, according to Beinín & Lockman, being never a member of that movement and therefor serving as a focal point for all who opposed military rule³¹⁹) were not sure, in which direction Egypt should go, what kind of government it should have and how to connect the mass of the population with their ideas and therefore broaden the basis of their regime to be established. Younis

³¹⁶ Naguib Mahfouz, *Miramar*, trans. Fatma Moussa Mahmoud (Cairo: The American University in Cairo Press, 1978), 25.

³¹⁷ Panayotis J. Vatikiotis, “Some Political Consequences of the 1952 Revolution in Egypt,” in *Political and Social Change in Modern Egypt*, ed. Peter M. Holt (London: Oxford University Press, 1968), 364.

³¹⁸ Al-Sayyid Marsot, *A History of Egypt*, 127.

³¹⁹ Beinín & Lockman, *Workers on the Nile*, 438.

explicates it as follows: “Bien que le nouveau régime ait reposé sur le principe de l'unité du peuple et qu'il ait considéré le système partisan comme un complot colonialiste, il n'avait ni une conception unique ni une idéologie claire.”³²⁰ This explains the struggle between divergent factions among them and the political maneuvers that took place in the following two years.

Four months before the revolution, in a circular-letter of March 1952, the officers demanded the abolition of capital punishment and censorship, the release of political prisoners and the reestablishment of the constitution.³²¹ One statement by Mohamed Naguib also demonstrates, that the officers had not a real political program: “The primary aim of our movement is to purge the army itself of its corrupt elements and then to see that the government purges itself. We want to put an end to tyranny and corruption, and to strengthen the basis of the Constitution with a view to get the country's interests.”³²² The six-point program, announced by the RCC soon after its takeover, advocated, besides the creation of a strong national army and the assertion of full Egyptian independence and sovereignty, furthermore the abolition of the remnants of feudalism, the purification of political life, the establishment of democracy (!) and the promotion of social justice.³²³

In fact, the Free Officers, like most Egyptians, did not believe in the failure of constitutionalism per se, but rather in the manipulation of the liberal experiment by the British and the king, and the negative effect of backbiting between the political parties. The parties therefore were demanded to purge themselves from corrupt persons – a demand, which, of course, could be easily misused for extinguishing any opposition. One of the reasons for the inexplicit political direction was for sure, that before the coup, the officers had different political homes and were connected with diverging movements. Anwar al-Sadat, for instance, was a sympathizer of the Muslim Brotherhood, and Nasser was in touch both with the communist Democratic Movement for National Liberation and the Muslim Brethren³²⁴, whereas others came from *Misr al-Fatat* (Young Egypt), or from leftist groups. Aclimandos, however,

³²⁰ Younis, “Marxisme et patriotism,” para. 46.

³²¹ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 88.

³²² J. Vigneau, “The Ideology of the Egyptian Revolution,” in Walter Laqueur, *Middle East in Transition* (New York, 1958), 129; as quoted in El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 88.

³²³ Beinín & Lockman, *Workers on the Nile*, 418.

³²⁴ Beinín & Lockman, *Workers on the Nile*, 419.

argues, that there were probably no more than 25 or 30 Marxist officers in the army³²⁵, because most soldiers were deterred by the militant atheism and the communist approach towards the Palestine question (yet, most communist leaders were Jews).³²⁶

Vatikiotis mentions, as the two major consequences of the 1952 coup, the abolition of the monarchy, and the “suspension of political life by the suppression of all organized political groups”, whether they ever have been represented in parliament or not.³²⁷ Already on 23 July 1952, the Free Officers had forced King Farouk to appoint Ali Mahir Pasha prime minister. Mahir, whom the officers trusted, had cleverly avoided the reconvention of the abolished former parliament, and declared the cabinet to be in charge of appointing the regency council for the baby king Fu’ad II, who ought to succeed his father Farouk (ultimately for less than one year).³²⁸ Initially, the leading political figures of the country applauded the officers for their intervention, which should eventually sweep themselves all away: “In traditional political style all the party leaders hastened to congratulate the army for ridding the country of the ‘tyrant’ Faruq and to swear undying loyalty to the ‘revolution’.”³²⁹ But already on 12 and 13 August 1952, a strike at the Misr Company textile factories in Kafr al-Dawar, south of Alexandria, where the workers declared their support for Naguib and the officer’s regime, and demanded representation by a union and the removal of five managers, was crushed down violently by the army, and resulted in the arrests of 545 workers.³³⁰ After a hastily conscribed military tribunal two workers, allegedly communists, were sentenced to death, clearly indicating “the absolute hostility of most of the Free Officers towards independent action by the working class, even when taken in support of the army.”³³¹

On the other hand, on 9 September, a radical agrarian reform was decreed, “limiting land ownership, the source of the wealth and influence of the *ancien régime*”³³² and thus breaking the power of the rural notables. At the same time, the attempt to

³²⁵ Aclimandos, “Officiers libres et officiers communistes,” para. 21.

³²⁶ Aclimandos, “Officiers libres et officiers communistes,” para. 28.

³²⁷ Vatikiotis, “Some Political Consequences of the 1952 Revolution,” 367-368.

³²⁸ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 89.

³²⁹ Vatikiotis, *History of Egypt*, 376.

³³⁰ Beinin & Lockman, *Workers on the Nile*, 423.

³³¹ Beinin & Lockman, *Workers on the Nile*, 431.

³³² Al-Sayyid Marsot, *A History of Egypt*, 129.

establish a new system of local administration should provide support among the rural masses.³³³ It was, however, not only due to such popular measures, that both communist organizations as well as the Muslim Brotherhood continued to back the new regime. Whereas the DMNL (Democratic Movement for National Liberation) and the FCGFETU (Founding Committee for a General Federation of Egyptian Trade Unions) still hoped to alter the balance of forces within the junta, the Muslim Brethren willingly participated in the RCC's anticommunist campaign.³³⁴

Nevertheless, both the *Wafd* under al-Nahas and the Muslim Brotherhood demanded a reconvention of parliament and parliamentary elections.³³⁵ Elections had already been postponed from October 1952 to February 1953, but before they eventually could take place, "the junta declared on 10 December the abolition of the 1923 Constitution."³³⁶ Even ex-prime minister Mahir had declared publicly, "The present Constitution does not meet the need of a free and developed democracy. Parliament must actually represent all sections of the nation, political and economic, workers and technicians. It must be a living mirror of the nation. The major outlines for this project must be submitted to a Constituent Assembly or to a National Congress, so that the people may make its choice."³³⁷

There were, however, also members of the Free Officer's movement, like the Marxists Khalid Mohieddin and Yusuf Mansur Siddiq, who both believed that necessary social reforms and parliamentary democracy could be combined.³³⁸ But though a whole group around Mohamed Naguib truly preferred a return to constitutionalism, it was Naguib, who declared on 17 January 1953 a three-year transition period (until 16 January 1956), during which the RCC would rule, before a parliamentary system could be established again. On the same day, "all political parties were dissolved and banned, and their funds confiscated."³³⁹ The Muslim Brethren, being not a political party and thus not affected by this cabinet decree,

³³³ Fahmy, *The Politics of Egypt*, 184.

³³⁴ Beinin & Lockman, *Workers on the Nile*, 426-427.

³³⁵ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 90.

³³⁶ Vatikiotis, *History of Egypt*, 379.

³³⁷ The New York Times, 17 November 1952, as quoted in El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 98.

³³⁸ Aclimandos, "Officiers libres et officiers communistes," para. 63.

³³⁹ Vatikiotis, *History of Egypt*, 379.

were prohibited after the assassination attempt on Nasser on 26 October 1954, which was allegedly organized by them.

Six days later, on 23 January, a so-called Liberation Rally (*Hayat al-Tahrir*) was launched, which was not conceived as a political party, but as a kind of public assembly, associating the masses with the new regime, and representing the various political movements within all social ranks.³⁴⁰ "Liberation Rally is not a political party ... the creation was prompted by the desire to establish a body that would organize the people's forces and overhaul the social setup. The Liberation Rally is the school where the people will be taught how to elect their representatives properly."³⁴¹

After the RCC had decreed Egypt a republic on 18 June 1953, it appointed Mohamed Naguib first President in addition to being Prime Minister, while Nasser became Deputy Premier and Minister of the Interior.³⁴² In the subsequent, somewhat confusing power struggle between the two, Naguib resigned as president, but returned to office when riots and strikes broke out, demonstrating public support both for his person and his renowned notion for parliamentary rule. But eventually both the DMNL's reluctance to openly denounce the new regime, resulting in disaffection and splits within the organization³⁴³, and the RCC's, respectively Liberation Rally's labor policy, pursuing corporatism and paternalism and thus dividing the membership base of trade unions³⁴⁴, turned to account for Nasser. Concessions made by the junta around Nasser were temporary and served only as time-gaining devices.³⁴⁵ When censorship was abolished on 5 March 1954, former politicians immediately criticized the military regime and demanded a return to parliamentarianism; 40 university professors signed a petition calling the officers back to their barracks. On 25 March, the RCC announced a last resolution, stipulating four remarkable decisions:

- 1) Political parties were admitted again and could reorganize
- 2) The RCC would not form a political party and dissolve on 24 July 1954
- 3) A Constituent Assembly should be elected freely and directly on 24 July 1954

³⁴⁰ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 100.

³⁴¹ Keith Wheelock, *Nasser's New Egypt* (New York, 1960), 23, as quoted in El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 100.

³⁴² Vatikiotis, *History of Egypt*, 380.

³⁴³ Beinín & Lockman, *Workers on the Nile*, 427.

³⁴⁴ Beinín & Lockman, *Workers on the Nile*, 433.

³⁴⁵ Vatikiotis, *History of Egypt*, 382.

- 4) One of the Constituent Assembly's task should be the election of the President of the Republic³⁴⁶

On the next day, massive pro-Naguib rallies took place all over Cairo³⁴⁷, answered at the following two days by a general strike, which was allegedly organized by the Liberation Rally.³⁴⁸ The Cairo bus, taxi and metro (but not the tramway) workers participated in the two-day strike, and their demands, being previously broadcast on the radio, were as follows: no legalization of political parties; the RCC should stay in power until British troops would have been fully evacuated; a National Assembly should be formed; and there should be no elections. Against this strike, the strongest trade union resistance came from Alexandria, where many union leaders issued a statement calling for the abolishment of martial law, the dissolution of the RCC, a guarantee for democratic liberties, the release of all jailed workers and reconstitution of all dissolved unions, the establishment of a general federation of trade unions, and the denouncement of all attempts to split the ranks of the workers. Naguib, however, vacillated and failed to mobilize his supporters.³⁴⁹ The implementation of the RCC's resolution of 25 March was immediately postponed until the end of the "transition period", i.e., till January 1956.³⁵⁰ Before 1956, a National Assembly should be convened, and on 18 April 1954, Nasser was appointed prime minister for the second time.³⁵¹

After having put Naguib under house arrest in November 1954 (he was accused of having had contacts with the Muslim Brethren in the connection with the attempted assassination on Nasser of 26 October³⁵²), Nasser was the uncontested leader of Egypt. Step by step, the country's political and economical power were centralized, and Nasser's personal rule institutionalized. Army officers acquired permanent bureaucratic functions and subsequently diplomatic posts, provincial governorships, and key positions for the planning of economic and social policy, establishing what Vatikiotis calls a *stratitocracy*, a rule of soldiers.³⁵³ It might surprise that many workers and trade union leaders were willing to accept the consequences of the

³⁴⁶ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 104-105.

³⁴⁷ Beinin & Lockman, *Workers on the Nile*, 439-440.

³⁴⁸ Vatikiotis, *History of Egypt*, 382.

³⁴⁹ Beinin & Lockman, *Workers on the Nile*, 441-443.

³⁵⁰ Vatikiotis, *History of Egypt*, 382.

³⁵¹ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 105.

³⁵² Vatikiotis, *History of Egypt*, 384.

³⁵³ Vatikiotis, "Some Political Consequences of the 1952 Revolution," 369-370.

RCC's victory – the domination of the trade union movement by the government, the proscription of the right to strike, and the interdiction for workers to organize independently from government control.³⁵⁴ According to a typical authoritarian pattern, although the coup d'état of 1952 undoubtedly had benefited from the initial support of leftist groups as well as from the Muslim Brethren, the new regime, when it felt safe enough, banned them all, for not having to share the power with them.³⁵⁵

But, what might surprise even more is, that liberal intellectuals, socialists and communists have contributed to formulate and support a modern authoritarian discourse in the midst 1950s.³⁵⁶ Fu'ad Morsi, general secretary of the CPE and leader of the Al-Raya movement, basically said, that freedom is for the majority and not for the minority, and it does not inevitably mean diversity of opinion (*inqisam al-ra'y*), a multi-party system (*ta'addud al-ahzâb*) or the existence of an opposition (*qiyam al-mu'arada*). According to Morsi, democracy means the protection of the majority by the government.³⁵⁷ As the most determined advocate of the Marxist logic of the "historic task", Fu'ad Morsi also wrote, "La démocratie n'est pas un objectif en elle-même, cependant elle est un moyen pour engager le combat du progrès social... car la démocratie se réalise par la capacité de participation de l'ensemble du peuple à la réalisation des tâches historiques [...] La liberté politique pour le peuple... [est] sa liberté dans l'expression de ses buts historiques et son auto-organisation pour les réaliser [et la majorité doit] disposer de ses libertés naturelles dans la constitution, l'appui et la protection de son gouvernement... Donc, cela ne donne pas de sens à l'opposition... ceci est un des critères de la démocratie."³⁵⁸

In the leftist discourse, economic planning was a central element. The already mentioned agrarian reform law of 9 September was not only popular with the masses, but also compatible with the leftist ideology, whereby central planning legitimates governmental intervention in many sectors.³⁵⁹ Moreover, leftist intellectuals like Baha

³⁵⁴ Beinín & Lockman, *Workers on the Nile*, 447.

³⁵⁵ Younis, "Marxisme et patriotisme," para. 27.

³⁵⁶ Roel Meijer, "L'élaboration d'un modernisme autoritaire : les intellectuels de gauche et la réforme de la société égyptienne dans les années 1950," *Cahiers d'histoire. Revue d'histoire critique* 105-106 (2008): para. 1, accessed 25 July 2012, <http://chrhc.revues.org/1234>.

³⁵⁷ Meijer, "L'élaboration d'un modernisme autoritaire," para. 26.

³⁵⁸ "Al-dimoqratiya fi misr", *al-Misâ'*, 13.07.1957, p. 5., as quoted in Younis, "Marxisme et patriotisme," para. 36.

³⁵⁹ Meijer, "L'élaboration d'un modernisme autoritaire," para. 2.

al-Din Ahmad stressed the dangers of democracy for a state dominated economy. In his writings, he advocated for a “controlled democracy” by reminding his audience of the deplorable condition of society during the monarchy.³⁶⁰

Yet, for the Egyptian people, charismatic Nasser maintained the illusion of participation and *shura* by officially basing his personal rule on the, “legitimizing principle of the people’s consent. [...] This bottom-up approach aimed to translate the desires and wants of the people into state policies and national socio-economic strategies.”³⁶¹ Differing from this idealized point of view, Al-Sayyid Marsot critically remarks, “In brief, the new regime, though it did not allow the population a share in government, allowed them the semblance of participation. Claiming to act in the name of the people while directing policies hatched by a small group of bureaucrats, it nonetheless allowed the people to believe they were participating in decision-making.”³⁶² And Vatikiotis gets to the point by stating, “Because Nasser believed he embodied the aspirations of the Egyptians and reflected their will, he saw no need for political representation for them.”³⁶³

The fact, that everybody who declared his discontent with the regime, was pursued by the intelligence apparatus, jailed, tortured, or even killed, certainly casts an even darker cloud on Nasser’s propagated ideal image of the “‘hero’, [that] was manifesting himself through the ‘will of his people’”.³⁶⁴ The arrests of 545 workers after the Kafr al-Dawar strike in August 1952³⁶⁵, of 101 political figures, mainly communists, on 17 January 1953, when political parties were banned³⁶⁶, the imprisonment of some 120 students, when the universities were closed down on 1 March 1954³⁶⁷, and the further arrests and purges of leftists and communists throughout 1955 and 1956³⁶⁸, are only some early examples for the efficiency of the national intelligence service. This secret police was established in August 1952 and reorganized under Nasser into five special departments, responsible for the security

³⁶⁰ Meijer, “L’élaboration d’un modernisme autoritaire,” para. 16.

³⁶¹ Tarek Osman, *Egypt on the Brink: From Nasser to Mubarak* (New Haven and London: Yale University Press, 2010), 47.

³⁶² Al-Sayyid Marsot, *A History of Egypt*, 153.

³⁶³ Vatikiotis, *History of Egypt*, 422.

³⁶⁴ Osman, *Egypt on the Brink*, 48.

³⁶⁵ Beinín & Lockman, *Workers on the Nile*, 423.

³⁶⁶ Beinín & Lockman, *Workers on the Nile*, 433.

³⁶⁷ Vatikiotis, *History of Egypt*, 382.

³⁶⁸ Vatikiotis, *History of Egypt*, 385.

of the president, the government, the army, the later single political party ASU (Arab Socialist Union), and for “general security”³⁶⁹. Though Nasser, who mocked the tripartite alliance of the British, the French, and the Israeli in the Suez Crisis 1956/57, and who's soldiers fought in Yemen and Algeria, was praised by the masses – not so much by the political leaders – in the Middle East, there was a dark side of his regime. Numerous accounts for political trials could be mentioned here, and even Tarek Osman, besides his sometimes understandable admiration for the “leader of the Arab nation”, admits, “There are disturbing accounts of the systematic torturing of Muslim Brotherhood members in the 1950s and 1960s and the collective punishment of Egyptian Communists: all distressing examples of the immense power of the country's interior ministry and intelligence services, which repeatedly trounced any rule of law.”³⁷⁰

The Bar Association, which had played a major role in drafting the 1923 constitution, and which both had called the military after the revolution to return to its barracks and had supported Mohamed Naguib in his struggle against Nasser, was also taken a hard line with: its board was dissolved in April 1954 and replaced by a new one. After the formation of the “Arab Socialist Union” in 1962, each candidate for the board had to be a member of the ASU.³⁷¹ Besides, in 1952 all private or family *Waqfs* (religious endowments), and three years later, both the *Shari'a* Courts and those of the non-Muslim communities were abolished. From then on, all litigation was entrusted to the National Courts, which took over most of the former *qadis*.³⁷²

Censorship of the press was reintroduced, together with the ban of political parties, in 1954, when all party newspapers were dissolved, and the regime founded its own papers like *al-Gumhuriya* (“The Republic”), *al-Missa* (“The Evening”) and *ash-Shaab* (“The People”). In May 1960, the “capitalist press” was expropriated, and the government from then on both appointed all chief editors and dictated the newspaper's content. Already in the monarchy, radio had been monopolized by the state, and it was henceforth used by the Nasser regime, just like the 1960 founded Egyptian television, as a means of government propaganda.³⁷³

³⁶⁹ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 143.

³⁷⁰ Osman, *Egypt on the Brink*, 68.

³⁷¹ Rutherford, *Egypt after Mubarak*, 42.

³⁷² Anderson, *Law Reform in Egypt*, 229.

³⁷³ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 134-135.

The popular slogan, “We are all Nasser”³⁷⁴, idealizing Nasser’s rule, reflects his – in fact failed – ambition to associate the masses with the new regime. This implied, of course, only native Egyptians. The foreigners, who had contributed to the economic boom of the big cities, for instance the “parikiès” called Greeks of Alexandria, felt urged by Nasser’s new laws erasing their former privileges, to leave the country, although many of them had even fought for their homeland in the militia and in the army during the Suez War.³⁷⁵

Another aspect of Nasser’s “personal charismatic rule” was that all the projects and institutions he established were connected with him as a person and had, especially regarding political structures, no roots within the population. Osman states, that, “Nasser could not establish a state”, arguing, that, “he failed to link his project with the major advances of the liberal experiment that had preceded him.”³⁷⁶ And Vatikiotis appositely writes, “The stability Nasser provided in Egypt by his charismatic personal rule stood in sharp contrast to the instability of the institutions he experimented with. During his rule he produced five parliaments with an average life of two years. He promulgated six constitutions. His cabinets had on average a lifespan of thirteen months.”³⁷⁷ We therefore will now have a look at the 1956 constitution, the state institutions and the successive attempts to connect the Egyptian people with the new regime by forming national unity movements.

The constitution drafted by the Constituent Assembly under Naguib in November 1952, which stipulated a return to parliamentarianism, was abolished by Nasser and substituted by a new one promulgated on 17 January 1956.³⁷⁸ “The real innovation introduced by this constitutional charter (it was superseded in March 1958 when Syria and Egypt entered upon a union) was that it replaced a parliamentary form of government by a presidential system.”³⁷⁹ The constitution provided for a National Assembly without legislative competence, which was reserved for the State President, the Prime Minister and the Cabinet. The Assembly was restricted to supervising the practice of the executive (art. 66). The presidential power was overwhelming. The president could not only convene (art. 72) and dissolve (art. 111) the Assembly and

³⁷⁴ Al-Sayyid Marsot, *A History of Egypt*, 153.

³⁷⁵ Trimi-Kirou, “Être internationaliste dans une société coloniale,” para. 79-80.

³⁷⁶ Osman, *Egypt on the Brink*, 69.

³⁷⁷ Vatikiotis, *History of Egypt*, 422.

³⁷⁸ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 111.

³⁷⁹ Vatikiotis, *History of Egypt*, 384.

both appoint and dismiss the ministers (art. 146), but he also could combine the office of Prime Minister and President in one hand (art. 64 and 131). He was authorized to conclude economical and political contracts without consulting the Assembly or the Cabinet. Additionally, he was, of course, supreme commander of the army. He was elected for six years by an absolute majority of the delegates, which mandate had to be confirmed by an absolute majority through a plebiscite (art. 121 and 122). A possible re-election of the President was not mentioned in the constitution, and it was not possible to introduce a no-confidence vote against him as prime minister (yet, a prime minister who was not simultaneously state president could very well get a no-confidence vote).³⁸⁰ On the provincial level, the constitution was contradictory: "Whereas it emphasized local administration, it strengthened the grip of the central government on the local units to such an extent that it made little provision for local autonomy or even initiative."³⁸¹

The Liberation Rally was replaced by the "National Union", also a single party. Its main task was to screen and select nominees for election to the National Assembly, securing that "the slate contained names of government-sponsored candidates only."³⁸² Ironically, the principle of a single party was not alien for the Egyptian communists. Though many left modernists had advocated the idea of expanding the authority of parliament at the expense of the president's, at the same time they thought that parliament on its part must be strictly controlled and disciplined by a cadre party to balance the power of the president and to defend the revolution.³⁸³ Besides, it should be mentioned, that the constitution of 1956 provided suffrage not only to men but also to all women of full age. According to art. 11, men and women had equal rights in all political, social, cultural and economic fields.³⁸⁴

However, after the 99,8% approval of the constitution and the 99,8% election of Nasser for President of the Republic by plebiscites in June 1956, the elections for the Assembly were postponed, due to the Suez Crisis, to May 1957.³⁸⁵ These elections were symptomatic for all elections to follow until 2010, for they were rigged in various

³⁸⁰ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 111-112.

³⁸¹ Fahmy, *The Politics of Egypt*, 184.

³⁸² Al-Sayyid Marsot, *A History of Egypt*, 144.

³⁸³ Meijer, "L'élaboration d'un modernisme autoritaire," para. 12.

³⁸⁴ Michael A. Lange, *Frauen in Ägypten/Frauen im Islam* (Cairo: Konrad-Adenauer-Stiftung, 2003), accessed 10 August 2012, <http://www.kas.de/wf/de/33.2911/>.

³⁸⁵ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 113-114.

ways: first of all, half of the 2.500 candidates for the 350 seats of the Assembly were disqualified by the government appointed National Executive Committee of the Union.³⁸⁶ The top-level functionaries of the regime ran for office in their constituencies without rival candidates, bringing many candidates to withdraw as a measure of protest or because they realized the forlornness of their candidacy. In five constituencies, the final results of the second ballot were not published and annulled, for Nasser did not accept the winning candidates.³⁸⁷

Due to the union with Syria in the so-called United Arab Republic (U.A.R., February 1958 – September 1961), the Assembly, which had served “only as a dutiful audience for ministerial and presidential speeches”³⁸⁸, was dissolved already in March 1958. The union brought, besides the abolishment of the 1956 constitution in Egypt and the replacement of political parties in Syria by the National Union as well, no changes on the highest political level. The Egyptian presidential system was extended to Syria (and Nasser elected president of the U.A.R. by both parliaments and a subsequent plebiscite on 21 February 1958), and the new National Assembly for the union had not more competences than the former Egyptian one. Merely, on the local level, law no. 124 of 1960 divided the U.A.R. into administrative units (governorates, towns and villages), each of which “had an elected council empowered with broad authority and administrative responsibilities.”³⁸⁹ Besides, all major decisions were made in Cairo, which finally led to a coup d'état in Syria and the dissolution of the union on 28 September 1961.³⁹⁰

The break-up of the union effectuated in a reorganization of Nasser's regime. After the formation of a new government, a Preparatory Committee of the National Congress of Popular Forces was established, “to prepare the ground for a National Congress which would lay down a Charter for National Action.”³⁹¹ But though the National Congress was to derive half of its members among the peasantry and the workers, and should act as a legislature, it was “extremely limited in its effectiveness and more a rubber stamp for the government.”³⁹² The National Charter embodied the

³⁸⁶ Vatikiotis, *History of Egypt*, 399.

³⁸⁷ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 117-118.

³⁸⁸ Vatikiotis, *History of Egypt*, 399.

³⁸⁹ Fahmy, *The Politics of Egypt*, 186.

³⁹⁰ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 119-122.

³⁹¹ Vatikiotis, *History of Egypt*, 399-400.

³⁹² Al-Sayyid Marsot, *A History of Egypt*, 145.

principles of Islam, Arab nationalism and socialism (the latter understood by Nasser mainly as nationalization of banks, the press, and of commercial and industrial enterprises³⁹³), and “intended to create a new *Arab* society in Egypt.”³⁹⁴ Promulgated in a speech by Nasser on 21 May 1962, the Charter was to set up the basic principles for the political, economical and social development of the country.

Without officially moving towards communism, though there was an open political rapprochement towards the Soviet Union since the World Bank and the USA had recalled their financial support for the Aswan High Dam project (July 1956), the Charter was also based on the idea of exploiting Marxist principles as long as they were useful for the regime.³⁹⁵ Incidentally, communists like Ahmed Ali Naguib vice versa argued, that the working class was sufficiently represented in the regime by the Charter, defining it as the “alliance of the workers”³⁹⁶. There were a lot of hollow words in the Charter about the freedom of citizens and progress, about the will and the wishes of the people and its close relatedness to the leadership, but in fact, the Charter was much more an anticipatory justification for Nasser, designed to propagate his private, ambitious experiments as being the intention of all Egyptians.³⁹⁷

The second important issue the Charter provided was the creation of a new state political structure, the so-called Arab Socialist Union (ASU), which replaced the National Union, but actually “did not differ drastically in its organization in so far as its pyramidal structure and organization from village and the basic units to those on the district, provincial and national level was concerned.”³⁹⁸ The ASU allegedly transmitted the views and sentiments of the people to the collective leadership under Nasser’s presidency. For this purpose, half of its members were to be drawn from peasants and workers (a doctrine, the parliament retained commitment to up to Mubarak³⁹⁹) – nevertheless, the line of command was not from the bottom up, but top down, therefor assuring the accomplishment of the top level party decisions without any contradiction. Besides, all members were proposed by the next higher body

³⁹³ Vatikiotis, “Some Political Consequences of the 1952 Revolution,” 375.

³⁹⁴ Vatikiotis, *History of Egypt*, 400.

³⁹⁵ Younis, “Marxisme et patriotism,” para. 47.

³⁹⁶ Younis, “Marxisme et patriotism,” para. 70.

³⁹⁷ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 125-127.

³⁹⁸ Vatikiotis, *History of Egypt*, 400.

³⁹⁹ Osman, *Egypt on the Brink*, 71.

inside the ASU, and besides the full members, there were interim members who had to accomplish a six months probation time.⁴⁰⁰

All these institutional changes were finally only “window-dressing with no real attempts at mass mobilization or at setting up a genuine representative apparatus.”⁴⁰¹ In general, the 1960s marked an era of autocracy and centralism in Nasser’s Egypt, “which was most clearly reflected in the wide authority given to the governorate over both the towns and villages, making it a kind of state in miniature.”⁴⁰² The reasons for Nasser’s failure to enable more popular participation in the local administration are pinpointed in the following statement: “The intent was to synchronise the strategy of functional decentralisation of services with territorial prefectural structure and with the strategy of political cooptation of the locals through bureaucracy and the ASU. The three strategies did not mix together and produced contradictions, which bred inertia into the whole system of local administration. Tensions over the boundaries of authorities, resource allocations and specifications of functions ensued.”⁴⁰³

However, the disastrous defeat of the Egyptian army in the 1967 Six Day-War and the subsequent breakdown of the economy strongly weakened Nasser’s prestige and even prompted former close allies to distance themselves from the regime and its policies. For example, Abd al-Hakim Amir, one of Nasser’s oldest friends, resigned in protest as commander-in-chief of the army. Moreover, he called, besides for a halt to socialist policies, “for the freedom of the press, [...] for a more democratic form of government, and for the formation of opposition parties.”⁴⁰⁴ After his arrest and subsequent coerced suicide in August 1967, there were the first riots by students in February 1968 (initially criticizing the lenient sentences passed on the culprits of the Six Day War defeat)⁴⁰⁵, followed by even bloodier ones in November, when both students and workers demanded the abolition of the ASU, a free Assembly and major internal reforms.⁴⁰⁶

⁴⁰⁰ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 132-133.

⁴⁰¹ Al-Sayyid Marsot, *A History of Egypt*, 145.

⁴⁰² Fahmy, *The Politics of Egypt*, 188.

⁴⁰³ Fahmy, *The Politics of Egypt*, 189.

⁴⁰⁴ Al-Sayyid Marsot, *A History of Egypt*, 148.

⁴⁰⁵ Vatikiotis, *History of Egypt*, 407.

⁴⁰⁶ Al-Sayyid Marsot, *A History of Egypt*, 149.

The manifesto “Mandate for Change”, issued on 30 March 1968 in response to the public outcry of dissatisfaction, in which Nasser “proclaimed his intention to cleanse his régime of corrupt ‘centres of power’, liberalize its political arrangements and work assiduously for the reconstruction of a strong and healthy political order using the Arab Socialist Union, and rebuild the country’s defenses”⁴⁰⁷ helped, though it was never implemented, abate the turmoil. It was a means of disguising reality, just like the provisional constitution of 1964, which stipulated equality of all Egyptians (art. 24), freedom of expression and of the press (art. 35 and 36), freedom of assembly (art. 37), the right to constitute unions (art. 41)⁴⁰⁸, ministerial responsibility to the National Assembly (art. 83)⁴⁰⁹, and which assured the independence of jurisdiction (art. 152).⁴¹⁰ These and many other freedoms and stipulations were restricted not only by the repeatedly apodosis “within the limitations of the law”, but proofed to be thwarted by the political and administrative practice.

3.2 Al-Infatih and tentative political reforms in the Sadat era

“The story goes that on the first day Sadat got into the presidential limousine he waited until the car reached a crossroads and then asked the chauffeur, ‘Where did the rais [Arabic for leader, chief or head of the state, here referring to Nasser] turn here?’ ‘He turned left’, was the answer. ‘Signal left and turn right’, said Sadat.”⁴¹¹

This short story stands for the economic and political change President Anwar al-Sadat initiated in May 1971, only eight months after Nasser’s sudden death on 28 September 1970, after his successor had ousted his political rivals.⁴¹² This change also provoked a redistribution of power from the very beginning of Sadat’s presidency. Unlike Nasser, “the typical product of urban Egypt in the 1930s, [...] Sadat was essentially a *rifi*, or village type.”⁴¹³ Moreover, he recognized the provincial elites, including the agrarian bourgeoisie, whom his predecessor had ousted from power, as potential allies to consolidate his own. Therefore he sought to give these notables a share of power by introducing relatively more decentralized localities. Competences

⁴⁰⁷ Vatikiotis, *History of Egypt*, 407.

⁴⁰⁸ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 164-166.

⁴⁰⁹ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 173.

⁴¹⁰ El-Ghannam, *Das Regierungssystem des unabhängigen Ägypten*, 187.

⁴¹¹ Al-Sayyid Marsot, *A History of Egypt*, 156.

⁴¹² Vatikiotis, *History of Egypt*, 411.

⁴¹³ Vatikiotis, *History of Egypt*, 424.

were transferred to them, which was not only demonstrated by the replacement of the 1960 title “Local Administration” with “Local Government” and the abolishment of the Ministry of Local Government in 1971⁴¹⁴, but also in the constitution promulgated in the same year’s September. In the Third Branch of the new constitution, entitled Local Administration, article 162 stipulates as follows: “Local People’s Councils shall be gradually formed, on the level of administrative units by direct election half the members of whom must be farmers and workers. The law shall provide for the gradual transfer of authority to the local People’s Councils. Presidents and Vice-Presidents of the Councils shall be elected from among their members.”⁴¹⁵ However, it turned out, that the new concept of local government replacing former local administration “had not really been fully accepted either by the traditional rural leadership or by the central and local bureaucrats.”⁴¹⁶

The 1971 constitution granted the People’s Assembly supremacy over the single party ASU, thus signaling the return of Egypt to a relatively liberal political life, although Sadat thereby did not announce the country’s departure from the single party system.⁴¹⁷ Vatikiotis comes to the point by stating, “What was being introduced under his controlled change was not so much an element of pluralism in Egyptian political life as one of *diversity*.”⁴¹⁸

Due to Egypt’s dramatic economical situation, already Nasser had been forced to reconsider his favored state socialism and start to move towards a freer form of economy.⁴¹⁹ Sadat accelerated this policy in a combined switch both politically and economically. In July 1972 he expelled all Soviet advisors and other personnel from the country, pursuing an alliance with the rich, conservative Arab states, most prominent among them Saudi Arabia, in order to attract massive foreign capital and to encourage the revival of the private sector of the Egyptian economy.⁴²⁰ After the October War of 1973 (in the West known as Yom Kippur War), which was considered by most Egyptians a strategic victory, Sadat felt strong enough “to break with

⁴¹⁴ Fahmy, *The Politics of Egypt*, 190.

⁴¹⁵ Tamir Moustafa, *The Struggle for Constitutional Power: law, politics, and economic development in Egypt* (Cambridge: Cambridge University Press, 2007), 265.

⁴¹⁶ Fahmy, *The Politics of Egypt*, 191.

⁴¹⁷ Fahmy, *The Politics of Egypt*, 62.

⁴¹⁸ Vatikiotis, *History of Egypt*, 423.

⁴¹⁹ Al-Sayyid Marsot, *A History of Egypt*, 158-159.

⁴²⁰ Vatikiotis, *History of Egypt*, 412.

Nasserism and preach a whole new political strategy to Egyptians.”⁴²¹ Al-Sayyid Marsot even argues, that the president had initiated this war to give him the political backing for his new policy by regaining the Sinai.⁴²²

The new strategy, *al-infitah* (literally “the opening up”, commonly called “open-door policy”), was in fact originally a political rather than an economic project⁴²³ and was promulgated both in the “October Declaration” of 1974 and the subsequent Investment Law No. 43/1974, which actually became its central element. With this strategy, Sadat hoped to attract foreign investment capital – not only of the Gulf States, but also of the West –, to increase the participation of the private sector, create greater competition for the costly public sector, and eventually pay more attention to agricultural development.⁴²⁴ Last not least, the massive reduction of the military budget, which was enabled first by the policy of détente against Israel (i.e. Sadat’s visit to Jerusalem in 1977 and the Camp David accords a year later), and second by US-subsidies adding up to two billion dollars a year, should subsequently disseminate power from the military establishment and the huge and corrupt state bureaucracy, help creating a new middle class and thus “laying the seeds of a democratic, capitalist, Western-oriented Egypt.”⁴²⁵ For a while, censorship was lifted from the mass media, the courts were reformed, selective de-sequestrations of property and assets happened, and the security services were acting less clumsy.⁴²⁶

In 1975, the year following the promulgation of *infitah*, another serious attempt was undertaken to establish local government in Egypt: law no. 52 of 1975 provided for the parallel existence of elected local councils and local executive commissions and, furthermore, dropped the requirement of active ASU-membership for the candidature to local councils. However, both the governor and the head of the local units retained the right to veto decisions taken by the elected local councils and thus limited popular participation in decision-making.⁴²⁷ Sadat did not want real democracy to happen

⁴²¹ Osman, *Egypt on the Brink*, 117.

⁴²² Al-Sayyid Marsot, *A History of Egypt*, 159.

⁴²³ Osman, *Egypt on the Brink*, 117.

⁴²⁴ Vatikiotis, *History of Egypt*, 427.

⁴²⁵ Osman, *Egypt on the Brink*, 118.

⁴²⁶ Vatikiotis, *History of Egypt*, 423.

⁴²⁷ Fahmy, *The Politics of Egypt*, 191-192.

during his office. Significantly, he once told Ahmed Bahaa El-Din, ex-editor-in-chief of *Al-Ahram*, “Nasser and I are the last pharaohs.”⁴²⁸

Yet, *infitah* failed for several reasons. First, the peace settlement with Israel provoked hostile reactions in the Arab world, resulting in the denial of Saudi and Kuwaiti investments and economic help, which Egypt tried to replace by American and West European aid.⁴²⁹ Second, and much more fatal, the only profiteers of *infitah* were the regime and its allies and cronies, assuming enormous wealth by the acquisition of industrial units, land and real-estate property like tourist hotels in southern Sinai and at the Red Sea. Third, the rise of the private sector and the decline of the role and status of the public sector led to substantial income gaps between the two, whereby, tightened by high inflation, the traditional middle class, the state officials, suffered a drastic erosion of its purchasing power. Fourth, the government slowly but steadily reduced the social safety net, hence making the situation of the poor majority of the population even more desperate.⁴³⁰

In the middle of the 1970s, Sadat gradually changed the single party system of Egypt into a multi party system. The already mentioned supremacy of parliament over the ASU, as stipulated in the 1971 constitution, had only been the first step. The introduction of market economy by *infitah* and the attempt to develop the country was also part of the strategy to deprive the ASU of its major role. And though Sadat, in several statements in his so-called October Papers of 1974 and 1975, refused any appeal “to fragment the national unity in an artificial manner through the formation of parties”⁴³¹, the founding of left, right and centered “platforms” within the ASU eventually led to their establishment as political parties in 1976. The Liberal Party (LP) emanated from the right platform, and the National Unionist Progressive Party (NUPP) from the left platform. Two years later, in July 1978, the ASU was transformed into the National Democratic Party (NDP). The program and performance of these parties in the Mubarak era will be shortly described in the next chapter.

⁴²⁸ Osman, *Egypt on the Brink*, 118.

⁴²⁹ Vatikiotis, *History of Egypt*, 432.

⁴³⁰ Osman, *Egypt on the Brink*, 118-122.

⁴³¹ Fahmy, *The Politics of Egypt*, 63.

In the 1976 parliamentary elections, the army was denied to vote⁴³², but since the Muslim Brotherhood and other opposition groups were prohibited, their supporters had to run as so-called “independents” in the ballots. Nevertheless, the result was embarrassing to the regime: though the ASU won 82 per cent of the seats, the total number of independent candidates, including Nasserists, Marxists, Wafdists, and Ikhwan (Muslim Brethren) members, exceeded the total number of party candidates. These independent deputies caused a lot of turmoil in the Assembly and exerted pressure on the government.⁴³³ The style of politics, which the Egyptian writer Louis Awad in 1974 had described as “government by monologue”⁴³⁴, was over – but just for a short period.

In January 1977, when the cabinet, incited by the International Monetary Fund, announced it would remove subsidies from essential food commodities, instant riots broke out in Cairo, moving particularly against expensive cars and nightclubs, the symbols of affluence and foreign presence. The rampages were turned down violently by the army, and the political opposition was suppressed.⁴³⁵ The New *Wafd* Party, whose formation Sadat had approved in February 1978 as a “democratic makeup” to placate his western allies, was forced to disband itself eight months later.⁴³⁶ Though the regime had hoped to counteract the infiltration of the military establishment’s lower ranks by the Muslim Brethren, it was badly surprised by the enthusiasm, which young and old Egyptians alike expressed for the re-established *Wafd* party in January and February 1978.⁴³⁷

As already mentioned, in July 1978, Sadat transformed the ASU into the National Democratic Party (NDP), whose motto was “food for every mouth and a house for every citizen”⁴³⁸, a slogan obviously formulated to sooth the tension on the street. But the new party, led by Sadat, did not differ essentially from its predecessor. Like the ASU, the NDP was structured and organized from the top down, and advancement within the party rather came from above than from the support of constituencies below. And just like the ASU before, the NDP infiltrated universities, professional

⁴³² Vatikiotis, *History of Egypt*, 423.

⁴³³ Fahmy, *The Politics of Egypt*, 193.

⁴³⁴ Vatikiotis, *History of Egypt*, 416.

⁴³⁵ Al-Sayyid Marsot, *A History of Egypt*, 159.

⁴³⁶ Fahmy, *The Politics of Egypt*, 78.

⁴³⁷ Vatikiotis, *History of Egypt*, 414.

⁴³⁸ Osman, *Egypt on the Brink*, 126.

associations and syndicates throughout the country. However, there were two important differences: The NDP, though it had provincial and district committees, lacked any representation at the village level, reflecting the weak ties of the regime with the peasants – and, by the way, with workers. Instead, the NDP concentrated on the protection of the interest of the bourgeoisie, which had benefited from *infitah*, and with whom Sadat eventually came to identify.⁴³⁹ Springborg comes to the point by stating, “Rural political mobilization which occurred fitfully under the auspices of the ASU during the Nasser era, has given way entirely in the NDP to the priorities of control and demobilisation of the peasantry combined with the consolidation of power by the bourgeoisie. Erosion of the single party’s base in the labour movement has also occurred as independent labour activists have deserted the NDP for opposition parties.”⁴⁴⁰

However, the few opposition parties that should soon emerge, suffered censorship, and their presses were frequently vandalized or shut down.⁴⁴¹ In this connection, not only the forced self-disbanding of the New *Wafd* in 1978 must be seen, for the party had enjoyed growing support among the rural elites, but also the promulgation of law no. 43 of 1979. That law, which made the local governors (of course all members of the NDP) actually dictators in their provinces, and curtailed the local councils of their powers, represented another strike against the creation of a more representative system of local government. Furthermore, besides tighter control of the provinces, Sadat sought to secure a complete victory of the NDP in the elections, when “he reduced the number of members of the rural elites on the candidacy list, thus curtailing their representation in the People’s Assembly and increasing that of government officials and syndicate leaders.”⁴⁴²

Bearing the development described above in mind, the establishment of the Supreme Constitutional Court (SCC) in 1979 seems surprising. Why should the authoritarian Egyptian regime encourage the establishment of a SCC (and subsequently Administrative Courts), hence giving every citizen the possibility to challenge the state both by the possibility to overturn administrative decisions as well as by

⁴³⁹ Fahmy, *The Politics of Egypt*, 63-64.

⁴⁴⁰ Robert Springborg, *Mubarak’s Egypt: Fragmentation of the Political Order*, as quoted in Fahmy, *The Politics of Egypt*, 64.

⁴⁴¹ Al-Sayyid Marsot, *A History of Egypt*, 162.

⁴⁴² Fahmy, *The Politics of Egypt*, 192-194.

referring constitutional questions to the SCC? The answer is quite simple: Besides the fact, that its creation had been stipulated already in the 1971 constitution, there were several practical considerations behind Sadat's decision: First, the SCC enabled the government to maintain respectively restore discipline within the state's own bureaucracy; second, it served as a means to assure investors of the institutional protection of their property rights, to reduce corruption, abuse of power and the manipulation of local markets; and third, it performed a legitimizing function by providing legal recourse and some sense of justice for citizens, who were mistreated by local officials.⁴⁴³ The SCC, which is embedded in a law system with an institutional configuration similar to French judiciary, has three major functions: first, to provide issue binding interpretations of existing legislation in cases where divergent views emerge; second, to resolve conflicts of jurisdiction between different juridical bodies; and third, to perform judicial review of legislation.⁴⁴⁴ These authorities should challenge the regime within the following decades with numerous cases in which mainly political parties, but also other organizations and individuals, used the SCC and the Administrative Courts to assert their rights, some of which will be mentioned in the next chapter on the Mubarak era.

On 14 May 1980, President Sadat also took over premiership, and on 22 May, a referendum both allowed him to stay in office as president indefinitely and consecrated *Sharia* as the principal source of state legislation. On 25 September 1980, 140 members of the new Consultative Council (*Maglis al-Shura*) were elected, most of them being members of the NDP.⁴⁴⁵ This *Shura* Assembly had also been already stipulated in the 1971 constitution. Two thirds of its members were to be elected by direct ballot, half of whose must be workers and farmers, and the other third is appointed by the President. According to art. 195 of the constitution, the *Shura* Assembly should be consulted in the following: "Proposals for the amendment of one or more articles of the Constitution; Draft laws complementary to the Constitution; Draft of the general plan for social and economic development, Peace treaties, alliances and all treaties affecting the territorial integrity of the State or those concerning sovereignty rights; Draft laws referred to the Assembly by the President of the Republic; Whatever matters referred to the Assembly by the President of the

⁴⁴³ Moustafa, *The Struggle for Constitutional Power*, 81-82.

⁴⁴⁴ Moustafa, *The Struggle for Constitutional Power*, 79-80.

⁴⁴⁵ Vatikiotis, *History of Egypt*, 421.

Republic relative to the general policy of the State or its policy regarding Arab or foreign affairs. The Assembly should submit to the President of the Republic and the People's Assembly its opinion on such matters."⁴⁴⁶

When he had resumed power, Sadat had freed the Muslim Brethren and generally encouraged the increasing religious current throughout the country. Thereby, he hoped to use it for his own purposes. But, "in doing so he helped create a movement that he neither understood nor controlled."⁴⁴⁷ The Islamists immediately began to denounce corruption and oppose government policy, especially the peace settlement with Israel, and started to dominate student organizations. It was even easier for them to exploit widespread discontent with the government, since all opposition parties were banned. Violent clashes between militant Muslims and Copts happened repeatedly between 1977 and 1981 in Cairo, Alexandria, and parts of Upper Egypt. The regime answered this with the proscription of religious student unions, and finally the dissolution of thirteen religious organizations, including the Muslim Brotherhood, as illegal. In September 1981, when Sadat ordered a mass arrest of 1,500 religious radicals, a small clique among them decided to act and assassinated him on 6 October during the military parade commemorating the October War.⁴⁴⁸

3.3 Mubarak's "Pharaonic Political System"

*"The reason the country's gone downhill is the absence of democracy. If there were a real democratic system, Egypt would be a great power. Egypt's curse is dictatorship and dictatorship inevitably leads to poverty, corruption, and failure in all fields."*⁴⁴⁹

The presidency of Hosni Mubarak (1981-2011) was an era without a "national project", respectively political visions for Egypt, both in foreign and domestic affairs. Its economic initiatives and programs mainly aimed at improving the country's infrastructure, but were never developed to structural reforms, while, during these 30 years, the income gap between a small elite and the mass of the poor increased alarmingly. Whereas the regime lacked in leadership and in finding solutions for the sharpening socio-economic crisis, the Mubarak era was rather associated with

⁴⁴⁶ Moustafa, *The Struggle for Constitutional Power*, 269-270.

⁴⁴⁷ Al-Sayyid Marsot, *A History of Egypt*, 163.

⁴⁴⁸ Vatikiotis, *History of Egypt*, 418-421.

⁴⁴⁹ Alaa al-Aswani, *The Yacoubian Building* (London: Harper Perennial, 2007), 200.

lethargy, stillness and lack of imagination. Instead of political reform, the president and his associates trusted in their security system, represented by various interior ministers, army commanders and the heads of the intelligence services.⁴⁵⁰ Osman specifies the number of Egypt's internal security agencies before the 2011 Revolution with almost two million people.⁴⁵¹

Until his forced resignation on 11 February 2011, Mubarak ruled by presidential decrees, exploiting the state of emergency, which only shortly had been lifted in May 1980, but re-established immediately after the assassination of Sadat on the grounds of fighting Islamist terror (it should be lifted again not before 25 January 2012, the first anniversary of the beginning of mass protests against Mubarak).

The parliamentary system of Egypt in the Mubarak era must be characterized as a sham democracy, for all permitted parties were either founded and financed by the regime and therefore did not oppose it, or they were such small parties without any political influence that they served only as democratic fig leaves. Meanwhile, the only party that embodied political power was the NDP, which was closely connected and totally controlled by the regime. Following Nasser's and Sadat's tradition, also under Mubarak every political decision and development in the country was solely directed from above, namely the ruling clique around the president. Al-Sayyid Marsot points out, that in all presidential elections except in 2005, Mubarak was the sole candidate. He also states that, though since 1984 political parties of all persuasions except religious ones had been allowed, however, "the president still chooses the prime minister, and the entire cabinet is responsible to the president, not to parliament."⁴⁵²

Political scientist Hamdy Abdel Rahman Hassan from the University in Dubai therefore called the Mubarak regime, following the Egyptian geographer and scientist Gamal Himdan (1928-93), the "Pharaonic Political System"⁴⁵³, and Egypt a "presidential state", in which all "authoritative and influential bodies of the state

⁴⁵⁰ Osman, *Egypt on the Brink*, 167-171.

⁴⁵¹ Osman, *Egypt on the Brink*, 194.

⁴⁵² Al-Sayyid Marsot, *A History of Egypt*, 171.

⁴⁵³ Jamal Himdan, *The Character of Egypt* (Cairo: Alam Elkotob, 1987), 6-22, as quoted in Hamdy Abdel Rahman Hassan, "State versus society in Egypt: Consolidating democracy or upgrading autocracy," *African Journal of Political Science and International Relations* 4/9 (Cairo, 2010): 319.

machinery are subordinated to the presidency, formally or informally.”⁴⁵⁴ Goodson and Radwan sing from the same hymn sheet when they state that, “despite a constitution that embraces democratic principles, Egypt’s political institutions are dominated by the enormous powers of the executive which overwhelm the legislature and marginalize the judiciary. Egypt has a highly centralized and paternalistic political culture which endorses the dominant presidency.”⁴⁵⁵

This attitude was also reflected on the local level of administration. Law No. 145 of 1988 not only replaced the term “Local Government”, formerly introduced by Sadat, by “Local Administration”. Moreover, the local popular councils were henceforth completely controlled by the governors, tantamount to the state machinery, for the party list system for elections, abrogated by the Supreme Constitutional Court (SCC) in 1990, was retained at the local level. And since in by far most of the local constituencies NDP candidates won uncontested, thus control of the government party over the local councils was ensured (e.g. in the 1992 local council elections, competition between political parties took place only in 15 percent of constituencies).⁴⁵⁶ But restriction of political participation on the local level was even more tightened in 1994 by the so-called ‘*Ummad Law*, which stipulated, that the ‘*Umda* and Shaykhs, the formal and informal leaders at the village level, henceforth were to be appointed instead of elected, “to maintain more democracy and security”.⁴⁵⁷

Already under Sadat, admission of political parties was extremely difficult. The Committee of Political Parties Affairs, being in charge of licensing, consisted of the Ministers of Justice, of Interior Affairs, and of the People’s Assembly, as well as three ex-Judges chosen by the President, and was chaired by the president of the *Maglis al-Shura*. Several laws promulgated between 1977 and 1993 hampered the registration of political parties, the major ones being mentioned here:

⁴⁵⁴ Hamdy Abdel Rahman Hassan, “State versus society in Egypt: Consolidating democracy or upgrading autocracy,” *African Journal of Political Science and International Relations* Vol. 4/9 (Cairo, December 2010): 327.

⁴⁵⁵ Larry P. Goodson and Soha Radwan, “Democratization in Egypt in the 1990s: stagnant, or merely stalled?” *Arab Studies Quarterly* (winter 1997): 3, accessed 17 February 2012, http://findarticles.com/p/articles/mi_m2501/is_n1_v19/ai_19956653/

⁴⁵⁶ Fahmy, *The Politics of Egypt*, 195-196.

⁴⁵⁷ Al-Ahram daily Newspaper, 20 April 1994, as quoted in Fahmy, *The Politics of Egypt*, 197.

Law No. 40, article 4, item 3 of 1977 banned all political parties, which were predicted on social classes, religion, gender, or on a geographical or ethnical basis. This article aimed particularly to deny the Muslim Brotherhood recognition as a political party.

In the following year, Law No. 33, article 4 banned all persons from political activity, who had corrupted political life before the 1952 revolution – members of the government party NDP were, of course excluded from this stipulation. This article was directed against the New *Wafd* Party, which had, as the successor of the powerful former *Wafd*, frequently criticized President Sadat. However, the SCC abrogated this article as being unconstitutional on 21 June 1986⁴⁵⁸, “allowing hundreds of prerevolutionary politicians and public figures to return to political life.”⁴⁵⁹

Law No. 36, article 4, item 6 of 1979 banned all political parties who opposed the Egyptian-Israeli Peace Accords of Camp David concluded in the same year. On the basis of this article, party leaders also could be sued for criticizing President Sadat, his policy, or any member of the executive.⁴⁶⁰ Again the SCC disagreed with this stipulation and in 1988 forced the legalization of the opposition Nasserist Party, which had been denied a license by the Political Parties Committee on that grounds.⁴⁶¹

In 1983, Electoral Law 114 raised the number of delegates to the People’s Assembly from 380 to 448, whilst the number of constituencies was reduced from 176 to 48, and in 31 of these, one seat was reserved for women. Moreover, ten additional deputies were to be appointed by the President, raising their total number to 458. Henceforth no independent candidates were admitted to run for the Assembly, and a party had to gain at least 8 per cent of the total national vote to be represented in parliament. Moreover, if a party did not reach a certain percentage in one constituency, its votes were to be added to the majority party. Although the SCC ruled both the prohibition on individuals running as independents and the transfer of surplus votes to the majority party as invalid, the 8 per cent requirement for representation in the People’s Assembly was maintained.

⁴⁵⁸ Fahmy, *The Politics of Egypt*, 67-68.

⁴⁵⁹ Moustafa, *The Struggle for Constitutional Power*, 103.

⁴⁶⁰ Fahmy, *The Politics of Egypt*, 68.

⁴⁶¹ Moustafa, *The Struggle for Constitutional Power*, 104.

From 1986 to 1990, Law No. 1988 ruled, that in each constituency, one independent candidate was permitted to run for parliamentary elections, but this candidate had to gain at least 20 per cent of the votes in the electoral district.

Finally, Law No. 108 of 1992 prohibited both any political activity before a party had acquired official recognition by the Committee for Political Parties Affairs (which was again directed against the Muslim Brethren) and foreign contacts (directed against the Labour Party).⁴⁶² Between 1983 and 2000, the Committee granted only two parties recognition (besides the NDP and its spin-offs, the right wing-liberal LP and the left-national NUPP): the *Al-Umma* Party and the National Conciliation (*Al-Wifak*) Party. All other political groups had to appeal to the courts for receiving recognition as a party, which attached to the judiciary a key role in the establishment of a multi party system.⁴⁶³

Until 2011 there were 12 parties in the People's Assembly, but since the rigged elections of 2010, the NDP held 420 from a total number of 518 seats and thus retained its superior position. Only after the Revolution of 2011 and Mubarak's overthrow there are approximately 40 parties in the Assembly, representing a spectrum from the far left (Marxists) over centrists and liberals to right wing parties.

Throughout the whole Mubarak era, the NDP maintained its overwhelming dominance in the People's Assembly not only by stressing the legislative framework, but also by intimidating opposition candidates, their electors and independent reporters, and foremost by rigging elections. Until 2010, elections in Egypt can neither be described as open and free nor as fair. The low voter participation demonstrated repeatedly that Egyptians did not feel represented neither by the NDP nor by opposition parties. For instance, in 1995, from 30 million people eligible to vote (all Egyptians aged over 18) only 21 million registered for the ballot, which ultimately resulted in a definite voter participation of only 35 per cent of the elective population. The government, of course, asserted a turnout of 50 per cent.⁴⁶⁴

⁴⁶² Fahmy, *The Politics of Egypt*, 69-71.

⁴⁶³ Hamdy Abdel Rahman Hassan, "The State and civil society in Africa: A North African perspective," *African Journal of Political Science and International Relations* 3/2 (Cairo, 2009): 71.

⁴⁶⁴ Fahmy, *The Politics of Egypt*, 85-86.

To gain more votes, secular parties repeatedly allied with the popular but from elections barred Muslim Brotherhood and put Brethren's candidates on their lists, which only embodied their lacking political programs and credibility.⁴⁶⁵ This, in turn provoked a raise in the number of independent candidates, who either had not been nominated by their party or belonged to parties that had decided to boycott elections. However, most "independent" candidates originally came from the NDP, and, significantly, after the ballots they predominantly defected to the ruling party. E.g. after the 1995 elections, 99 of 112 elected "independents" joined the NDP, boosting the latter's percentage of votes from originally 70 to finally 91.8 per cent. The same thing happened in the 2000 ballot, when the NDP bounced up from 170 seats (37,4 per cent) to 388 seats (85,4 per cent).⁴⁶⁶ At the same time, the almost total exclusion of women and Copts on the electoral lists reflected the regime's attempt to utilize the growing religious sentiment in the population. Altogether this provoked that the parliamentary system with political parties is up to now not really anchored in the huge majority of the Egyptian population.

However, if a party had overcome the legislative barriers and, despite rigged elections, gained seats in the People's Assembly, it entered a parliament, which was "in fact a grouping of yes-men"⁴⁶⁷, marginalized regarding its legislative function and reduced to assist the President in promulgating his decrees. The Egyptian Parliament is a bicameral system with the legislative People's Assembly as the Lower House and the Consultative Council (*Maglis al-Shura*) as the Upper House. But whereas the Assembly, according to chapter 4, part two of the 1971 constitution (particularly the articles 86⁴⁶⁸ and 124-131⁴⁶⁹), is de jure empowered with legislative authority and control over the executive branch, this authority was de facto hardly ever executed and parliament was widely perceived as a puppet in the hands of the government respectively the president. This can be illustrated easily by comparing the number of bills presented by the cabinet and by members of parliament. For instance, in 1988/89, cabinet members presented 345 draft bills to the Assembly of which 234 were discussed and all approved. In the same period, MPs presented none. In 1991, the cabinet presented 564 draft bills, of which 451 were discussed and all approved,

⁴⁶⁵ Fahmy, *The Politics of Egypt*, 86.

⁴⁶⁶ Fahmy, *The Politics of Egypt*, 88.

⁴⁶⁷ Al-Sayyid Marsot, *A History of Egypt*, 175.

⁴⁶⁸ Moustafa, *The Struggle for Constitutional Power*, 254.

⁴⁶⁹ Moustafa, *The Struggle for Constitutional Power*, 259-260.

while only seven draft bills were presented by MPs of which only one was approved.⁴⁷⁰

The Egyptian political masquerade reached a bizarre highlight in July 2000, when the SCC considered both the 1990 and the 1995 elections unlawful and thus declaring the country's parliament illegitimate. But though the subsequent elections of 2000 were the first ones to be held under full judicial supervision, the NDP, as usual, gained an overwhelming majority of 87,8 per cent in the People's Assembly.⁴⁷¹ Besides, also parliamentary means of control like questions and formal requests were mostly used by NDP deputies, whilst only the strongest control tool, the interpellation, was frequently used by independent delegates and sometimes also by opposition parties (and, naturally, not at all by NDP MPs).⁴⁷²

Considering such a weak performance of the People's Assembly in general and of the opposition in particular it does not surprise, that political parties have not a good reputation in Egypt. The Egyptian writer Alaa Al Aswani (born 1957) put it into the following words: "Most of these parties are paper puppets on strings held by the regime. Some of the party leaders cooperate with the security agencies and some of them are such favorites of the regime (which they claim to oppose) that they are appointed members of the upper house of parliament."⁴⁷³ And Osman notes, that even Mahmoud Abaza, at that time head of the New Wafd Party, "in 2009 described his party's role in Egyptian politics as 'stirring debate' – not as participation in decision making".⁴⁷⁴

Since most political parties play only a marginal role in parliament, had to go to the courts for being licensed for political activity and were shown faint response in the population until the Revolution of 2011, we shall have a look only at the four biggest parties represented in the Assembly since the end of the 1970s, when Sadat officially introduced the multi party system:

The Liberal Party (*Hizb al-Ahrar*, abbr. LP) arose in 1976 from the right wing platform of the former ASU and had supported Sadat's al-infitah as well as his pro-Western

⁴⁷⁰ Fahmy, *The Politics of Egypt*, 48.

⁴⁷¹ Hassan, „State versus society in Egypt,“ 323.

⁴⁷² Fahmy, *The Politics of Egypt*, 90-92.

⁴⁷³ Alaa Al Aswani, *On the State of Egypt: The Issues That Caused the Revolution* (Cairo: The American University in Cairo Press, 2011), 63.

⁴⁷⁴ Osman, *Egypt on the Brink*, 190.

foreign policy, including the Peace Accords of Camp David. Therefore it lost credibility and public support and aligned with a more Islamist doctrine, resulting in an alliance with the Muslim Brethren in 1987.⁴⁷⁵ It was therefore also called the party of capital and of God but, as Raymond Hinnebusch, Professor of International Relations and Middle East Studies at the University of St. Andrews commented, "The ideological combination of religiosity and property is a familiar stamp of conservatism elsewhere, but in Egypt, where the bourgeoisie is traditionally liberal and the religious right illiberal, the attempt to combine them was not apparently viable."⁴⁷⁶ The party's program demanding both Sharia as a main source of legislation and freedom of the press, of expression and thought as well as independence of the judiciary could not work in the long run. In the elections of 1995 and 2000 the LP gained only one seat in the Assembly, in the 2005 ballot no seat at all, and henceforth played only a marginal role.⁴⁷⁷

The Nationalist Unionist Progressive Party (*Hizb al Tagammu' al-Watani al-Taqadomi al-Wahdawi*, abbr. NUPP) emanated, also in 1976, from the left-wing platform of the ASU and considers itself as the defender of the principles of the 1952 Revolution, particularly in its rejection of any religious extremism.⁴⁷⁸ Its composition of Marxists, Arab Nationalists, Nasserites, Social Democrats and Liberal Independents represents a contradictory amalgam as well.⁴⁷⁹ But the *Tagammu*, as it is commonly known, could establish its reputation as being an authentic opposition to the regime since the hunger riots of 1977 and, after all, win six seats both in the 1990 and the 2000 elections.⁴⁸⁰ In the first free elections in December 2011/January 2012 it won five seats within the social-liberal electoral alliance "Egyptian Bloc" and hence gained the second best result of an Egyptian party existing already before the 2011 Revolution.⁴⁸¹

⁴⁷⁵ Fahmy, *The Politics of Egypt*, 72-73.

⁴⁷⁶ Raymond A. Hinnebusch, *Egyptian Politics under Sadat* (Cambridge: Cambridge University Press, 1985), 165, as quoted in Fahmy, *The Politics of Egypt*, 72.

⁴⁷⁷ *Political Parties in Egypt* (Richardson TX: Hephaestus Books, 2011), 11.

⁴⁷⁸ *Political Parties in Egypt* (Richardson TX: Hephaestus Books, 2011), 24-25.

⁴⁷⁹ Hinnebusch, *Egyptian Politics under Sadat*, 187, as quoted in Fahmy, *The Politics of Egypt*, 73.

⁴⁸⁰ Fahmy, *The Politics of Egypt*, 73-74.

⁴⁸¹ Sarah Mourad, "Left-wing Tagammu Party to nominate reformist Judge Bastawisi for president," *ahramonline*, 28 March 2012, accessed 16 September 2012, <http://english.ahram.org.eg/News/37825.aspx>.

However, in the Mubarak era the real challenge to the *Tagammu* was the other leftist party, the Socialist Labour Party (*Hizb al-a'mal*, abbr. SLP). By creating this party in 1978, Sadat wanted to replace the NUPP as a loyal opposition, but the SLP thwarted this plan. The party repeatedly attacked his economic liberalization policy and exposed cases of corruption and abuse of power by leading NDP personalities. Under Mubarak, the SLP undertook a shift in direction, away from a secular towards a religious party, its leadership contracting a triple-alliance with the Muslim Brotherhood and the LP for the 1987 elections. But the Islamist party leader, Ibrahim Shoukry, an ex-member of Young Egypt, determined the new religious line without consulting or even informing other party members. Though the SLP won 56 seats in the 1987 elections (whereof 35 went to the Muslim Brethren), the internal contradictions in the party provoked a split into two factions two years later, a religious one under Shoukry, and a secular one. Accusations of a breach of the constitution in 1992 made it impossible for the SLP to run for the 2000 elections.⁴⁸² For the 2011/12 elections after the Revolution, the SLP was renamed as Egyptian Arabic Socialist Party and joined the Democratic Alliance for Egypt, formed by the Muslim Brotherhood and led by the Brethren's Freedom and Justice Party. It gained one seat in the People's Assembly and has recently changed its name again to Egyptian Islamic Labour Party.⁴⁸³

The re-formation of the *Wafd* as New *Wafd* Party in 1978 was already mentioned in the previous chapter. The NDP soon assigned some writers and intellectuals to attack its then leader, Fu'ad Siraj al-Din, former secretary-general of the old *Wafd*, as the "former feudatory" and the "mummy that escaped the museum".⁴⁸⁴ But the New *Wafd* made its mark by fighting Sadat's "Pyramids Plateau Project", wherein a Western tourism developer should get land at nominal prices around the Pyramids of Giza. Eventually, and after widespread public outrage, the project was stopped, but the New *Wafd* was forced to dissolve itself. Under Mubarak, the regime attempted to hamper the re-establishment of the party by arguing, that, due to its dissolution in 1978, the party license was invalid. But in 1983, an administrative court did not agree

⁴⁸² Fahmy, *The Politics of Egypt*, 74-77.

⁴⁸³ Blogspot "Magdy Qorqor," accessed 16 September 2012, <http://magdy-qorqor.blogspot.co.at/>.

⁴⁸⁴ Mona Makram Ebeid, "dawr hizb al-wafd al-jadid fi itar al-muaarada al-siyasiyya" (The Role of the New Wafd Party as a Political Opposition). In Ali Al-Din Hilal (ed.) *Al Nizam al-Siyasi al-Misri: Al Tagyyir Wa al-Istimrar*, 477, as quoted in Fahmy, *The Politics of Egypt*, 77.

with this view and enabled the re-emergence of the New *Wafd* in the same year.⁴⁸⁵ In order to overcome the 8 per cent barrier in the 1984 parliamentary elections, it formed an alliance with the Muslim Brethren and modified its secular stance, henceforth demanding the implementation of *Sharia* law. This was a historical precedent intimidating both secular and Coptic followers, since the *Wafd* was traditionally the only political force in Egypt, in whose leadership Muslims and Copts were represented equally to their proportion in the population. Therefore, the alliance with the Brethren was suspended immediately after the 1984 elections, but due to factionary rivalries the New *Wafd* won in the 1987 elections only 35, in 1995 six and in 2000 only seven seats. Until today the party stands for a liberal-right to conservative-national-liberal policy.⁴⁸⁶ In the first free elections of 2011/12 it had a remarkable comeback, could re-establish its traditionally good reputation and gain 38 seats in the People's Assembly.⁴⁸⁷

Aside of rigged elections and the weak performance of opposition parties in the People's Assembly, there are other reasons for the missing backing of political parties among most Egyptians. First, party leaders do not differ at all from the President or the NDP in their undemocratic and authoritarian leadership. They continuously appear to be extremely repressive and intolerant against both internal as well as external opposition. This lack of confidence to political competitors thwarted common strategies against the government or the NDP. Second, there are no internal regulations limiting the party leader's period of office, which resulted in extremely long leaderships, sometimes even until death. Then, the factional rivalries, often stirred by the NDP, played a significant role. The alliances of the New *Wafd* (1984), the LP and the SLP (1987) with the Muslim Brethren were contradictive to their originally secular programs, and the split e.g. of the SLP into a religious and a secular faction eventually resulted in a lack of credibility. The government played this game perfectly, according to the Latin motto "divide et impera". For instance, it licensed the Nasserite Party to weaken the Marxist-Nasserite alliance, which was the core of the NUPP. The formation of the LP was intended to weaken the New *Wafd*, and the registration of the social-democratic and moderate religious *Umma* Party in

⁴⁸⁵ Rutherford, *Egypt after Mubarak*, 71.

⁴⁸⁶ Fahmy, *The Politics of Egypt*, 79-80.

⁴⁸⁷ *Fischer Weltalmanach 2013* (Frankfurt/Main: Fischer Taschenbuch Verlag, 2012), 28.

1984 should diminish the influence of the Muslim Brotherhood.⁴⁸⁸ Moreover, several opposition parties depended on government subsidies or on government newspapers, which undermined their credibility and called their independence from the government into question.⁴⁸⁹

Altogether, this did not only result in a lack of backing in the population but also made it extremely difficult for political parties to produce the needed political cadres. Tribalism and patronage played traditionally a major role in the selection of candidates, and all parties intensified these traditional instincts both by courting influential Sheiks and other well-known personalities as well as by promising money, privileges and other benefits previously to elections. Hence, political parties were more “parties of persons”, not elected for their ideology or program, but for their promises preceding ballots.⁴⁹⁰ Thereby, a differentiated party system could not emerge.

3.4 Forerunners to the Revolution and the tricky issue of Islam and democracy

“Subjective, conflicting interpretations of divine law which assert their veracity above all others have torn the country apart. We are all the be held responsible for these rifts, for these schisms.”⁴⁹¹

Due to the legislative restrictions against opposition parties regarding their admission to political activity, electoral laws that abet the government party, rigged ballots, and the party’s weak performance in the Assembly, the population lost its interest during the Mubarak era both in elections and political parties. Amr el-Shobky, an expert in Al-Ahram Center for Political and Strategic Studies, states, “With the only exception of the three main opposition parties – the Wafd, Nasserist and Tajammu – Egyptian political parties do not constitute a current in political life and they have no role to

⁴⁸⁸ Fahmy, *The Politics of Egypt*, 95-96.

⁴⁸⁹ Hassan, “The State and civil society in Africa,” 72.

⁴⁹⁰ Fahmy, *The Politics of Egypt*, 97.

⁴⁹¹ From the movie “Destiny” (French: “Le Destin”; Arabic: *al-Massir*; written by Youssef Chahine and Khaled Youssef; directed by Youssef Chahine; EG/FR, 1997)

play in connection with social movements or trade unions. [...] Thus the majority of them have not get involved with the public in any political or social struggle.”⁴⁹²

On the other hand, in the 1980s some of Sadat's controversial laws were quietly shelved by President Mubarak, thousands of prisoners were freed, and the censorship of the press was relaxed. Consequently, civil associations proliferated and, “Professional syndicates were allowed to play an increasingly visible political role (especially in demanding civil liberties).⁴⁹³ For example, the SCC facilitated the rebirth of the Lawyer's Syndicate, which was, particularly with its journal *al-Mahommah*, throughout the 1980s “at the forefront of calls for political and judicial reform.”⁴⁹⁴ Hassan indicates, that in 1988, there were some 27.000 civil society organizations in Egypt⁴⁹⁵, and 20 years later, by the end of 2008, their number rose to 30.000, including labor unions, professional syndicates, business associations and the student movement. Hassan lists 115 trade and industry chambers, 24 professional syndicates, and 22 workers' unions, organized under a common federation, further 24 officially registered political parties, as well as a multitude of sports, youth, and social clubs and cooperatives. However, only a minority of these organizations was active, and religious as well as development associations together represented more than half of all associations.⁴⁹⁶ Furthermore, the Muslim Brotherhood exerted increasing influence particularly on the most important professional syndicates by infiltrating and henceforth dominating their boards, like the physicians, engineers, and even the pharmacist's syndicate with its 60 per cent Christian members.

In 1993, the regime reacted to this development by promulgating the Unified Law, “which gave the government greater power to intervene directly in the internal elections of professional syndicates.”⁴⁹⁷ Fahmy not only mentions these legal limitations on syndicates, which were intended to limit their political participation, but also states that government intervention took place “through dissolution, interference

⁴⁹² Amr el-Shobky, “Legislative elections in Egypt: indicators and consequences,” *Egyptian Commentary* 46 (Dec. 2005): 3, accessed 26 August 2012, <http://acpss.ahram.org.eg/eng/ahram/2004/7/5/EGYP52.htm>.

⁴⁹³ Osman, *Egypt on the Brink*, 166.

⁴⁹⁴ Moustafa, *The Struggle for Constitutional Power*, 113.

⁴⁹⁵ Hassan, “The State and civil society in Africa,” 71.

⁴⁹⁶ Hassan, “State versus society in Egypt,” 325-326.

⁴⁹⁷ Maha Abdel Rahman, “The politics of ‘uncivil’ society in Egypt,” *Review of African Political Economy* 29:91 (Sheffield: ROAPE Publications Ltd., 2002), 29.

in syndicate elections, the use of coercion and the threat of abolition”.⁴⁹⁸ Eventually, after a softer phase in the early 1980s, the Mubarak regime tightened its grip again in the early 1990s, for not only political parties, but also the press and the syndicates were in fact “not supposed to evolve into viable opposition or real agents of change; they were pawns in a game controlled by the regime.”⁴⁹⁹

But it was not only the Mubarak regime, which hampered civil organizations in their efforts to mobilize the public for its own specific interests in society. Civil society organizations themselves were contributing to the harassment of other elements of civil society with whom they disagreed on certain matters. Even secular, “liberal” associations time and again have “shown extreme intolerance to individuals and groups, usually Islamists”.⁵⁰⁰ Besides, though there was a steady increase since the 1980s in the number of Human Rights organizations and social movements, it must be admitted, that many of these organizations “are elitist in nature, and do not reflect the deeper way of thinking of the masses in Egyptian Society. Proof of that, most of these organizations are located in Cairo and Giza.”⁵⁰¹ NGOs, for instance, neither featured internal democracy and transparency, nor did they mobilize the population to demand democratic reforms. Above all, the regime was successful in co-opting NGO leaders and activists and in creating organizations supposedly working in the fields of advocacy and human rights, but actually serving the regime’s interests by appearing democratic to its Western allies. Nadine H. Abdallah from the Al-Ahram Center for Political and Strategic Studies in Cairo therefor concluded in 2008, “One must ask, then, whether these organizations are generally reinforcing the government’s authoritarianism rather than challenging it.”⁵⁰²

However, there were sometimes also positive effects civil society had on significant groups of Egyptian society and in some cases they probably influenced the further course of events up to the 2011 Revolution. One of these movements appeared more than six years before the “Arab Spring”. When it became clear that Hosni Mubarak wanted to run for a fifth six-year term of his presidency and, moreover,

⁴⁹⁸ Fahmy, *The Politics of Egypt*, 139.

⁴⁹⁹ Osman, *Egypt on the Brink*, 171.

⁵⁰⁰ Rahman, “The politics of ‘uncivil’ society in Egypt,” 29.

⁵⁰¹ Hassan, “The State and civil society in Africa,” 73.

⁵⁰² Nadine H. Abdallah, “Civil Society in Egypt: A Catalyst for Democratization?” *The International Journal of Not-for-Profit Law* 10/4 (August 2008): 26-28, accessed 26 August 2012, <http://www.icnl.org/research/journal/vol10iss4/vol10iss4.pdf>.

install his son Gamal as his successor, in the fall of 2004 the *Kefaya* (“Enough”) movement emerged. It united personalities from different areas of social and political life (e.g. oppositional MPs, artists, moderate Muslims) and gained attention by organizing numerous strikes and protest rallies.⁵⁰³ *Kefaya* practiced an exhilarant form of protest by employing creative tactics (like a candlelight freedom vigil in front of Saad Zaghlul’s mausoleum shortly before the 2005 presidential elections) and also “set up and directed a number of activist opposition groupings across key professions, for example ‘Journalists for Change’, ‘Doctors for Change’ and ‘Workers for Change’.”⁵⁰⁴ But the heterogeneity of the movement, which was, aside the innovative use of modern communication technologies like Internet and mobile phones for organizing mass protests, a huge benefit, should finally become its biggest problem. On the one hand, *Kefaya* never got beyond pure activism, on the other, the differing, partly antithetic political visions of its protagonists prevented a consistent appearance of the movement to the public. Therefore, already in 2007, *Kefaya* played only an inferior role in society.⁵⁰⁵

Nevertheless, the last decade of the Mubarak era was characterized by repeated public protests, mainly in the big cities of Lower Egypt, like the strikes and riots of the textile workers in Kafr el-Dawar and in Mahalla al-Kobra.⁵⁰⁶ Besides, many new, leftist and secular liberal political parties and groups emerged since then, preparing the ground for the 2011 revolution. But their influence was limited to the educated, urban population. Dr. Mahmoud Shokry and Muhammad Shalaby, two political activists from the Justice Party (*Hizb ElAdl*), founded shortly after the revolution, reasoned in the following excerpt of an interview, which the author did in August 2011 in Cairo, about their and the Muslim Brethren’s understanding of democracy:

Dr. Shokry: “I think freedom and democracy in a political sense mean the same all over the world”. – Muhammad Shalaby: “But if you ask Muslim Brotherhood, they will answer differently. For they have a different meaning of freedom and democracy, which is restricted.” – Dr. Shokry: “Even the simple people on the country know that we had a faked democracy, and what real democracy is – and that is: choosing freely, who is going to rule you.”⁵⁰⁷

⁵⁰³ Nadia Oweidat et.al., *The Kefaya Movement: a case study of a grassroots reform initiative* (Santa Monica, CA: RAND Corporation, 2008), 10-12.

⁵⁰⁴ Osman, *Egypt on the Brink*, 191.

⁵⁰⁵ Oweidat et.al., *The Kefaya Movement*, 38-39.

⁵⁰⁶ Hassan, „State versus society in Egypt,“ 328.

⁵⁰⁷ Interview with Mahmoud Shokry and Muhammad Shalaby, Cairo, 5 August 2011.

Actually, the Islamist movements, and in particular the Muslim Brotherhood was by far the most influential and successful opposition group against the government, and it was the only one broadly based in society. The formation of this radical organization in 1928 was already mentioned in chapter 2.3, as well as its changeful history characterized by repeated proscriptions throughout the liberal era as well as after the 1952 Revolution. The problematic relationship between the Brethren and the ruling elites made the movement even more attractive to the mass of Egyptians, especially in rural areas, where they took care of the poor and benefited from their highly efficient social services infrastructure. This matrix of social services implied “affordable healthcare in the form of ‘Islamic hospitals’, ‘non-corrupt’ food distribution centres in poor neighbourhoods, practical assistance in finding jobs (especially targeted at newly graduated Muslims), welfare benefits, innovative transport solutions in some of Cairo’s and Alexandria’s most crowded suburbs, accommodation for out-of-town students (in addition to lecture notes and study groups) and humanitarian activities in some of Egypt’s most deprived areas.”⁵⁰⁸

The thousands of Egyptian working emigrants to the Gulf States and particularly to Saudi Arabia since the 1970s, where they became acquainted with *Wahabism*, a local radical conservative interpretation of Islam, the alienation of Egyptians from their regime, which followed a conciliatory policy towards the USA and its ally Israel, and the risky strategy of Nasser, Sadat and Mubarak, to exploit the popularity of various Islamist groups in order to consolidate their own hegemony consistently strengthened the Muslim Brotherhood. The alliances of the Brethren (although not as an official party) with the New *Wafd* (1984) as well as with the LP and the SLP (1987) mentioned in the previous chapter, demonstrate Mubarak’s hope “that the moderate Islamists would succeed in mobilising the masses against the extremist Islamists.”⁵⁰⁹

Actually, during the Mubarak era the Muslim Brethren abandoned their radical image and turned towards a more moderate, pragmatic line, which was manifested in their strategy of a “legal march through institutions”⁵¹⁰ like syndicates or, via independent candidates, to the People’s Assembly. Thus, “By taking over some of the country’s most important, and traditionally secular, groupings, the Brotherhood was gaining

⁵⁰⁸ Osman, *Egypt on the Brink*, 84.

⁵⁰⁹ Rahman, “The politics of ‘uncivil’ society in Egypt,” 28.

⁵¹⁰ Muhammad Sameer Murtaza, *Die ägyptische Muslimbruderschaft: Geschichte und Ideologie* (Berlin: Verlag Rotation, 2011), 214.

significant political power and actually realizing its objective of a cultural Islamization of society.”⁵¹¹ Just as well, in 2004, the Brethren called for a “republican, parliamentary, constitutional and democratic system within the framework of Islamic principles”.⁵¹²

But the more moderate appearance of the Brethren led to several splits in the movement, and many radicals joined the *Salafiyya*, which goes back to the 14th century and propagates an extremely conservative interpretation of Islam, trying to revive law and practices of the Prophet’s time. They want to establish a theocratic state similar to the *Wahabi* regime in Saudi Arabia, by which they are also supported financially. Salafi groups were also responsible for more than 700 terrorist attacks between the late 1970s and the late 1990s against various institutions and officials, but also against Copts and tourists, like the 1997 massacre in Luxor, carried out by *Al-Jamaa Al-Islamiya*.⁵¹³ Meanwhile, the Muslim Brethren could expand their popularity among the pious mass of Egyptians, particularly after disasters like the earthquake of winter 1992, when “fundamentalist groups were in the forefront offering aid and succour to the needy.”

All this resulted in the Muslim Brotherhood’s big successes in the elections of 2005 (88 seats in the Assembly)⁵¹⁴, 2010 (no seat, after the government had rigged the elections)⁵¹⁵ and 2011/12 (213 seats for the Brethren’s “Freedom and Justice Party” plus 22 seats for the other 7 allied parties in the “Democratic Alliance for Egypt”) and also caused the victory of their candidate Mohamed Morsi in the presidential elections of May 2012. Besides, the voter turnout of more than 60 per cent was, significantly, the highest one in the country’s history. Even more than by the Brethren’s success the Western civilization was shocked by the surprisingly good results for the Salafists in the 2011/12 elections. Their Islamist Bloc, led by the party *Al Nour* (“The Light”), which was founded as recently as May 2011, gained nearly 28 per cent of the votes. Thus, the Democratic Alliance, led by the Brethren, and the Islamist Bloc, together won more than two thirds of the seats in the People’s

⁵¹¹ Osman, *Egypt on the Brink*, 85.

⁵¹² Gudrun Krämer, *Demokratie im Islam: Der Kampf für Toleranz und Freiheit in der arabischen Welt* (Munich: Verlag C.H.Beck oHG, 2011), 58.

⁵¹³ Osman, *Egypt on the Brink*, 97.

⁵¹⁴ Murtaza, *Die ägyptische Muslimbruderschaft*, 230.

⁵¹⁵ *Fischer Weltalmanach 2012* (Frankfurt/Main: Fischer Taschenbuch Verlag, 2011), 49.

Assembly⁵¹⁶, arousing fears in the Western countries that Egyptian society might further radicalize in the future.

The issue “Islam and democracy” is in fact a hot potato, bearing in mind, that in the Western discourse, most political scientists associate democracy with Christian traditions. In fact, all old democracies like the USA, Great Britain, Canada, New Zealand, Australia, Switzerland etc., were founded in societies culturally conditioned by Christianity. Non-Christian nations, like the Arab World, are mostly no democracies. According to the organization “Freedom House”, at the beginning of the third millennium, around 90 per cent of all “free” or “democratic” countries are historically conditioned by Christianity, whilst from the 47 Islamic states (with a majoritarian Muslim population), more than 90 per cent are no “free” societies.⁵¹⁷

This paper by far cannot give an exhaustive examination of the subject, but the author nevertheless intends to give some glimpses to and considerations of this topic. The issue is so complex because, different from the hierarchic, monarchic structure of catholic Christianity with its clergy and the pope on top, there is no ultimate human authority in Islam. Subsequently, there is not “the one Islam” neither in Egypt or in the whole Arab World, nor in other Islamic countries like multicultural Indonesia, official laical Turkey, or shiite Iran. Since many centuries, Islam and *Sharia* have been taught and practiced in different ways throughout the Islamic world.

First of all, there is a basic difference between divine law, represented by *Sharia*, and human finding of justice (*fiqh*), represented by the four different traditional schools of law in Sunni Islam (*Madh’hab*), namely Hanafi, Maliki, Shafi’i, and Hanbali (the latter one hardly existing in Egypt). Therefore, *Sharia* provides a general setting of rules and values, like justice, freedom, equality, responsibility, and participation (*shura*), which have to be applied in a both sensitive and flexible way, according to a continuously changing environment. Important in this connection are the concept of common welfare (*maslaha ‘amma*) and the five basic principles (the protection of religion, life, offspring, property, and either reason or honor).⁵¹⁸ Today, and according to the principle of *shura*, the idea of a representative parliamentary system is widely

⁵¹⁶ *Fischer Weltalmanach 2013* (Frankfurt/Main: Fischer Taschenbuch Verlag, 2012), 27-28.

⁵¹⁷ Manfred Bocker and Tine Stein (ed.), *Christentum und Demokratie* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2006), 7-8.

⁵¹⁸ Krämer, *Demokratie im Islam*, 72-75.

accepted (parliamentarianism itself is frequently being claimed by Muslims as having its seeds in Islam), and even the Muslim Brethren proclaim, that in an Islamic State, authority is derived from the people.⁵¹⁹

However, there are western critics who state that, “the Islamist’s perpetual argument that their agenda not only embraces democracy but in fact takes it to a higher level of true popular participation is eyewash [...for] the Muslim Brotherhood and their like make political participation of individuals in society subject to the principles of the sharia – no one, after all, is ‘bigger than Islam.’”⁵²⁰ The crucial point is that, though Koran provides much evidence regarding “right” action and the principles of a “just” order, it does not provide a comprehensive concept regarding the relationship between individual, state and society⁵²¹, which leaves the creation of constitutions and political theories in general up to interpretation. Therefore, it is significantly important, in which way *Sharia* is interpreted and applied, for Islam is conceptually political itself, and in the understanding of conservative Muslims, a state based on *Sharia* is actually a constitutional state.⁵²²

Due to this unclear theological situation, there is much contradiction in statements of Koran scholars and Muslim jurists. This indistinct religious tradition caused many contradictive statements up to the present. Bradley quotes the prominent Muslim Brotherhood deputy Hamdy Hassan, whom he met a few months after the 2005 parliamentary elections, and thereby illustrates, how divergent religious tradition can be utilized by Muslim representatives to conceal their real intentions: “‘In an Islamic country there is complete freedom of expression for all the people,’ Hassan said matter-of-factly. ‘Islamic history emphasizes this point very clearly. In the past, every citizen had the right to speak to the leader of the Muslim community or nation whenever they liked: men and women, citizens and non-citizens, Muslims and non-Muslims. An Islamic state does not differentiate between these people. This is the basis of our religion, and not a question of politics. This would be part of our

⁵¹⁹ Krämer, *Demokratie im Islam*, 57.

⁵²⁰ John R. Bradley, *Inside Egypt: the land of the Pharaohs on the brink of a revolution* (New York: Palgrave Macmillan, 2008), 64.

⁵²¹ Krämer, *Demokratie im Islam*, 47.

⁵²² Krämer, *Demokratie im Islam*, 50.

constitution, because the Qur'an is our constitution. Why do we make people slaves when they are born free?"⁵²³

If we take the sentence about Koran seriously, it should be mentioned, that until nowadays most Muslims have a mental blockade forbidding any critical text analysis of their holy book. But the so-called Cairene Koran, first edited and published on the initiative of King Fu'ad by Al-Azhar scholars in 1923, which is widely accepted and used in- and outside the Islamic world as the best one available, is far-off being a scientifically edited, historical-critical edition (e.g. compared to current editions of the Bible).⁵²⁴ However, the compatibility of Islamic faith with (Western) democratic standards is a question of interpretation, and issues like plurality and freedom of opinion, separation of powers, a multi-party system and the role of unions are controversially discussed and still heavily disputed amongst Islamic scholars. Actually, such issues are very often mingled with religious morality, and the term "virtue" is widely used – or misused – in political and social matters.⁵²⁵

Another reference, how Islam and democracy could be brought together, maybe the detailed political platform the Muslim Brotherhood laid down in October 2007, the first party platform since Hasan al-Banna's paper "Towards the Light" (*nahwa al-nur*) of 1938. In the new party platform, the Brethren admitted their conviction to an Islamic state based on *Shura* and *Sharia* (without explaining how they exactly understood the latter). Therefore, they did not aim at a theocratic but at a civil state on religious foundations, in which the president should be elected and legitimized by the people, and in which the army should be restricted to defending the nation. Besides economical, social and educational aspects the platform also contains their commitment to freedom of faith, of opinion and of assembly, the right to protest peacefully, and the right for political participation. Nevertheless, another stipulation demands a board of Muslim clerics, which should oversee the government and turn down laws supposedly contradicting *Sharia*. The equality of men and women and the political role of Copts are issues, which demonstrate the real attitude of Muslims towards such matters like "equality" and "justice", and there is in fact a stipulation in

⁵²³ Bradley, *Inside Egypt*, 59.

⁵²⁴ Karl-Friedrich Pohlmann, *Die Entstehung des Korans: Neue Erkenntnisse aus Sicht der historisch-kritischen Bibelwissenschaft* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2012), 20-21.

⁵²⁵ Krämer, *Demokratie im Islam*, 120-122.

the program banning women and particularly Christians from presidency.⁵²⁶ Therefor, “The president cannot be a woman because the post’s religious and military duties ‘conflict with her nature, social and other humanitarian roles,’ the document said. Amazingly, the blueprint reportedly discussed women’s issues under its ‘Issues and Problems’ chapter, alongside other ‘problems’ like unemployment and child labor. While underlining ‘equality between men and women in terms of their human dignity,’ it warned against ‘burdening women with duties against their nature or role in the family.’”⁵²⁷

This illustrates that superiority of Islam in all aspects of life might find its way into public, social and political life with the Muslim Brethren’s (and probably much more with the *Al Nour* Party’s) rise to power. Finally, an Islamic state is based on divine law, and therefor deprived of any earthly authority⁵²⁸, which easily can be utilized to disrespect the rights and demands of individuals and minorities in the country like women, Copts and Bedouins, not to speak of artists, atheists, gays and other groups, which were traditionally discriminated in Egypt. In an interview with the author of this paper, Ali Mohamedin, a local Shaykh of El-Ezba village in Luxor/Westbank, answered questions regarding the compatibility of Islam and democracy by referring to general expressions derived from *Sharia* like, “When Islam comes, it will come with justice”, or “Islam came to make people equal”, but on the other hand he justified male polygamy with the following illustrious metaphor: “Man is like a river – many women can drink from him.”⁵²⁹

However, the power, which the Islamist’s gained in the first free parliamentary and presidential elections in 2011/12, soon revealed its problematic aspect: The other side of the coin is, that political success also results in responsibility. The Brethren’s Freedom and Justice Party with their 213 deputies in the People’s Assembly (the Democratic Alliance having in total 235 of 508 seats), and the Salafist’s *Al Nour* Party with 107 seats (the Islamist Bloc having 123 seats in total) have inherited not only power, but also political responsibility. Particularly after President Mohamed Morsi had ousted out of power the Supreme Council of the Armed Forces (SCAF) and its head, Mohamed Hussein Tantawi, in August 2012, the Islamists will be judged by

⁵²⁶ Murtaza, *Die ägyptische Muslimbruderschaft*, 233-234.

⁵²⁷ Bradley, *Inside Egypt*, 65.

⁵²⁸ Krämer, *Demokratie im Islam*, 49.

⁵²⁹ Interview with local Shaykh, Luxor, 9 September 2012.

their efforts in fighting poverty, bad education, corruption, and in enabling more social groups to participate actively in the political life of Egypt.

The bad education system is probably the biggest problem in nowadays Egypt. Though modern means of communication like Facebook and Twitter have supported the organization of opposition groups, these media are limited to young, urban, mostly well-educated social classes. Nora Shalaby, archeologist and Twitter activist, stated in August 2011: "Education should now be priority number one. The education system is horrible. We have 40 per cent illiterate people."⁵³⁰ And Ebtihal Shedid, another political activist and editor of "Transit Blog" argued, that real democracy in Egypt would finally emerge only through better education of the masses.⁵³¹

This chapter was opened with a quotation taken from the English subtitles of the film "Le Destin" (*al-Massir*) by Egyptian director Youssef Chahine, which deals with the banishment of the famous Spanish-Arabic polymath Averroes (Ibn Rushd) living in the 12th century, a time of increasing religious fanaticism and intolerance. It shall be closed with another citation of that movie, a dialogue between Averroes and the Almohad caliph al-Mansur, reflecting the rise of Islamist movements during the Mubarak era:

*Averroes: "People are exploiting religion and you're letting them. They're the only ones we hear in the mosques." – Al-Mansur: "You'd be heard if you were as eloquent as these men of faith." – Averroes: "Merchants of faith, if you ask me. Whether they rant on about Arab victories or about religion, they're only defending their interests. [...] These barbarians are jeopardizing our culture."*⁵³²

⁵³⁰ Interview with Nora Shalaby, Cairo, 10 August 2011.

⁵³¹ Interview with Ebtihal Shedid, Cairo, 6 August 2011.

⁵³² From the movie "Destiny", directed by Youssef Chahine (EG/FR, 1997).

Figures



"Democracy is the will of the majority" (Cairo, Tahrir Square, 1 August 2011)
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“NO TO MILITARY GOVERNMENT

Black circle – don’t vote for: the thief, the illiterate, the rowdy, the one who just makes promises – civil war.

White circle – vote for: the trustworthy one, the lettered one, the honorable one, the one who keeps his promises – Egypt.”

(Graffiti, Luxor, 26 December 2011)

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Conclusion

During the past 200 years of Egyptian history, authoritarian rule was the normal political condition and participation of broader groups of society the exception. Nevertheless, after the reign of Mehmed Ali, who had initiated economical and administrative reforms only to strengthen his authority and to secure succession of his male heirs, participatory elements can be found in the state's institutions both on local and national level. The first native Egyptians, that achieved some kind of representative participation, were the local notables. Already Mehmed Ali chose them to collect taxes and to represent the government on the local level, e.g. in the villages. It was also Mehmed Ali, who first recruited native peasants, the *fellahin*, to the army. Under the reign of Ismail, Egyptians were also allowed to advance in military ranks, which should later on prepare the ground for the first national movements. Meanwhile, European residents in Egypt were guaranteed judiciary privileges by the establishment of Mixed Courts in 1876. Ismail's financial problems forced him to establish Egypt's first Consultative Assembly – not a parliament from a Western point of view, because e.g. the idea of opposition to the Khedivial appointed government was completely alien to the deputies. Nevertheless, the rural notables, being the most prominent members of this *Maglis Shura al-Nuwwab*, were for the first time involved in the national legislative process. In early 1879, Ismail's financial and political troubles with the European powers forced him to offer further constitutional concessions to the Assembly and provided the deputies extended rights regarding financial control. In April of the same year, the Khedive for the first time integrated native Egyptians into ministerial office. The turbulent years of the Urabi revolt resulted in even more power granted to the notables. Threatened by Khedive Tawfiq's anger, Urabi welcomed their support. In turn, the notables gained more influence in the country's administration and policy, and on 14 September 1881, for the first time the idea of the separation of powers appeared in an official Egyptian document. Rising opposition to the increasing European influence, manifested in both British/French ministers in the government, and Dual Control, led Britain to intervene in Egypt. During the crisis after the British attack on Alexandria, the *Maglis al-Urfi*, established as an emergency government in August 1882, was the first

attempt by Egyptian administrative and military bureaucrats to govern the country harmoniously together with the former dominating Turco-Circassian elite.

After the British occupation of 1882, the power game between the Khedive, the British Consul-General and the rural notables, represented in the newly established Legislative Council, the General Assembly and the Provincial Councils, was characterized by the national struggle for independence and British attempts to divide out their Egyptian opponents. Actually, both the Legislative Council and the General Assembly were mere puppet institutions for the British did not consider Egyptians fit for governing themselves. Tactical political maneuvers continued until after World War I, when the British government realized, that the Egyptian nationalist movement, mainly represented by the *Wafd* Party and its charismatic leader Saad Zaghloul, were a factor they could no longer ignore. Consequently, Britain unilaterally declared Egypt independent in 1922 – with some major exceptions regarding military and foreign policy – and the first constitution, drafted by a committee of mainly lawyers, was promulgated a year later. In the meantime, various leftist movements including Anarchists, Marxists and Socialists had gained some influence among urban intellectuals and sought to mobilize Egyptian workers, but due to their strong association with foreigners (mainly Italians, Greeks, Armenians and Jews from Alexandria) and to their secular ideology, they could never attract major groups of the Egyptian working class. Nevertheless, unions were found, and strikes were organized. But the main issue since the 1920s was complete independence from British rule, which made the *Wafd* by far the most influential party throughout the country. However, Zaghloul's authoritarian leadership and aggressive style against his opponents both inside and outside his own party became exemplary and symptomatic for the performance of politicians and made political parties mere cliques around their leaders than programmatic ideological organizations rooted in the population. This was, however, only one reason, why the so-called liberal experiment of the 30 years period between 1922 and 1952 failed. The others were socio-economic difficulties, which could not be solved due to misgovernment and political intrigues. Altogether this led to the Free Officer's military coup of July 1952, which marked the end of a political era characterized first by political radicalization both on the left and right, and second by the struggle between parliament and the King on the one side, the latter still wanting to rule authoritarian and therefor repeatedly allying with the British High Commissioner on the other side.

The “revolution” of 1952 did, however, not extend political participation to broader parts of Egyptian society but, on the contrary, reduce it to a clique around Nasser, after the latter had ousted his rival Mohamed Naguib, who had preferred a return to parliamentary rule. Nasser’s attempts to link the masses with the regime and the aims of the revolution failed. The military regime, the abolition of the constitution and the ban of all unions and political parties, except Nasser’s Liberation Rally (in 1962 merged into the Arab Socialist Union), were only accepted for, until 1967, the charismatic president benefited from his political success in the Suez Crisis and subsequently appeared for the masses throughout the Arab World as the “leader of the Arab Nation”. The disastrous defeat of the Egyptian army in the 1967 War by Israel destroyed that myth. What was left, was an autocratic military regime that had failed to fulfill the people’s hope for a better life because socialist economic reforms had not been successful in developing Egypt’s industry, and power was even more centralized than before the revolution. Though Nasser’s successor Sadat at first sought to base his power more on the rural population and the local notables, local government was finally reduced to local administration. Sadat’s *al-infitah* just increased the income gap between a small elite and the poor masses, and the official establishment of a multi-party system at the end of the 1970s, including the transformation of the ASU into the NDP, was in the end only the implementation of a sham democracy, for political parties were restricted both by the legislative as well as by a huge state security apparatus. Nevertheless, the establishment of the Supreme Constitutional Court in 1979 and the expansion of the administrative court system provided both the citizens with another means of challenging the state directly, and enabled political parties and organizations to fight for their rights. But increasing economic problems and the Peace Treaty with Israel further alienated the mass of Egyptians from the regime and strengthened religious fundamentalists, resulting in Sadat’s assassination. The Muslim Brethren, whom already Nasser and Sadat, and also Mubarak hoped to utilize for securing their hegemony by weakening more radical groups, turned out to be the only credible opposition to the omnipotent NDP around the president. Elections were rigged, the opposition bullied, and parliament was only a group of yes-men. After a short period of relaxation of censorship and the repressive state apparatus in the early 1980s, the Mubarak regime tightened its grip against the opposition a few years later. When the president tried to secure succession of his son Gamal, for the first time, civil society organizations were

formed in a big scale, Kefaya being the most prominent from 2004 to 2006. But these movements were limited to urban elites and intellectuals, whilst the mass of the rural population trusted more in the Muslim Brethren, who were the only organization, which served the poor and unprivileged masses. And though it was the young urban elite, using modern communication means, who initiated the Revolution of 2011, the turnout of the first free elections brought an overwhelming victory for the Muslim Brotherhood's "Freedom and Justice Party" and the Salafist's "*Al Nour*", leaving secular parties, especially the many new ones who were formed just shortly before or after the Revolution, far behind. The first freely elected president, ex-member of the Brethren, Mohamed Morsi, managed to oust the Supreme Council of the Armed Forces, which had taken over power after Mubarak's forced resignation from office. Since August 2012, Islamists hold the main positions in state institutions, and henceforth they will be judged by their actions not by their slogans.

Since the 19th century, political participation in Egypt was limited to a small elite, and the genuinely Islamic principle of *Shura* or consultation was merely utilized to conceal and embellish authoritarian rule. The future will show, if the "Arab Spring" will be succeeded by an "Islamist Winter", if moderate or radical Islamists, exploiting their slogan "Islam is the solution"⁵³³ will succeed, or if their positive image will soon be de-mystified in the mills of political daily grind, and therefor the writer Alaa Al Aswany was right by ending each of his weekly articles in the Egyptian liberal newspapers *al-Dustur* and *al-Shorouk* since July 2009 with his predictive phrase "Democracy is the solution".⁵³⁴

By comparing Western ideas of democracy with their Egyptian conceptualization it becomes evident that, besides continuous undermining of democratic and constitutional principles by authoritarian rule throughout the past 200 years, and their discrediting as being imported by Western (colonial) powers, the major aspects to be considered in Egypt are paternalistic traditions and Islam. Altogether these factors not only hampered the development of democratic institutions and their rooting amongst the population, but also left classic Western principles of democracy disputable. In particular, the increasing influence of Islam within the last decades created a contradictory discourse in Egyptian society about democratic core values

⁵³³ Osman, *Egypt on the Brink*, 108.

⁵³⁴ Alaa Al Aswany, *On the State of Egypt*.

like justice, separation of powers, plurality, and freedom of opinion. Especially individual rights and freedom, being fundamental for a multifaceted social and political life, apparently contravene the Islamic ideal of harmony and order, in which all people unite to contribute and work for a homogenous society. Minorities and deviating opinions, particularly if they contradict fundamental Islamic principles, are often considered not only as “non Islamic”, but as inimical to official order and to the state in general, which, although officially “Arab”, after all, is considered by most Egyptians as “Islamic”. As the banner, photographed in August 2011 on Tahrir Square (page 103) illustrates, even many Egyptian revolutionaries have not yet understood that democracy is not tantamount with the will of the majority, but just as well means the protection of minorities and their rights. In a country, where many people now in power understand religion not as a private matter, but as the base of state and society, this is insofar a problem for a democratic development, as Islam claims absoluteness and merely tolerates other opinions, and foremost other religions. As long as there is not a clear separation of state and religion, similar to the European development since the Age of Enlightenment, this will be a permanent cause of social and political conflict.

And at the time this paper is being completed, in September 2012, the intense riots throughout the Islamic World (and particularly also in Cairo and Alexandria), caused by the release of a video by an Egyptian-American Copt, in which the Prophet Mohamed is being insulted – however dull this film is – demonstrates that most Egyptians identify themselves intensively with religious matters. It is still more common to many of them to utilize and exploit such occasions for violent protests against the “West” than to articulate their discontent with political, economical or social problems in their country in the form of a peaceful demonstration or by getting involved e.g. in civil society organizations.

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Ali Mohamedin, local Shaykh of El-Ezba village, Luxor/Westbank, 9 September 2012.

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"Destiny" (French: "Le Destin"; Arabic: *al-Massir*; written by Youssef Chahine and Khaled Youssef; directed by Youssef Chahine; EG/FR, 1997).

Abstract

By considering Egypt's history since the period of Mehmed Ali to the Mubarak era, this master thesis is aimed at finding participatory elements and traditions in the governmental institutions of the state and how these contributed to the development of democratic structures. It is mainly based on literary sources, though personal interviews with some political activists in Cairo, one anthropologist in Alexandria, and a local Shaykh in Luxor, held in August 2011 and September 2012, contributed to shed light on the political atmosphere of post-revolutionary Egypt.

The thesis focuses on the development of parliamentarianism and constitutionalism as well as Egyptian history of law and of local government, which reflect the shift in influence from a Turco-Circassian elite to native Egyptians, later from the rural notables to an urban bourgeoisie, and since the 1952 Revolution to a new elite of military officers and bureaucrats coming from the lower middle class. Throughout these 200 years Egypt remained overall an authoritarian ruled, centralized country with little autonomy on the local level. In the Mubarak era, the role of local councils and Sheiks was marginalized while governors became little dictators within their provinces.

Since economic liberalization during the Sadat era, successful businessmen linked to the government party NDP became the main base of the regime's power. The input of political movements and socio-economic developments, as well as the complex relationship between the rulers and the population as well as the style in leadership continuously played a major role in the development of Egypt's political institutions. Some of these movements, like the leftist, never arose to big players in Egyptian society, but others, in particular the religious ones like the Muslim Brethren, increased their influence up to the present.

Except for the *Wafd*, political parties were never based in the mass of the population due to their weak performance in parliament and their authoritarian personal leadership which reflects in general the way how Egyptians look at their government: they mostly do not gear to ideologies or political programs but to persons and what they promise to them.

Abstract (German)

Bezug nehmend auf die Geschichte von Mohamed Ali bis Mubarak zielt diese Masterarbeit darauf ab, partizipatorische Elemente und Traditionen in den staatlichen Institutionen Ägyptens zu finden, und wie diese zur Entwicklung demokratischer Strukturen beigetragen haben. Sie basiert hauptsächlich auf literarischen Quellen, wenngleich Interviews mit politischen Aktivisten in Kairo, einem Anthropologen in Alexandria, sowie einem lokalen Scheich in Luxor dazu beigetragen haben, die politische Atmosphäre im post-revolutionären Ägypten zu beleuchten.

Der Schwerpunkt der Arbeit liegt auf der Entwicklung von Parlamentarismus und Konstitutionalismus, sowie auf der Rechtsgeschichte und Lokalverwaltung Ägyptens, welche den Einfluss wechselnder Eliten reflektieren: Von einer Turko-Tscherkessischen Oberschicht hin zu Ägyptern, von ländlichen Großgrundbesitzern zur städtischen Bourgeoisie, und seit der Revolution von 1952 hin zu einer neuen Elite von Militäroffizieren und Bürokraten aus der unteren Mittelschicht. Während all dieser Zeit blieb Ägypten insgesamt ein autoritär regiertes, zentralistisches Land mit wenig Autonomie auf der lokalen Ebene. Zur Zeit Präsident Mubaraks wurde die Rolle der Gemeinden und der lokalen Scheichs auf Kosten der Gouverneure marginalisiert, während letztere zu „kleinen Diktatoren“ in ihren Provinzen aufstiegen.

Seit der wirtschaftlichen Liberalisierungspolitik unter Sadat wurden zunehmend erfolgreiche Geschäftsleute mit guten Beziehungen zur Regierungspartei NDP die Hauptstütze des Regimes. Sozio-ökonomische Entwicklungen, verschiedene politische Bewegungen, aber auch die komplexen Beziehungen zwischen Herrschenden und Bevölkerung, sowie deren jeweiliger Führungsstil spielten immer eine wichtige Rolle bei der Entwicklung politischer Institutionen. Einige der politischen Bewegungen, wie die Linke, wurden nie Hauptakteure in der ägyptischen Gesellschaft, während andere, insbesondere religiöse wie die Muslimbrüder, ihren Einfluss bis herauf in die Gegenwart stetig ausbauen konnten.

Aufgrund ihres angepassten Verhaltens im Parlament und ihrer autoritären Führungsstruktur waren außer der *Wafd* politische Parteien nie in der Bevölkerung verwurzelt, welche weniger auf Ideologien oder politische Programme hört, sondern mehr auf Personen und deren Versprechungen.

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01.08.1998 - 17.02.2000	Jabornegg & Pálffy, Vienna (secretary)
01.07.1993 - 31.07.1998	Kunsthalle Vienna (registrar)
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