

CHAPTER- II

A HISTORICAL BACKGROUND OF THE EGYPTIAN POLITICAL SYSTEM PRIOR TO THE REVOLUTION (1952- 2010)

Since, the Free Officers Revolution in 1952 Egypt's politics had been dominated by the military. For the Egyptians the military is a symbol of national unity; this has been particularly so since the Free Officers Revolution in 1952 where the military led by Muhammad Naguib and Gamel Abdel Nasser staged a coup and brought to an end the constitutional and monarchical rule of former King Farouk and his son Fu'ad II. This revolution led to the establishment of a republic and ended the British occupation of the country. In the nearly 60 years between the revolution and the toppling of Mubarak in February 2011, Egypt was ruled by four presidents (Muhammad Naguib, Gamal Abdel Nasser, Anwar al- Sadat, Hosni Mubarak) all of whom came from the officer corps.¹

The Supreme Council of the Armed Forces (SCAF) the highest military body was created by President Gamal Abdul Nasser under Law No. 4 of 1968.² Even though Egypt had a bicameral legislature (People's Assmebly and Shura/ Consultative Council) and a nominally independent judiciary it was the executive branch which was most powerful and over which the military had tight control. Capture of the presidency and close control over succession were the most direct levers of military control over the political system.³

¹ See Laurel E. Miller, Jeffrey Martini, Stephen F. Larrabee, Julie E. Taylor, Twewodaj Mengitsu, *Democratization in the Arab World: Lessons from around the Globe*, (RAND Corporation, Santa Monica, CA, 1st Edition, 2012), P.82.

² See Gilad wenig, *Egypt's New Military Brass*, March 26, 2014, <http://washingtoninstitute.org>.

³ See for details Laurel E. Miller, Jeffrey Martini, Stephen F. Larrabee, Julie E. Taylor, Twewodaj Mengitsu. Note 1, p.82.

Aside from this executive control the military also had presence in the legislature as some of the military leaders were not only members of the Parliament but also members of committees that oversaw the military budgets. The influence of the military is prevalent even in the economic field as the military's various business enterprises account for 10 to 20 percent of the total economy.

Muhammad Hosni El Sayed Mubarak came to power following the assassination of President Anwar al- Sadat by Islamist militants at a military parade in Cairo. President Mubarak was sworn in as President on 14 October 1981, eight days after the Sadat assassination.⁴ Prior to this President Hosni Mubarak had served as Air Force Commander and later as the Vice President to President Sadat. After ruling for more than a quarter century, President Mubarak had no Vice- President thereby increasing the likelihood that if he were to resign or die suddenly his son Gamal Mubarak would assume power. Egypt under President Mubarak practice 'low intensity democracy'; Egypt's democracy is of such low intensity as to be barely detectable.⁵ In spite of its declarations regarding its commitment to democratic practices and human rights there were widespread corrupt practices namely electoral fraud and grave violations of human rights. Moreover with legal and extra legal tools the government heavily suppressed the media and opposition parties and thereby Mubarak's party, the National Democratic Party dominated the political life.⁶

President Mubarak's political party the National Democratic Party (NDP) since its establishment in 1978 had continued to dominate the national politics till the resignation

⁴ See for details Profor ile: Hosni Mubarak, 9 May 2015, <http://www.bbc.com>

⁵ See for details Rahab –El Mahdi and Philip Marfleet, *Egypt the Moment of Change*, (Zed Books Ltd., London, 2009), p. 15.

⁶ See for details <http://www.cap-lmu.de>

of President Mubarak. Even though party pluralism did exist in Egypt since 1977 it was placed under many restrictions. A 1983 law requires a political party to receive 8 percent of the popular vote to have representation in the People's Assembly and the 1971 Constitution bans religious parties, candidates may run as "independents."⁷ Under President Mubarak in order to exclude the political parties with a religious basis or which according to the party were against its principles (the liberal democratic groups) a Parties Committee (*Lajnat al-Ahzab*) was also formed which denied the applications of the mentioned political parties. The only opposition that was welcomed by the Party were co-opted parties like Wafd and Tagammu whose commitment to democracy were questionable. Elections were rigged and national politics was largely dominated by the National Democratic Party. In Egypt the elections whether it be the Parliamentary or Presidential elections were simply a mockery of the democratic system. Commenting on this, Alaa al- Aswany wrote, "who is responsible for rigging the elections? The Ministry of Interior is the authority that supervises the conduct of elections and so is responsible for rigging them, but in fact the interior minister is no more than carrying out orders. The person who takes the decision to rig elections is the president himself. There are the people who prevent people from voting, call in thugs to beat up voters who don't belong to the ruling part, fill in unused ballot papers, close the ballot papers, and then announce fabricated results."⁸

During the 2005 Parliamentary election people wielding swords and machetes stormed polling stations in Port Said, smuggling in boxes of pre-filled ballots; police

⁷ See for details Arthur Goldschmidt Jr. *A Brief History of Egypt*, (Infobase Publishing, New York, 2008), p.216.

⁸ See for details Alaa al Aswany, *On the State of Egypt: What made the Revolution Inevitable*, (Vintage Books, New York, 2011), p. 39.

mean while formed a cordon to prevent voters entering.⁹ However, in spite of the prevalent restrictive political environment the Muslim Brotherhood emerged as a strong opposition against the regime despite being a banned organization it began to participate in politics in the 1980s. In the 2005 parliamentary elections, the organization won an astonishing 88 seats, seizing control of 20% of the parliamentary seats, despite the government's arrest of hundreds of its supporters.¹⁰

As for Presidential elections, opposition candidates were not allowed to run for President till 2005. However, a constitutional amendment in 2005 proposed for the first time a multi candidate presidential election. According to this new constitutional amendment any independent candidate seeking to run for President would require the support of at least 250 elected politicians drawn from the People's Assembly, the Shura Council and the provincial councils. But since, President Mubarak's party the National Democratic Party controls most of the seats in these three bodies it was impossible for an independent opposition candidate to run for presidential election.

Aside from the aforementioned tactics and laws to suppress opposition the Emergency Law can be regarded as the most powerful tool in the hands of the authoritarian regime. The Emergency rule began with the martial law placed by the British from 1882-1922. Post the Free Officers Revolution a law that strengthened the military's emergency powers was enacted and subsequently in 1958 a more comprehensive emergency law was adopted. Later on this was also included in the 1971 Constitution which empowers the President to declare a state of emergency after it has been ratified by the Parliament. The 1958 declaration of emergency was lifted in 1964 and a new

⁹ See Rahab –El Mahdi and Philip Marfleet, Note 5, p.16.

¹⁰ See for details Charles River Editors, *The Muslim Brotherhood: the History of the Middle East's Most Influential Islamist Group*, (Charles River Editors, USA), p.18.

declaration was implemented in 1967 which lasted till the death of President Gamal Abdel Nasser in 1970. This was again lifted in 1980 but was again implemented in October 1981 following the assassination of President Anwar al- Sadat. The Emergency Law authorizes the President to declare a state of emergency “whenever public security or order is threatened.”¹¹ And upon the declaration of emergency, the President may by an oral or written order do the following.¹²

1.Restrict people’s freedom of assembly, movement, residence or passage in specific times and places; arrest suspects or (persons who are) dangerous to public security and order (and) detain them; allow searches of persons and places without being restricted by the provisions of the Criminal Procedure Code; and assign anyone to perform any of these tasks.

2.Order the surveillance of letters of any type; supervise censorship; seize journals, newsletters, publications, editorials, cartoons and any form of expression and advertisement before they are published, and close their publishing places.

3.Determine the times of opening and closing public shops, and order the closure of some or all the shops.

4.Confiscate any property or building, order the sequestration of companies and corporations, and postpone the due dates of loans for what has been confiscated or sequestrated.

5.Withdraw licenses of arms and ammunitions, explosive devices, and explosives of all kinds, order their submission and close arms stores.

¹¹ See for details Sadiq Reza, *Endless Emergency: The Case of Egypt, New Criminal Law Review*, Vol. 10, No. 4, 2007, p. 537, <http://bu.edu>law>documents>, Accessed on 11th August 2016.

¹²Ibid, p.538

6. Evict some areas or isolate them; regulate means of transport; limit means of transport between regions.

7. The Emergency law also authorizes the creation of State Security Courts to hear violations of emergency orders and ordinary criminal offenses the President refers to them.

The Emergency Law is accompanied by grave human rights violations. For instance, the Amnesty International (2002) warns that, “In Egypt everyone taken into detention is at risk of torture.”¹³ The imposition of the Emergency Law places great power and authority to the state police as a consequent result a large number of innocent Egyptians had to undergo through detention and torture for no fault of theirs. The state had in the course of time adopted a culture of abuse whereby torture was applied to everyone, whether young or old and any form of opposition was brutally suppressed by the state.

Additionally, by the 2007 Constitutional Amendments the emergency powers of the President were further strengthened by adding Article 179 according to which :

The State shall be responsible for protecting security and public order from the dangers of terror. The law will set stipulations concerning procedures for investigation and identification of suspects which the state deems necessary in confronting these dangers, provided that the procedure stipulated in the first clause of article 41 and 44 and the second clause of article 45 of Constitution (shall) not obstruct such an effort. All will be carried out under the oversight of the Judiciary.

The President has the right to refer any crime of terrorism to any judicial authority under the Constitution of the Law.¹⁴ This new amendment further strengthened President

¹³ See for details Rahab –El Mahdi and Philip Marfleet, Note 5, p.12

¹⁴ See for details Rahab –El Mahdi and Philip Marfleet, Note 5, p.541

Mubarak's dictatorial regime as the first clause of article 41 and 44 and the second clause of article 45 of the Constitution which provides protection against warrantless arrest and detention, home entry, surveillance and seizure of correspondence are exempted in the state's fight against terrorism.

In regard to secularism, the growth of political Islam under President Mubarak had been a major concern. While religious inspired groups were marginal during the 1970s it slowly became a dominant oppositional force with the entrance of the Muslim Brotherhood into politics starting in the 1980s. Following the assassination of President Anwar al- Sadat by Islamic groups there was a heavy crackdown on the Islamic groups like Gama'at Islamiyya and al-Jihad during this period. But none of the Islamic groups were as organized and politically successful as the Muslim Brotherhood. The Muslim Brotherhood is inspired by four different schools of thought,¹⁵

1.The reformist movement of the early 1990s that was led by the writings of religious scholars and Islamic revivalists such as Muhammad Abduh. This movement called for society's complete return to pure Islam or the original sources, including the Qur'an and *hadith* (the teaching and deeds of Prophet Muhammad).

1.The second impact was made by the traditionalist school of thought which ran in the opposite direction to Abduh's movement, championing heavy reliance on the views and interpretations of jurists and scholars.

2.The third impactful movement was that sparked by Sayyid Qutb, who was himself a member of the Muslim Brotherhood. The core of Qutbism revolved around a

¹⁵ See for details Charles River Editors, *The Muslim Brotherhood: the History of the Middle East's Most Influential Islamist Group*, (Charles River Editors, USA), p.5.

revolutionary and politicized interpretation of the Qur'an as it divided the society into those who belong to Islam or those who oppose it, with almost no grey areas.

3. Finally, the fourth movement that impacted the Brotherhood's ideology was that of the Salafist- Wahhabi schools that originated in Saudi Arabia. This school of thought centered on a strict and conservative interpretation of the Qur'an and Shari,' leaving little room for individual interpretation.

Viewed mostly as a threat to the stability of the regime, President Mubarak had followed a containment policy in relation to the Muslim Brotherhood. For instance, after President Mubarak assumed power there was a heavy crack down on the militant and radical elements of the Muslim Brotherhood where many of its members were imprisoned or exiled. In addition to this, the organization was banned and restrictions were placed upon its activities. Again in 1993, a law was passed that dismantled the boards of the many influential professional unions and syndicates that the Brotherhood controlled and put them under a government- appointed administrative board.¹⁶ But in spite of these restrictions the Muslim Brother became stronger during President Mubarak's regime. For instance, by 2005, the Muslim Brotherhood had become one of the strongest oppositional parties in Egypt by winning 88 seats in the parliamentary elections. Egypt's political system can be best understood as a hybrid regime type with democratic institutions on one side and on the other repressive and extralegal measures aimed at the suppression of any form of opposition that might arise.

¹⁶ See for details Charles River Editors, *The Muslim Brotherhood: the History of the Middle East's Most Influential Islamist Group*, (Charles River Editors, USA), p.22.