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Ibrahim El-Houdaiby

"The old is dying and the new cannot be born; in this interregnum a great variety of morbid symptoms appears."— Antonio Gramsci, The Prison Notebooks

The crisis Gramsci refers to is palpable in Egypt. The military regime, while putting little effort into preventing (or even slowing down) its own demise, is vehemently preventing the birth of "the new." Three years of legislative vacuum (preceding the recent election of a new, tamed parliament) and continuously resorting to the rhetoric of "war on terrorism" in order to brutally silence the opposition have completely blocked the political sphere and put the political system on hold. Meanwhile, the alliance backing President Abdel Fattah el-Sisi is fragile to the point of collapse. The government's lack of a clear overarching vision is leading to unprecedented levels of politicization, fragmentation, discord, and violation of the law within the state apparatus. Infighting seems no longer to be bracketed by a set of common interests. While the regime asks for patience as it pursues "stability" and "state building," it seems to be taking a path with two possible outcomes: total collapse or gradual decay, the morbid symptoms of which are already evident.

Who is in Charge? A Shrinking Alliance

The military intervention of July 3, 2013 that toppled the year-long rule of the Muslim Brotherhood (MB) marked a new chapter in the history of Egypt's state. Thirty months of contestation and negotiation had followed the January 2011 uprising, and many Egyptians once again took to the streets, this time to call for the ouster of Islamist President Mohamed Morsi. Protestors were supported by key state institutions. Far from homogenous, the alliance that toppled the MB included the business cronies of former President Hosni Mubarak, their allies in the police and in the state bureaucracy, and their old rivals within other state institutions (primarily within the judiciary and the military). Notably, however, the anti-Morsi forces also included liberal politicians and pro-democracy revolutionaries who had been active in the 2011 uprising.

Within a few weeks, the discourse of a "war on potential terrorism" had brought about a shift in the alliance's common denominator. Now, instead of pursuing the broad but ambiguous goal of "restoring the revolution" of 2011, a clearer slogan emerged: "restoring the state."[1] This necessarily excluded the more radical pro-democracy camp, which had played such an important role in the 2011 upheaval but remained persistently spontaneous and not institutionalized. The "war on terrorism" meant that the "democratic" camp within the new regime – namely the camp led by the liberal Mohammed ElBaradei (which briefly comprised a handful of ministers and members of the constitutional amendments committee) – was

increasingly sidelined. As polarization mounted and "war on terrorism" rhetoric intensified, the liberals received a major blow on August 14, 2013, when government forces stormed two pro-Morsi sit-ins at Rabaa and Nahda squares in Cairo. The massacre resulted in the deaths of at least 600 MB supporters, and prompted ElBaradei to resign in protest from his vice presidency, a position he had held for a mere four weeks. The remnants of the liberal camp were further alienated by a raft of restrictive legal measures, including the protest law of November 2013, which enabled a massive wave of arrests and widespread suppression of protests. In the aftermath of the January 2014 constitutional referendum, the presence and influence of the pro-democracy movement became almost invisible.

Thus, in just a few months, the military-led government had managed to banish most of its rivals from the political scene. Islamists, revolutionaries, and liberals (shorthand for a range of varied and fragmented positions within the political spectrum) were effectively crippled after almost three years as actors within the interim Egyptian polity – albeit in unequal weights.

Of course, the exclusion of the newcomers did not simply translate into a more harmonious ruling alliance. Nor did it lead to the mere restoration of Mubarak's old regime. This had to do with the fact that the 2011 upheaval had been catalyzed in an important sense by internal contest within the Mubarak regime itself.

Fragmentation under Mubarak

Indeed, the final years of Mubarak's reign had seen the regime's split into two camps: Mubarak's son and his business associates and neoliberal technocrats, on one hand, and the state's core institutions, most notably the military and the judiciary, on the other. As the former embarked on a project of massive privatization, pushing for legal and structural reforms that would effectively dismantle the post-colonial quasi-socialist state of Gamal Abdel Nasser, the latter – in their capacity as traditional "guardians" of the state – struggled to slow down these reforms.

At the same time, the distinction was far from clear between those who advocated neoliberal reforms and those who sought to preserve the regime's historical social base. The triumph of the economic language of figures and statistics that came to dominate different spheres of life depoliticized these reforms and forced their opponents to make major concessions. Rather than rejecting reforms wholesale, they could merely advocate domains of exception. The military-industrial complex was exempted from privatization, as was the largest builder of the new gated-communities and development projects (one of the fastest growing sectors in the Egyptian economy in the neoliberal age). The majority of these projects went not to the emergent business class, but to the Ministry of Defense.[2] Moreover, far-reaching interest networks had meshed senior bureaucrats with "technocrats" and businessmen in an alliance that was considerably institutionalized within the powerful Policies Committee of Mubarak's ruling party, the National Democratic Party (NDP), which was dissolved in April 2011. That alliance was sustained via strong ties (also facilitated by, but not limited to, business interests) to the police, gradually replaced the military as *the* regime's stick in the 1990s. The military and the judiciary, however, were less susceptible to these ideological and economic pressures, thanks to their *relative* distance from the pressure groups. (This was only relative however, for it should be recalled that military generals were invited – through the corrupt networks of cronyism – to become parts of the rising alliance when "privatization allowed many members of the military, usually through their relatives, to become private entrepreneurs."[3])

Far from acting as an even semi-harmonious entity, therefore, state institutions were considerably fragmented in the last years of Mubarak's rule. The malfunctioning political system was hardly up to the task of negotiating their disputes. This system was in one important respect an extension of conflicts within the state and a means of lobbying for different interests using both government and opposition candidates. This was particularly the case in the parliament, which saw a steady increase of members from business, rising from 12 percent in 1995 to 22 percent in the 2005 election, and in the NDP's Policies Committee, which was also dominated by businessmen.

The State of Feifdoms

The upheavals of 2011 further fragmented these state institutions. Pressures arising from "outside" the state, combined with the absence of an overarching leadership capable of containing and negotiating internal disputes, led state institutions to feel more vulnerable and hence to become more rigid in defending their own interests. As all synchronization among institutions gave way to a "state of fiefdoms" (*Tawa'if*),[4] the common denominator holding the different state institutions together effectively collapsed. In the past three years, countless statements and actions have manifested this fiefdom-like attitude on the part of Egypt's institutions, from the military's "loans" to the state to the tentative reconciliation (if not peace

talks) between the police and the military, and between the police and the public prosecutor's office.

Intra-institutional fragmentation reached new levels of intensity during the short MB reign. The "defeat" of the police on January 28, 2011 had led both to the military reclaiming the most powerful position in the ruling alliance and to the MB joining this new alliance. If this alliance enabled both the MB and the military to advance their respective interests, the police – relegated into a frustrating position of junior partner – began to undergo internal splintering. Junior officers, emboldened by the overall institutional crisis and by the democratic moment of 2011–12, which had allowed for power structures to be challenged, called for fairer pay and working conditions. Their initial success was soon reversed as they encountered fierce resistance from their seniors.[5] Similar conflicts took place within other state institutions (most notably the judiciary, where the moment of polarization only came to a violent end in 2013), and, in the absence of negotiation mechanisms, senior bureaucrats lost their grip over their respective institutions. By the end of 2013 both intra-institutional and inter- institutional conflict had exploded. It was only the emergence of the MB as a common threat that kept the state intact.[6]

Upon entering office in June 2014, President Abdel Fattah el-Sisi had hoped to capitalize on state institutions to counterbalance different pressures. Instead, he encountered fragmented institutions susceptible to many different types of internal and external pressure. In the post-2013 era, this disintegration of state bodies also manifested itself in the Egyptian constitution. More than a social contract, the new constitution represented a contract of the state with itself – and clearly stipulated the "independence" (that is, the sovereignty and immunity from public oversight) of various state institutions, notably the military, religious institutions, the judiciary, and the police. It also left the elected institutions – parliament and local councils – almost powerless.

For its part, the powerful business class was denied its usual place within elected bodies and political parties. Under Mubarak this class had operated through representative and political institutions, especially the parliament and ruling party, and had repeatedly exhibited its power and ability to challenge and somewhat embarrass the military-led regime.[7] Now business interests had no choice but to work through the media and informal channels within the state. While it reportedly invested heavily in ousting the MB from power, the business class hardly has grounds to be pleased with the outcome, as the military seems to be expanding its economic activities and almost monopolizing business with the state.

As for the military, while it seems to be the primary (if not sole) winner of recent political developments, it now occupies a rather uncomfortable position, for it stands at the forefront of an ever-shrinking ruling alliance and its interests are decidedly at odds with its major partners (the business class, which demands more space, and the police, who are uncomfortable with their new secondary position to the military). The "war on terrorism," although it provides glue to hold the regime together, will not suffice to silence the demands of the military's powerful partners.

Whose Pharaoh?

Even before the presidential elections of May 2014, it was clear that General Sisi embodied all the contradictions of the fragmented ruling alliance. He was nearly everybody's nominee. The military supported him explicitly. Numerous business cronies funded his campaign. Backing from the Gulf (particularly Saudi Arabia and the United Arab Emirates) was evident. And various state institutions either hinted their support for his candidacy or viciously smeared his only opponent, Hamdeen Sabahi, who won less than 4 percent of the vote. Sisi won with a landslide of 96.1 percent.

This overwhelming majority, combined with the fact that opposition forces were badly bleeding and practically nullifying each other, presented Sisi with a unique opportunity: to forge a Restoration-cum-Revolution. The formula could have allowed for the restructuring (rather than the mere restoration) of the Egyptian state in a way that reestablished its popular legitimacy and made it more relevant and sustainable. It was not long, however, before it became evident that the president was not, in fact, a pharaoh – an all-powerful, absolute monarch – but a mere political actor unsuccessfully attempting to homogenize his ruling alliance through coercive and ideological tools. Furthermore, he was meeting increasing resistance from the different segments of his alliance, which due to a lack of alternatives fought, and continue to fight, their different battles through him. For example, different televisions hosts, appearing on businessmen-owned channels, with alleged relations to different security institutions and all outspoken supporters of the president, explicitly engage in internal smear campaigns to discredit one another. Infighting of this sort rarely takes place under "successful" dictatorships.

Another telling example is the fact that the president himself, after more than a year in office, is still incapable of articulating a clear position on the 2011 upheavals. This is because any position taken would offend and

exclude certain groups within the ruling alliance. Each faction holds a different position on the upheaval – on the Mubarak regime, on the police, on business interests, on the effectiveness of neoliberal policies, etc. – and uses it to promote specific interests, while pushing other actors to the back seat or even seeking to evict them from the alliance.

There is another factor contributing to the president's weakness. Because of his military background, he lacks the political vision necessary to undertake needed restructuring. Despite an unprecedented level of urgency, he has repeatedly failed over the past year to respond to crucial challenges, including questions of state-society relations, the centralization of the state, and how to undertake security sector reform. Instead of revising policy, he seems more inclined to maintain existing policies, while resorting to military personnel to ensure higher levels of discipline and order. This orientation further alienates and provokes others in the alliance and is hardly a fruitful way of enforcing bureaucratic reform or success.

Of course the president is not a passive player in the power struggles of his allies. Indeed, he has used the tools at hand to undermine institutional checks and balances and consolidate his own power. Most importantly, he has (ab)used the legislative vacuum of his first 18 months in power to issue dozens of presidential decrees and repeatedly uses the spectacle of military power to emphasize his position as sovereign. Further, he had used his presidential powers to repeatedly dismiss senior intelligence officers – allegedly the ones opposed to his rule. "Opposition" to this orientation from within the alliance is growing, however, as he chooses to rely on the military as, both a ruling "political party" (whose members are taking over different government positions) and a central instrument of personal power and not as a state institution subject to the usual rules of institutional oversight.

The practical obliteration of political parties and the president's continued monopoly over how the ruling alliance is represented (for example, by silencing potential candidates from within the alliance that could stand up to him, notably former army generals Ahmed Shafiq and Sami Annan) has brought about a resemblence to classic one-party political systems. The difference between Sisi's alliance and a one-party system, however, is that Sisi is not affiliated with a party. This means that the president has himself taken on the role of this party. Political demands are therefore not channeled *against* him, for there is no space for this type of opposition. Rather, they are channeled *through* him – that is, different factions of the alliance push for their interests by propagating a certain image of the president.

This has had a dramatic impact on Egypt's political scene. The contradictions within the alliance are so acute that they prevent the establishment of a single political party representing all of its interests. While the weaker elements of the alliance (namely the business community) fought for their power through the 2015 parliamentary elections, the stronger elements, namely the military and the judiciary, continued to resist the very idea of conducting these elections. When it became unavoidable, their strategy shifted to minimizing the (inevitable) power sharing associated with the election of a parliament. The heavy securitization of the public sphere meant that only "friendly" candidates were allowed to run, leaving no room for political opposition. But even within this friendly domain, the powerful elements limited power sharing through explicit intervention in party lists and parliamentary alliances. Further, the incumbent parliament is rendered insignificant and weak, thanks to the low voter turnout, its scandalous procedures, and the president's proposed constitutional amendments, put forward even before the elections to further consolidate power at the presidential palace.

Taken together, these measures are increasingly contributing to the "death of politics" and the subsequent preemption of the birth of the new. They are simultaneously speeding up the death of the old, with the president increasingly ruling through the state institutions rather than from within a political system.[8] One could argue, however, that state institutions themselves – particularly the military– are increasingly acting as de facto political parties. The military marked the completion of Sisi's first year in office with a publication listing his achievements that was as carefully designed and professionally packaged as a party brochure.

The Collapse of Negotiation: A State of War and Revenge

As the fragile ties that once kept state institutions integrated decay and as the battle of "fiefdoms" gains intensity, both discipline and the rule of law erode. The overlapping challenges confronting post-2013 Egypt seriously undermine the state's ability to sustain itself. In addition to the horizontal and vertical institutional fragmentation described above, these challenges include the state's longstanding failure to deliver social services. They also include the re-institutionalization of a de facto state of emergency in the name of the "war on terrorism." Security threats are increasingly permitting the state to resort to extralegal measures in flagrant disregard of the rule of law and observance of the constitution.

How the state meets these challenges has a grave impact both on the internal dynamics of the state and its position vis-à-vis society. For one thing, the state undermines its ideological makeup, rendering its violence ineffective. For another, it almost completely strips off the façade of raison d'état, with its acts being understood not as expressions of rule of law but of revenge.

The oppressive practices of a state's institutions are only effective inasmuch as they violently force dissidents to align with the positions and ideology propagated by the political leadership. If that ideology is reasonably clear, then the state's apparatuses – notably religious institutions, media, and education – are more or less synchronized. The absence (or extreme fragmentation) of that ideology, however, renders the state's violence ineffective, for it ceases to become a force of alignment.

Several indicators suggest that, in Egypt today, state violence, physical and non-physical alike, is directed in different and sometimes opposite directions due to competition both inside institutions and between them. Examples strongly suggestive of the intensity of intra-institutional conflicts include the recurrent forced retirements of senior officials in "sensitive" institutions – notably the intelligence services, the police, and the foreign service, and including a handful from the entourage both of the president and of the Supreme Council of the Armed Forces (SCAF) – and the persistent "rumors" about the release of opposition activists sentenced to prison for speaking out against the restrictive protest law. Meanwhile, violations of the law are tolerated, for example when junior officers in security institutions are permitted to make decisions on the use of lethal force and/or random, arbitrary arrests, illustrating the degree to which internal and external disputes affect the overall levels of discipline in the security establishment. In one important sense, the escalation of violence within Egypt's state institutions reflects the failure, or rather the collapse, of negotiation between these institutions. These – in the context of the absence of rule of law – have adopted a Darwinist approach to defend their personal and institutional interests.

This erosion of law is also evident in the state's "war on terrorism." Over the past months, the state showed its growing tendency to discard both the law and its own norms and traditions. It has acted not in accordance with the national interest but rather according to the logic of the *fotowwa* – the benign neighborhood thug, who both exploits his neighbors and defends them against aliens, violating the law in both cases. To name a few examples, this is evident in the state's enforcement of a death sentence during Al-Ashhur Al-Hurum – the sanctified months in the Islamic calendar during which bloodshed is prohibited – in violation of a centuries-old tradition; in the killing last July of a dozen MB leaders who had been arrested one day after a terrorist attack that targeted the general prosecutor Hesham Barakat; in the president's assertion, two days after Barakat's assassination, that "justice is being held back by the rule of law"; in the vindictive (to say the least) videos and photos and comments shared by the military spokesman on the military operations in Sinai (proudly announcing the killing of tens and sometimes hundreds of extremists, without any investigation, and with images of their corpses); and in the recent statements made (ironically) by the minister of justice, calling for the killing of ten thousand MB members in retaliation for each soldier killed in a terrorist attack in Sinai.

In these and other cases, the state (which, at present can be used synonymously with the political system) seems keen to belittle the importance of the law and to portray itself, not as a neutral, law-abiding body, but rather as a warrior engaged in a battle against a faction of society: namely, the Islamists. As such, the notion of "restoring the state" upon which the ruling alliance had based its activities has been replaced by the notion of "state of war," where only warlords – in this particular capacity – have a legitimate presence in the public sphere, and where politics is evidently dead. [9]

Certainly war is the only thing that keeps the ruling alliance relatively intact and capable of silencing its less powerful factions. The real paradox is that, while the generals fear that ending this war will lead to the collapse of the ruling elite (and, by extension, of the state), it is this very state of war that enables practices and processes that transform bureaucratic, judiciary, and security institutions from the quasi-state entities into separate fiefdoms and, as such, seriously risks bringing about their collapse. Ironically, it is the very same track adopted by the military and the judiciary – in the name of fulfilling their traditional role as "guardians of the state" – that will most likely deal the deathblow to Egypt's century-old administrative apparatus.

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Notes

1 Dina El-Khawaga, “A Year’s Harvest: From the State of Institutions to the State of War” [in Arabic] Arab Reform Initiative, July 2014 <http://www.arab-reform.net/sites/default/files/حصاد%20عام%201-%202%20من%20دولة%20الأجهزة%20إلى%20دولة%20الحرب%20-%20دينا%20الخواجة.pdf> (accessed February 5, 2016).

2 Timothy Mitchell, Rule of Experts: Egypt, Techno-Politics, Modernity (Berkeley, 2002), p. 274.

3 Roberto Roccu, The Political Economy of the Egyptian Revolution: Mubarak, Economic Reforms, an Failed Hegemony (New York, 2013), p. 65.

4 Ashraf El-Sherif, “On the State of Fiefdom Kings in Egypt” [in Arabic], Jadaliyyya, December 5, 2012 <http://www.jadaliyya.com/pages/index/8805/عن-دولة-ملوك-الطوائف-في-مصر> (accessed February 5, 2016).

5 For more on the post-2011 infighting within the security establishment, see my article “Changing Alliances and Continuous Suppression: The Rule of Egypt’s Security Sector,” Debating Egypt, Arab Reform Initiative, June 2014 <http://www.arab-reform.net/sites/default/files/Houdaiby_-_Egypt_Security_Sector_-_June_2014.pdf> (accessed February 5, 2016).

6 A recent example is the wave of protests led by low-ranking police officers against their leadership. For more on these protests, see <http://www.almasryalyoum.com/tag/375872>

7 See, for example, my article, “Beyond the Crisis: A Roadmap for Reconciliation in Egypt,” DGAP-kompakt 9 (June 2014) <https://dgap.org/en/article/getFullPDF/25498> (accessed February 5, 2016).

8 Ali Al-Rajjal, “Slaughter on the State’s Sacred Sanctuary: The State in Confrontation” [in Arabic], Mada Misr, July 16, 2015 <http://www.madamasr.com/ar/opinion/politics/الذبح-على-محراب-الدولة-المقدس-1> (accessed February 5, 2016).

9 El-Khawaga, “A Year’s Harvest.”

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