Playing with Fire. The Muslim Brotherhood and the Egyptian Leviathan

Daniela Pioppi

After the fall of Mubarak, the Muslim Brotherhood (MB) decided to act as a stabilising force, to abandon the street and to lend democratic legitimacy to the political process designed by the army. The outcome of this strategy was that the MB was first 'burned' politically and then harshly repressed after having exhausted its stabilising role. The main mistakes the Brothers made were, first, to turn their back on several opportunities to spearhead the revolt by leading popular forces and, second, to keep their strategy for change gradualist and conservative, seeking compromises with parts of the former regime even though the turmoil and expectations in the country required a much bolder strategy.

Keywords: Egypt, Muslim Brotherhood, Supreme Council of the Armed Forces, Arab Spring

This article aims to analyse and evaluate the post-Mubarak politics of the Muslim Brotherhood (MB) in an attempt to explain its swift political parable from the heights of power to one of the worst waves of repression in the movement's history. In order to do so, the analysis will start with the period before the '25th of January Revolution'. This is because current events cannot be correctly understood without moving beyond formal politics to the structural evolution of the Egyptian system of power before and after the 2011 uprising. In the second and third parts of this article, Egypt's still unfinished 'post-revolutionary' political transition is then examined. It is divided into two parts: 1) the Supreme Council of the Armed Forces (SCAF)-led phase from February 2011 up to the presidential elections in summer 2012; and 2) the MB-led phase that ended with the military takeover in July 2013 and the ensuing violent crackdown on the Brotherhood.

The article will only sporadically refer to international policies and dynamics. This is not because they are not relevant to understanding today's Egypt. On the

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contrary, Egypt is a highly dependent and vulnerable country in terms of economics, security and also domestic dynamics. However, a full examination of these aspects would have required a much longer piece.

Finally, many observations and hypotheses in this article should be taken as tentative and will have to be confirmed by further research. In fact, the highly volatile and polarised political situation seriously hampers any quest for a consolidated analysis.

The Revolution's background: an increasingly predatory regime with a poorly organised opposition

Two 'parallel' phenomena were at play during the now famous eighteen days that led to the resignation of Hosni Mubarak in January–February 2011 after 30 years of unchallenged rule: a spontaneous and largely unorganised popular protest stirred by the example of the Tunisian revolution; and a military coup. Both phenomena had an impact on the way the ensuing political transition was shaped and they both can be explained by looking at the Egyptian regime's transformations and at the weakness of organised opposition forces.

Since the 1952 'Revolution', the army has been the backbone of the Egyptian regime with a dominant political and economic role. However, like many other military regimes, the Egyptian one also typically evolved into a tripartite structure with a division of labour between its three component parts, each crystallizing into separate institutions: (1) the army; (2) the internal security forces under the control of the Ministry of the Interior and (3) the political apparatus (presidency and ruling party). Since the late 1970s, the army – while keeping a privileged position – was in political and economic decline to the advantage of the other two power poles.[1]

After the 1973 war with Israel, the Camp David agreement (1978-79) and the consolidation of the alliance with the United States, the likelihood of a war seemed more and more remote for Egypt while, on the contrary, the necessity of internal repression grew due to increasing social disparities and loss of regime consensus. As decades went by, the regime progressively turned to the internal security forces for support, as signified by the swelling of the Interior Ministry budget and personnel, while the army diminished in size and importance.[2] After Mubarak's deliberalisation in the 1990s, Egypt began to look less like a 'military state' and more like a 'police state'.[3]

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[1]Droz-Vincent, "The Security Sector in Egypt", 220-6; Kandil, *Soldiers, Spies and Statesmen*, 194-8; and Stacher, *Adaptable Autocrats*, 5-12.

[2]Just to give an example, at the end of the 2000s, internal security (or security-associated) personnel outnumbered the active military personnel by a factor of about 4-to-1 with almost 2 million in security. Kandil, *Soldiers, Spies and Statesmen,* 194.

[3]*Ibid.* and Kienle, *A Grand Delusion*.

However, the final and most serious blow to the army's position was the rise of Gamal Mubarak, Hosni's son, and his preparation for the presidency and, even more so, the political and economic rise of the tiny group of state-nurtured and corrupt super-capitalists that surrounded him. At the beginning of the 2000s, the Egyptian economy was dominated by about 20-25 family-owned conglomerates, the last evolutionary stage of the upper echelon of the private sector encouraged by regime policies since Sadat. As they gradually became a stronger regime partner, they carved out an influential position for themselves in the regime's political arm, the National Democratic Party (NDP), which they largely contributed to financing.[4]

In 2004, this tiny group of super-capitalists finally took a governing position with the Ahmed Nazif cabinet (2004-11) made up of internationally well connected business tycoons and neoliberal intellectuals, all in Gamal Mubarak's entourage.[5]

The result was a marked acceleration of the regime's predatory nature and neoliberal policies. International financial institutions praised Egypt's neoliberal economic programme with its average growth of 7 percent between 2005 and 2008. Yet, beneath the international approval lay a country weighed down by deteriorating infrastructure, abject poverty and a dwindling social safety net, unable to provide a decent future for its frustrated, young and mostly unemployed citizens. The social pact between the regime and its people, fraying since the 1970s, completely fell apart in the second half of the 2000s.[6]

Deepening neoliberalism affected not only the country's population, but also the army's economic interests as it introduced new competitors to its previously near-monopolistic ventures.[7] Also, fast rising inequalities meant that the internal security services and riot police (Central Security Forces) required even more resources to keep citizens' discontent under control.[8]

In sum, the 2000s saw the swift reinforcement of three trends that were at work since the 1970s and that slowly carried the Mubarak regime to its end destination in 2011: 1) the marginalisation of the army; 2) the empowerment of the security forces/Interior Ministry; 3) the increased reliance on a state-nurtured super-capitalist class to run the country at the expense of the vast majority of the population.

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[4]Kandil, *Soldiers, Spies and Statesmen*, 208-16; El Amrani, "The National Democratic Party: The Battleground".

[5]Tycoons such as Ahmed Ezz (steel), Mohamed Mansour (transportation), Zoheir Garraneh (tourism) and economists with links with international financial institutions, such as Investment Minister Mahmoud Mohieddin or Finance Minister Youssef Boutros-Ghali.

[6]Soleiman, *The Autumn of Dictatorship*; Paciello, "Egypt's Last Decade"; Kandil, "Why did the Egyptian Middle Class March to Tahrir Square?".

[7]Marshall-Stacher, "Egypt's Generals and Transnational Capital".

[8]Stacher, *Adaptable Autocrats*, 6.

After having been sidelined by the security and political apparatus for years, the military took full advantage of the 2011 revolt and of the temporary setback of the internal security forces to get rid of the Mubaraks and their business cronies and rebalance the power triangle in their favour. Had the military not taken action, it is doubtful that the revolt would have continued long enough to convince the political leadership that it had to step down. Indeed, despite the fact that perhaps up to 12 million people participated in the 18-day uprising, decades of police repression ruled out the possibility that an organised revolutionary movement or party could have emerged on its own to lead the way.

To be sure, the decade before the revolution saw an increase in people's mobilisation with, on the one hand, the rise of the largely urban and middle class Egyptian Movement for Change, or *Kefaya*[9] and, on the other, the most intense period of industrial strikes in Egypt's history.[10] Both movements contributed to the delegitimation of the regime and the emergence of a 'culture of protest' that facilitated the unprompted 2011 uprising. However, they completely lacked the mass base, the political experience and the organisational structure able to seriously challenge the regime. More importantly, both Kefaya and the workers' movement, as well as the youth movements acting as a catalyst of the 2011 revolution, largely grew up outside the traditional opposition circles, which – after decades of controlled liberalisation punctuated by a mix of repression and co-optation – were widely perceived as ineffective and, in the end, almost functional to the regime's survival and legitimation.

The Muslim Brotherhood, by far the largest mass-based opposition force in Egypt, was no exception to this general trend. The long coexistence with an authoritarian regime and the repeated repressive cycles, especially since the 1990s, had left their mark on the Brotherhood's well known organisational efficiency and ideological cohesiveness. Between 2006-08, the MB suffered the worst wave of arrests since the Nasser era, a very serious blow to an already weakened organisation. Due to the high number of intermediate-level members in jail, the Brotherhood had trouble maintaining the internal chain of command.[11] Its centralised structure depended increasingly on the crucial role of loyal families, while its much reduced social activities were privately and individually managed with no general coordination.[12] Furthermore, internal fragmentation facilitated ideological inconsistencies and the coexistence of different ideological trends within the movement. In

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[9]M. El-Ghobashy, "Egypt Looks Ahead to Portentous Year", *Middle East Report Online*, 2 February 2005, http://www.merip.org/mero/mero020205.

[10]Beinin, *The Struggle for Workers Rights in Egypt*, and "A Workers' Social Movement".

[11]E. al-Erian, "The Side Effects of the Security Campaign against the Brothers" (in Arabic),   http://ikhwanwayonline.wordpress.com, 28 October 2009,

[12]Pioppi, "Who's Afraid of the Islamists?", 56-60.

January 2010, a conservative, Muhamed Badi'e, was elected the new General Guide, while the so-called 'reformists' (such as Abdel Moneim Aboul Futuh, Muhamed Habib, Ibrahim Zafarani) were marginalised.[13] This state of affairs partially explains why the MB, not unlike the other traditional opposition forces, was taken by surprise by the January 2011 revolt and why its answer was so late and cautious. From the beginning, the Egyptian revolution was marked by a paradox: those who revolted were not the ones who seized power nor were they able to organise so as to be the leading civilian actor in the post-revolutionary transitional phase.

After the unexpected uprising and the military take-over, the Brotherhood was quick to realise its enormous, undreamt of advantage: with no organised revolutionary movement in sight and with the NDP dissolved, it was by default the only mass-based, organised political force left in the country.[14]

The SCAF-led transition phase (Feb. 2011–Aug. 2012)

After Mubarak resigned on 11 February 2011, the SCAF took control of the executive but instantly declared its intention to withdraw from politics after a transition period, which would supposedly end with its passing of power to an elected authority.

In the following weeks and months, the SCAF decapitated the political and security institutions,[15] but refused to carry out more radical measures like the revolutionary changes that its forerunners resorted to in 1952 to reconfigure the regime. Above all, the SCAF did not seriously purge the Ministry of the Interior, which was soon able to reorganise and start exerting its power again, often in coordination with the army.[16]

With the SCAF temporarily in charge of the executive and the Interior Ministry only very lightly touched by the revolt, what was still lacking for a new edition of the regime's power triangle was a political partner able to fill the void left by the disintegration of the regime's political apparatus. Lacking an alternative, the SCAF had to come to terms with the Brothers, at least until some pieces of the former political establishment, the so-called *fulul* (regime remnants) were able to re-emerge

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[13]The conservative trend inside the Brotherhood had already taken the upper hand in 2007 when a draft platform for a MB political party was leaked to the press by the Guidance Bureau reflecting a 'step back' with respect to the more liberal stances on issues such as women and minority rights of earlier documents.

[14]On the NDP's rapid disintegration during the 2011 uprising, see Stacher, *Adaptable Autocrats*, 8-9. On the role of the temporary defeat of security forces, see Kandil, *Soldiers, Spies, and Statesmen*, 222-8.

[15]Following court orders, the SCAF dissolved parliament, municipal councils and the NDP. It also put top regime leaders on trial, however mainly on financial and criminal charges rather than political ones.

[16]As early as June-July 2011, the Central Security Forces (CSF) had started using violence again, often in coordination with the military police. Between November and December 2011, the clash between protestors and CSF provoked about 100 casualties.

from the ashes of the NDP or other more manageable actors could be found on the Egyptian political scene. In the end, the MB's traditionally moderate and gradualist approach could be of great value in a recomposition of the elites that did not completely upend power relations.[17] Beyond anti-Islamist rhetoric in the Western media, even the US seemed to be in favour of an Islamist-military alliance in which the Islamists, as the junior partner, deliver popular legitimacy and good economic governance, provided they do not cross red lines on strategic foreign policy issues or on internal power dynamics.

In the meanwhile, the conservative leadership of the Brotherhood jostled to keep its members in check as reformist cadres and young members from the rank and file argued that, as the repressive Mubarak regime was finally over, the ironclad hierarchical rules and traditionally strict discipline were no longer necessary. Inside the Brotherhood many longed to join forces with the 'revolutionaries' to which only the Brothers could bring decades-long experience and large social networks.[18] Yet, despite internal bickering and defections, the MB leadership managed to avoid major splits and to close ranks around its conservative Guidance Bureau and its strong man, multimillionaire, Vice-Supreme Guide Khayrat al-Shater, just released from prison.[19]

As a first move, the MB made clear that it accepted the SCAF's roadmap without reservation, which called for managing the transition through elections and legal reforms rather than radical changes, thus abandoning the people in the streets and those calling for deeper reform.[20] Gradually becoming more conscious of their political weight, the Brothers realised they could be a stabilising force while comfortably winning elections.

On 21 February, the MB announced the creation of its political arm, the Freedom and Justice Party, FJP (*hizb al-hurrya wa al-'adala*) thus showing that it was perfectly able to keep apace of events.[21] On 30 April, the Shura Council, the

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[17]The MB has historically been against radical change, as a consequence losing that part of its constituency not satisfied with the movement's conciliatory approach toward the regime, for example in the 1970s and 1980s. Al-Awadi, *In Search of Legitimacy*.

[18]Hundreds or maybe thousands left right after the revolution or in the following months. Many joined youth movements, others created their own political parties (such as Abdel Moneim Aboul Futuh and Ibrahim Zafarani) or joined existing ones such as *al-Wasat*. Author's interviews with former Brothers, Cairo, March 2013. See also A. El Sherif, "Egypt's New Islamists: Emboldening Reform from Within", *Sada*, 12 January 2012, http://carnegieendowment.org/2012/01/12/egypt-s-new-islamists-emboldening-reform-from-within/b1ws.

[19]On Al-Shater, see A. Howeidy, "A Model Capitalist?", *al-Ahram Weekly*, 12-18 April 2012, http://weekly.ahram.org.eg/2012/1093/eg4.htm. On Al-Shater's al-Nahda Project, see "Khairat al-Shater on 'The Nahda Project' (Complete Translation)", http://www.currenttrends.org/research/detail/khairat-al-shater-on-the-nahda-project-complete-translation.

[20]In March 2011, a referendum on the SCAF-sponsored interim Constitution setting the legal framework for the transition process passed with 77 percent of the votes, thanks to the Islamists' support.

[21]The party was officially established on 30 April and legalised on 6 June, http://www.fjponline.com/.

MB's main legislative body, appointed Mohamed Morsi as president of the party, Essam al-Erian as vice president and Saad al-Katatny as secretary general, not surprisingly all representatives of the mainstream, conservative trend inside the Brotherhood.[22] The party, while being a direct emanation of the Brotherhood and under its strict control, was made open to all Egyptians, which means that FJP members did not have to be Muslim Brothers and not even Muslims. The FJP was positioned to be the flexible and public face of the MB, which instead kept its rigid rules and secretive *modus operandi*. Suffice it to say that attaining full membership of the MB still requires years, a useful way for an underground movement to test members' loyalty, but not very practical or acceptable for a legal and possibly ruling party. While party finances and membership were made public as requested by the law on political parties, MB members and assets were not made public after the revolution, pending an administrative court ruling on the organisation's legal status.[23] A further reason not to declare its members' names and assets publicly was fear of future persecution should the political transition end with a political arrangement hostile to the Brothers.[24]

In any case, the MB strategy of not confronting the military and concentrating on elections proved successful in the short term with the FJP coalition winning 44.9 percent of the parliament seats (235) with 37.5 percent of votes. The FJP officially became Egypt's majority party rivalled only by the new-entry Salafist parties that together got 25 percent of seats (123) with 27.8 percent of votes.[25] The neo-Wafd, the biggest non-Islamist party, scored a distant third place (38 seats, 9.2 percent). However, it soon became clear that the tactical alliance between the SCAF and the MB would not be without skirmishes and reciprocal adjustments. The Brothers had vivid memories of how it ended the last time the MB supported a military coup in 1952 and feared betrayal, while the army, shaped by decades of the regime's anti-Islamist rhetoric, was wary of unchecked Islamist political domination.[26] Tensions escalated in spring-summer 2012 with the approaching presidential elections and the following handover of power from the SCAF to the new civilian president.

In spring 2012, the MB-FJP presented its own presidential candidate notwithstanding previous promises not to do so.[27] The reason for the U-turn was probably

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[22]The FJP held its first internal elections between October 2012 and January 2013, a few months after Morsi resigned from his position in the party. Al-Katatni became the party's new president, Al-Erian vice president, and Hussein Ibrahim secretary general.

[23]In March 2013, the MB finally registered as an NGO. However, until the July 2013 military coup, the organisation's legal status was still uncertain as the case was to be examined by an administrative court. See T. Perry, "Court Ruling Hangs Over Egypt's Muslim Brotherhood", *Reuters*, 21 March 2013, http://www.reuters.com/article/2013/03/21/us-egypt-brotherhood-idUSBRE92K0V120130321.

[24]Author's interview with MB senior member, Gehad al-Haddad, Cairo, March 2013.

[25]On the Salafis, see Lacroix, *Sheikhs and Politicians*.

[26]Author's interviews with MB members, Cairo, March 2013.

[27]The first FJP candidate was Khairat al-Shater, who was then disqualified by the Electoral Commission on the grounds of his not yet solved criminal conviction.

the weakness of the Islamist-controlled parliament, incapable of nominating an executive and threatened by a Supreme Constitutional Court (SCC) ruling on its 'constitutionality', endangering not only the parliament, but also the MB-dominated Constitutional Assembly elected by parliament. MB fears proved founded. After the first round of presidential elections and the unexpected entry into the second round of the MB candidate, Mohamed Morsi,[28] the SCAF stepped in and dissolved parliament on the basis of the SCC ruling, vesting itself with legislative powers.[29] Moreover, on 17 June, the day the polls closed for the second round of elections, the military followed up with an addendum to their March 2011 Constitutional Declaration that effectively subordinated the new Egyptian president to the SCAF.

When Morsi was finally declared the new president of Egypt, his powers were severely limited and it was not until mid-August that a deal was reached between the army and the MB so that the June constitutional declaration could be annulled.[30] In fact, on 12 August, Morsi removed the heads of the intelligence and military intelligence services, as well as the SCAF's four most public faces (the head of the armed forces and Chairman of the SCAF, Muhamed Hussen Tantawi among them) in what the media called 'Morsi's coup'. More likely however, is that Morsi's move was decided in agreement with the army or, better, a powerful faction within the army led by General Abdel Fattah al-Sisi, representing a middle generation of officers sick of the decades-long control by Tantawi, an acolyte of Mubarak, and of their blocked career opportunities.[31] It is difficult to say what the real intentions of the army were at the time. The MB probably believed or was made to believe that the new army leadership was interested in guarding its power and privileges without being trapped in the day-to-day government of the country and hoped that this could be a sufficient basis for a sustainable power-sharing agreement. The events that followed, however, proved this calculation wrong.

The Muslim Brotherhood-led transition phase (Aug. 2012–July 2013)

Morsi's coup of August 2012 opened a new phase of the Egyptian transition in which the MB-FJP could be said to govern the country, albeit with many

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[28]The first round (23 and 24 May) was passed by Mohamed Morsi with 24.8 percent of votes and Ahmed Shafiq, a former regime figure, with 23.4 percent. Other candidates were Hamdeen Sabahi (21 percent), Abdel Moneim Aboul Futuh (18 percent), and Amr Moussa (11 percent).

[29]SCC ruled the lower chamber of parliament unconstitutional on the grounds that the previous electoral law with which its members had been elected was in violation of the interim Constitution of March 2011.

[30]Morsi had a knife's edge victory with 51.7 percent of votes against the 48.2 percent for the regime man, Ahmed Shafiq.

[31]Stacher, "Establishment Morsi"; M. El-Ghobashy, "Egyptian Politics Upended", *Middle East Report online*, 20 August 2012, http://www.merip.org/mero/mero082012. For the hypothesis of a 'coup' within the army, see also H. Rashwan, "Morsi's Coup Against the Army: the Hows and the Whys", *al-Ahram Weekly*, 14 August 2012, http://english.ahram.org.eg/NewsContent/1/140/50324/Egypt/First–days/Morsis-coup-against-SCAF-The-hows-and-the-whys.aspx.

limitations and strong uncertainties. Morsi held the presidency, but both the upper chamber of parliament (Shura Council)[32] and the Constituent Assembly elected by the dissolved parliament were working under threat of possible dissolution pending a SCC rule on their constitutionality – a serious situation by any standard, considering the risk of blackmail or general outside meddling it involved for the drafting of the country's future constitution.[33] Moreover, the state bureaucracy and institutions (most importantly the Ministry of the Interior and the judiciary) were not reformed by any exceptional 'revolutionary' measure and, shaped by decades of authoritarian rule, were filled by former regime personnel eager to maintain privileges and positions and unwilling to cede power to newcomers.

Indeed, the MB-FJP did not have a solid governing position from which to deal with the country's mounting economic crisis. The uncertain transition worsened a situation that included a massive budget deficit, crumbling infrastructure, soaring unemployment and rapidly declining foreign currency reserves. The short-cut solution advocated by the MB-FJP, a deal with the IMF opening the way to further foreign borrowing, risked being a fatal embrace, as it represented a continuation and even an exacerbation of the previous regime's neoliberal policies. Most of all, it required the implementation of very unpopular measures such as a drastic cut in subsidised goods.[34]

What the press called the 'Morsi government' saw the light on 2 August 2012 (just a few days before 'Morsi's coup' and therefore still under the full supervision of the SCAF), under the premiership of Hisham Qandil, considered to be close to the Brotherhood but not one of its members. Out of 36 ministries, only five went to MB-FJP members (higher education, youth, housing, information and manpower), all relatively minor ministries and hardly sufficient to implement the MB-FJP programme. In continuity with previous SCAF governments, most ministries were occupied by technocrats or former regime figures.[35] The government's composition clearly reflected the country's power dynamics.[36] In this situation, the MB's priority could not be to govern the country (not yet), but rather to

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[32]The upper chamber or Shura Council was elected in early 2012 pursuant to the March 2011 interim Constitution. Only around 8 percent of eligible voters turned out, mainly because the Council had been granted only an advisory role. The results were heavily skewed in favour of Islamist parties, even more so than the lower chamber.

[33]Brown, "Egypt's State Constitutes itself", and N. Brown, "Egypt's Constitution: Islamist Prepare for a Long Political Battle", *Carnegie Endowment for International Peace*, 23 October 2012, http://carnegieendowment. org/2012/10/23/egypt-s-constitution-islamists-prepare-for-long-political-battle/e4wv.

[34]See Paciello, "Delivering the Revolution? Post-uprising Socio-economics in Tunisia and Egypt", in this issue, 7.

[35]T. Perry, and T. Elyan, "Echoes of Past in new Egypt Government", *Reuters*, 2 August 2012, http://in. reuters.com/article/2012/08/02/egypt-government-tantawi-idINDEE87109520120802.

[36]MB-FJP members insisted they were not the 'governing party', but only the 'majority party' as the Qandil government was not political, but technical. Author's interviews with senior FJP members and Muslim brothers Gamal Heshmat and Amr Darrag, Cairo, March 2013.

consolidate its power in view of a new constitution and new parliamentary elections which were to take place as soon as possible.

In pursuing its strategy, the MB faced not only resistance from state institutions and former regime components, but also internal problems. The first was its own unpreparedness. Under Mubarak, the MB was not expecting and thus not prepared to be a governing party and, like all other political forces, had a very vague political program and no experienced administrators and statesmen.[37] The tumultuous pace of events after 2011 left little time to build a solid government platform for Egypt or to train new cadres.[38] Moreover, the long experience under authoritarian rule had shaped, as mentioned before, a secretive organisation used to relying only on loyal members and had encouraged a paranoid approach to its cadres and rank and file.[39] The uncertainties of the post-Mubarak transition did not help change the Brotherhood's internal functioning and decisions were taken in a non-transparent way by a very restricted group of people in the guidance bureau, imposing their will on a subservient membership and on the MB's political arm, the FJP. Finally, the great imbalance between the MB and other political forces in terms of social base and, in spite of it all, organisational capacity facilitated, on the one hand, the run-alone attitude of the Brothers and, on the other, suspicion and fear in non-Islamist circles.

Nevertheless, in the second round of the presidential elections many liberals and non-Islamists voted for Morsi against the *ancien régime* candidate, but the situation rapidly deteriorated in autumn 2012. Contrary to the relatively more successful power-sharing attitude of Ennahda in Tunisia, the MB did not even try to reach out to the broader Egyptian civil and political society, as well demonstrated by the Islamists' arrogant domination of the Constituent Assembly and their unwillingness to accept non-Islamist input in the process.[40] This behaviour facilitated their being turned into the scapegoat for all the country's ills and increased the isolation in which the MB-FJP found itself when it tried to break the transition's political impasse.

The 22 November crisis and approval of the new Constitution

On 22 November 2012, after successful mediation between Hamas and Israel which gained the MB international (and more importantly US) approval, Morsi, in

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[37]The situation was further aggravated by the resignation of the reformists, all experienced politicians, such as Aboul Futuh, etc. Author's interviews with former Brothers and with Abdel Moneim Aboul Futuh, Cairo, March 2013.

[38]Author's interview with members of the MB and FJP, Cairo, March 2013. Interviewees also cited the difficulty in attracting technocrats to administrative positions because of the low wages generally offered by the public administration in Egypt and for fear of being too closely associated with the MB.

[39]El Houdaiby, *From Prison to Palace*.

[40]For an account of the modus operandi of the Constituent Assembly, see Brown, "Still Hope for Egypt's Constitution".

a surprise move, issued a new Constitutional Declaration. The declaration removed the unpopular prosecutor general, a Mubarak-era holdover; paved the way for retrial of recently acquitted officials implicated in violence against demonstrators; protected both the upper chamber of parliament and the Constituent Assembly from possible court-ordered dissolution; prolonged the Constituent Assembly's term by two months; and, crucially, immunised all presidential decisions from judicial review until adoption of a new constitution.[41]

The declaration did not come out of the blue. The transitional process had dragged on for almost two years and appeared on the verge of collapse. As already mentioned, the democratically-elected lower house had been dissolved by court order and speculation was rife that the same could happen to the two remaining popularly-mandated institutions – the upper house of parliament and the Constituent Assembly. But there were other more worrying dangers. The SCC purportedly was poised to reinstate, on 2 December, the June 2012 SCAF Constitutional Declaration pursuant to which the SCAF had awarded itself unprecedented legislative and executive powers.[42] Were that to happen, all of Morsi's subsequent decisions would theoretically be null and void.[43]

Despite this, the declaration provoked immediate and widespread outrage. In fact, it was made in a politically clumsy way, to say the least, as it was badly formulated and, above all, without previous consultation with other non-Islamist forces that were also demanding, for example, the removal of the prosecutor general and the trial of former regime officials, but were suspicious of the MB's authoritarian leanings. For the first time since 2011, the non-Islamist forces united in an anti-Brotherhood platform and launched the National Salvation Front (NSF). The Front, led by the three main personalities of the opposition, Muhamed el-Baradei, Hamdeen Sabahi and Amr Moussa, aimed at the annulment of the presidential decree and the formation of a more representative Constituent Assembly.

In the following weeks, demonstrations against Morsi multiplied in all the country's main cities, while MB and FJP offices were ransacked by unidentified mobs. The scale and style of the protest wave hinted at the presence of former NDP mobilisation networks and tactics (such as hired thugs) to bolster the expression of 'people's discontent' with the complicit inaction of the internal security forces. The worst incidents took place on 4 and 5 December in front of the Presidential Palace

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[41]For an English text of the declaration, see: http://english.ahram.org.eg/News/58947.aspx.

[42]For a detailed reconstruction of how and why the Constitutional Declaration was made, see M. Basal, "Freedom and Justice Party Drafts the Declaration's Articles. President Agrees without Consulting the Vice President. *Al-Shorouk* Provides a Behind-the-Scenes look at the November 21 Declaration" (in Arabic) *al-Shorouk*, 5 March 2013, http://shorouknews.com/news/view.aspx?cdate=05032013&id=6c49af0d-dd9f-49b9-86bf-a4f6ebab0204.

[43]On the 'necessity' of a revolutionary measure to break the political impasse, see H. Kandil, "Mohamed Morsi and the Classic Revolutionary Trap", *The Guardian*, 30 November 2012, http://www.theguardian.com/commentisfree/2012/nov/30/mohamed-morsi-revolutionary-trap-egypt.

with the police standing by as protesters fought with alleged Brotherhood militia.[44] Clearly the atmosphere was far removed from the bipartisan enthusiasm provoked by Morsi's victory in summer. Increased polarisation degenerated into open battle between the MB-FJP and opposition forces.

Morsi's answer to the crisis was twofold: on the one hand, he opened a belated national dialogue (boycotted by the opposition) and annulled the main provisions of the November Constitutional Declaration (8 December); but on the other, he pushed for a quick end to the constitutional process notwithstanding the NSF's fierce opposition. The Islamist-dominated Constituent Assembly presented the final draft of the Constitution on 30 November. It was then approved by popular referendum on 15 and 22 December with 64 percent of votes, but with a voter turnout of only 33 percent.

Thanks to this move, the MB-FJP could count on a new Constitution and on the full, if temporary, legislative power it granted the upper chamber of parliament.[45] But the political price for this relative success was very high.

Two years after the revolution and six months after Morsi's election, Egypt was increasingly polarised and ungovernable, while the country's majority party, the MB-FJP, was still far from having gained a stable position inside state institutions. The army started to present itself again as the final arbiter of national politics, while no longer held responsible for the government's failure to meet citizens' needs, having relinquished its executive power back in August 2012.[46] The Ministry of the Interior was not under the control of the executive as demonstrated by the remarkably thin protection provided to the Presidential Palace by police forces in December 2012, by the widespread strikes of police forces all over the country in the first months of 2013 and, most of all, by the growing chaos nationwide. Internal security forces, waiting to see who their next political patron would be, were making their importance felt in order to raise their bargaining power.[47]

Finally, the 2012 Constitution of Egypt, rather than providing a common platform on which to build a new, post-revolutionary, democratic Egypt, was widely criticised for being too close to the 1971 Constitution and for not reflecting the revolution's requests, for being ambiguous in many respects and, in general, for simply being badly written. This could have been the result of incompetence and

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[44]A. El Sherif, "Brotherly no More?", *Sada*, 18 January 2013, http://carnegieendowment.org/2013/01/18/brotherly-no-more/f304.

[45]The rationale behind this provision was that a legislative body was needed to draft and approve an electoral law and that the upper chamber was supposed to play that role. It is also important to note that the alternative would have been to allow the president to rule by decree.

[46]In January 2013, General al-Sisi threatened a new direct intervention "should the state collapse".

[47]In January 2013, Morsi appointed a new Minister of the Interior, Mohamed Ibrahim Moustafa, who replaced Ahmed Gamal. Moustafa was the former assistant to the minister and headed Egypt's prison authority. While provoking the protests of the police forces, his nomination was not a radical change with respect to his predecessor.

the difficulties in reaching consensus in a fragmented society but, above all, it was the outcome of the final rush the president had imposed on the Assembly.[48] The six months in which the Constitution was in effect (Dec. 2012–July 2013) were enough to reveal how many of its articles were open to different and at times conflicting interpretations beyond the authors' intentions.[49]

The Brotherhood's attempts to control the state and legislative action

After the approval of the new Constitution, the MB-FJP tried to prepare for parliamentary elections, making the best of their leading, if not unchallenged, position inside state institutions and of the newly acquired legislative power of parliament's upper chamber. The risk, of course, was to lose popular consensus in the process, as the rapidly deteriorating living conditions and growing chaos were widely perceived to be the result of the MB's bad governance and self-interested actions.[50]

Two government reshuffles, in January and May 2013, increased the number of Brothers in the government to a total of 10 (out of 35). The new MB ministries were related to economics and local development and, as denounced by the opposition, were important posts in preparation for the elections.[51] In September 2012 and June 2013, Morsi also appointed new governors for Egypt's 27 governorates. Of the new appointees, 10 were MB members.[52]

Besides these upper level political appointments which, in democracies, legitimately change after every new majority, it is difficult to quantify the level of administrative personnel renewed for lack of verifiable information. The opposition claimed a 'Brotherhoodisation' of the state and it is likely that the MB-FJP tried to place loyal members in key bureaucratic positions as often as it could. It is also fair to argue that the authoritarian-grown state tried its best to sabotage the Brotherhood's attempts to govern. Generally speaking, it seems that the MB-FJP did not try (at least not in the short time it had) to purge or to alter radically the balance

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[48]For the constitution text in English with a useful index, see "The 2012 Constitution of Egypt, Translated by Nivien Saleh, with Index". *Nivien Saleh,* http://niviensaleh.info/constitution-egypt-2012-translation/. For an initial analysis of the Constitution, see Zaid Al-Ali, "The New Egyptian Constitution: an Initial Assessment of its Merits and Flaws", *openDemocracy*, 26 December 2012, http://www.opendemocracy.net/zaid-al-ali/new-egyptian-constitution-initial-assessment-of-its-merits-and-flaws.

[49]See, for example, Al-Ali and Brown, "Egypt's Constitution Swings into Action".

[50]In spring 2013, for example, the MB-FJP lost student elections, traditionally an Islamist stronghold. The MB-FJP also lost support in the medical and journalist syndicates, both crucial bases for the Brotherhood.

[51]MB-FJP's new ministries were transportation, local development, investment, international cooperation and agriculture.

[52]"Egypt's New Regional Governors: A Who's Who", *al-Ahram Weekly*, 4 September 2012, http://english.ahram.org.eg/NewsContent/1/64/52010/Egypt/Politics-/Egypts-new-regional-governors-A-whos-who.aspx. and "Egypt's Newly Appointed Governors: A Who's Who", *al-Ahram Weekly*, 17 June 2013, http://english.ahram.org.eg/NewsContent/1/64/74199/Egypt/Politics-/Egypts-newly-appointed-governors-A-whos-who.aspx. The appointment of a member of the *Gama'a Islamiyya* as Luxor's new governor outraged the public. The Gama'a, now a legal political party, is the organization responsible for the terrorist attack in Luxor in 1997 that killed 58 foreign tourists and 4 Egyptians.

of power inside state institutions and administrations, especially if compared to other post-revolutionary national cases. What the Brothers were doing instead was trying to find a *modus vivendi* with former regime representatives, flanking them with their own people when possible. This was also the case with representative institutions outside the state, such as the state-sponsored trade union, the Egyptian Trade Union Federation (ETUF), and business associations.[53]

Besides slowly consolidating their position in key institutions, the MB-FJP was also trying to use the legislative power of the upper chamber it now controlled to its advantage. This produced no positive results, however, as every major law the Islamists passed was then revoked by the judiciary. Most significantly, the electoral law which, according to the new Constitution, was to have been completed within two months of the Constitution's entry into force, was rejected three times by the SCC.[54] As a consequence, parliamentary elections were delayed indefinitely. Because of this delay, the parliament's upper chamber expanded its scope to include matters other than the electoral law, including a new law on non-governmental organisations (NGOs), a law on demonstrations, and a judicial reform law. All were very controversial but none was fully approved before the military takeover of July 2013. A rapid look at the drafts, however, reveals far more continuity with the Mubarak period than change and, especially, an attempt by the MB-FJP to tailor the new laws to their short-term interests rather than to achieve any long-term vision. This is true for the conservative, if not outright draconian, measures included in the NGO and protest law proposals, and for the new electoral districts envisaged in the electoral law rejected by the SCC.

On 2 June, the SCC also ruled – as Islamists feared – that the upper chamber of parliament had been elected on the basis of an unconstitutional electoral law and that the Constituent Assembly was also unconstitutional. However, the SCC also found that the 2012 Constitution should remain in effect, given that it had been approved by popular referendum, and that the upper chamber of parliament should retain legislative power until the next elections, as stated in the 2012 Constitution.

A deeper crisis was therefore avoided, but the ruling severely damaged the already weak legitimacy of the political institutions. The manner in which the courts influenced the political process after the ousting of Mubarak is indeed exceptional and – leaving aside the solid legal arguments sometimes adduced by the judges[55] – one cannot help but think that a political battle was playing out behind the legal technicalities. This battle was (and still is) shaping the post-Mubarak political regime.

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[53]See the article by Paciello, "Delivering the Revolution?", in this issue, 7.

[54]Article 177 of the 2012 Constitution provides that, after draft electoral laws are approved by parliament, they must be reviewed by the SCC to ensure that they are in conformity with the Constitution (with the previous Constitution, the SCC reviewed the constitutionality of laws only after they entered into force and an appeal was made before it).

[55]As argued in Al-Ali, "The Constitutional Court's Mark on Egypt's Elections".

The Egyptian "deep state" strikes back

It was in this highly volatile political situation that a little known activist group started to collect signatures to ask for early presidential elections. The *tamarrod* (mutiny, rebellion) campaign attracted youth activists, opposition parties and establishment figures, as well as many ordinary citizens angered by the deteriorating economic and security conditions.[56] The novelty, however, was that the campaign was also joined by businessmen, members of the Muslim and Christian religious establishments (*al-Azhar* and the Coptic Church, respectively) as well as by security forces and, eventually, the army itself.

The anti-Brotherhood mobilisation culminated on 30 June (the anniversary of Morsi's presidential nomination in 2012), when millions of Egyptians marched in the country's main cities. The extent of the protest took many by surprise and allowed the army to make its move, giving the president 48 hours "to meet the people's demands". On 3 July, following Morsi's refusal to step down, the army intervened, suspending the Constitution, relieving the president of his functions and detaining him in an unknown location.[57] The same day, General al-Sisi announced a roadmap endorsed by Sheikh Al-Azhar Ahmed el-Tayyeb (Egypt's highest Sunni Muslim authority) and Pope Tawadros II (the patriarch of the Coptic Orthodox Church, the country's largest Christian congregation), as well as by NSF and Salafist *al-Nour* party leaders. According to it, Adli Mansour, head of the SCC, became the interim president charged with overseeing the nine-month transition period leading to new elections. The roadmap, codified by Mansour's 8 July Constitutional Decree, granted the new president the authority to name a legal committee to amend the 2012 Constitution then to be discussed by a 50-member Constitutional Assembly again nominated by the president.[58] Voters will then be asked to approve the amendments in a referendum and immediately afterwards to take part in parliamentary and then presidential elections. In the meantime, Hazem el-Beblawi, a respected economist, is heading a cabinet made up mainly of techno-crats and non-Islamist political figures. In theory, the interim government is led by civilians, but the appointment of General al-Sisi as deputy prime minister in charge of national security (on top of his existing role as defence minister), have made him the regime's *de facto* strongman. This arrangement was readily accepted by liberal politicians, most notably Muhamed el-Baradei, nominated vice-president,[59]

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[56]Tamarrod's founders were members of Kefaya, the anti-Mubarak protest movement born in late 2004. Tamarrod's campaign aimed to collect at least 15 million signatures by 30 June 2013 calling for Morsi's resignation, more than the votes he won in June 2012.

[57]For a reconstruction of the events in summer 2013 until early August, see ICG, *Marching in Circles*.

[58]On the possible consequences of this new state-controlled and unrepresentative constitutional process, see Brown, "Mrs. Lincoln's Egyptian Constitution".

[59]El-Baradei resigned in protest after the violent crackdown on the Brotherhood on 14 August in which hundreds of people died.

who had previously been very clear about the need for civilian rule and extremely critical of the SCAF's actions.

Following the coup, a comprehensive and extremely violent crackdown was organised by the military, internal security forces and members of the judiciary against the MB, apparently with the goal of definitively crushing the movement. Scores of Muslim Brotherhood and other Islamist activists and leaders were detained (including former President Morsi and, in August, the MB Supreme Guide, Muhamed Badi'e),[60] pro-Islamist media channels were shut down and an intense anti-Brotherhood and nationalist media campaign was aired. However, most importantly and unexpectedly, MB activists protesting the ousting of Morsi were repeatedly mowed down in July without much of a reaction from either inside or outside the country.[61] Thus, nothing stopped the army from organising, on 14 August and the following days, the forced removal of the MB sit-in protesters in Cairo, brutally killing, with the help of the police, hundreds of people in what is possibly the worst mass killing in Egypt's modern history. At the same time, militants' attacks on security forces in Sinai increased, as did sectarian attacks against Christians, especially in Upper Egypt, although the MB leadership repeatedly called upon its rank-and-file to keep protests peaceful.

Both the US and the EU reacted timidly to events, in practice giving a green light to the ousting of an elected president and to the physical elimination of a political adversary.[62] Moreover, the United Arab Emirates (UAE), Saudi Arabia and Kuwait committed aid and loans totalling USD12 bn in early July, thus delaying Egypt's default. Saudi Arabia also declared that it would, together with its allies, make up for any reduction in Western aid, effectively neutralising – at least in the short term – the West's main leverage over Cairo.

For the time being, the Egyptian regime seems to be the winner, demonstrating that it is perfectly able to recompose its authoritarian structure. The army, with the help of the internal security forces, has got rid of the only organised political force that could have had the capacity to seriously reform the state. Contrary to what happened in the presidential elections of 2012, this time large parts of Egypt's political and economic elites supported the 'evil they know' rather than trying to reach a deal of some sort with the MB. The main opposition leaders also warmly welcomed the extra-institutional measures and the *de facto* alliance with *fulul* and the army to overcome their electoral failure vis-à-vis the MB, something

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[60]Morsi was finally put under house arrest and accused on 26 July of murder, kidnapping and ties with Hamas. Al-Badi'e was arrested on 20 August.

[61]The 8 July clash between Republican Guards and Morsi supporters left over 80 supporters and 1 army officer dead. Again on 27 July, more than 70 pro-Morsi protesters were killed in a ferocious attack by Egyptian authorities.

[62]Both the US and Europe considered cutting military aid to Egypt but so far there are no 'radical' measures in sight. On 15 August, President Obama announced that the United States had cancelled long-standing joint military exercises with the Egyptian Army set for September, more as a short-term, symbolic measure than a substantial one.

that would have been unthinkable immediately after the ousting of Mubarak. Nevertheless, the regime's political apparatus is still not completely reconstituted and the political coalition supporting the military is made up of too many and too diverse actors (from the Salafist *al-Nour* to the many liberal and leftist components of the NSF) to be able to last for long, at least in its current form.

Conclusion

Locating the tumultuous political parable of the MB in the broader picture of the structural evolution of the Egyptian system of power facilitates an initial interpretation of the MB's political role and behaviour.

After the fall of Mubarak and the NDP, the MB found itself as the only organised political force left in the country. Conscious of its strength and in line with its moderate tradition, the MB decided to act as a stabilising force, to abandon the street and to lend democratic legitimacy to the political process designed by the SCAF. Whether it did so because it believed in the need to accommodate previous elites with a gradual approach or simply out of thirst for power or whatever does not change the final outcome: the MB-FJP was first 'burned' politically and then harshly repressed after having exhausted its stabilising role, not unlike what had happened in the 1952-54 'transitional' period. In the year it was in government, the MB-FJP's priority was not to implement a political or economic programme or to give the country a new political (or cultural/ideological) imprint (both might have come at a later stage), but to consolidate its position *vis-à-vis* state institutions and societal forces. However, in their battle to control the state, Islamists soon appeared incompetent, arrogant and authoritarian, were fully blamed for the deteriorating living conditions and lost popular consensus outside their inner circle.

The main mistakes the Brothers made were, first, to turn their back on several opportunities to spearhead the revolt by leading popular forces and, second, to keep their strategy for change gradualist and conservative, seeking compromises with parts of the former regime even though the turmoil and expectations in the country required a bolder strategy. This should come as no surprise, as the MB has traditionally been a moderate and conservative movement. This time, however, its moderation determined or at least facilitated its isolation and final defeat.

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