

A GRAND DELUSION
Democracy and
Economic
Reform in Egypt

Eberhard Kienle

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Transliteration

A simplified version of the rules adopted by the *International Journal of Middle East Studies* is used for the transliteration of Arabic words. In particular, there are no diacritical marks and long vowels are not highlighted. Where possible, spellings normally used in English have been retained for persons, places and organizations of sufficient notoriety. Names of authors are given as spelled in the publications referred to. Names appearing in the acknowledgments are transliterated, except if elsewhere they are given in Roman spellings adopted by the person herself or her publisher

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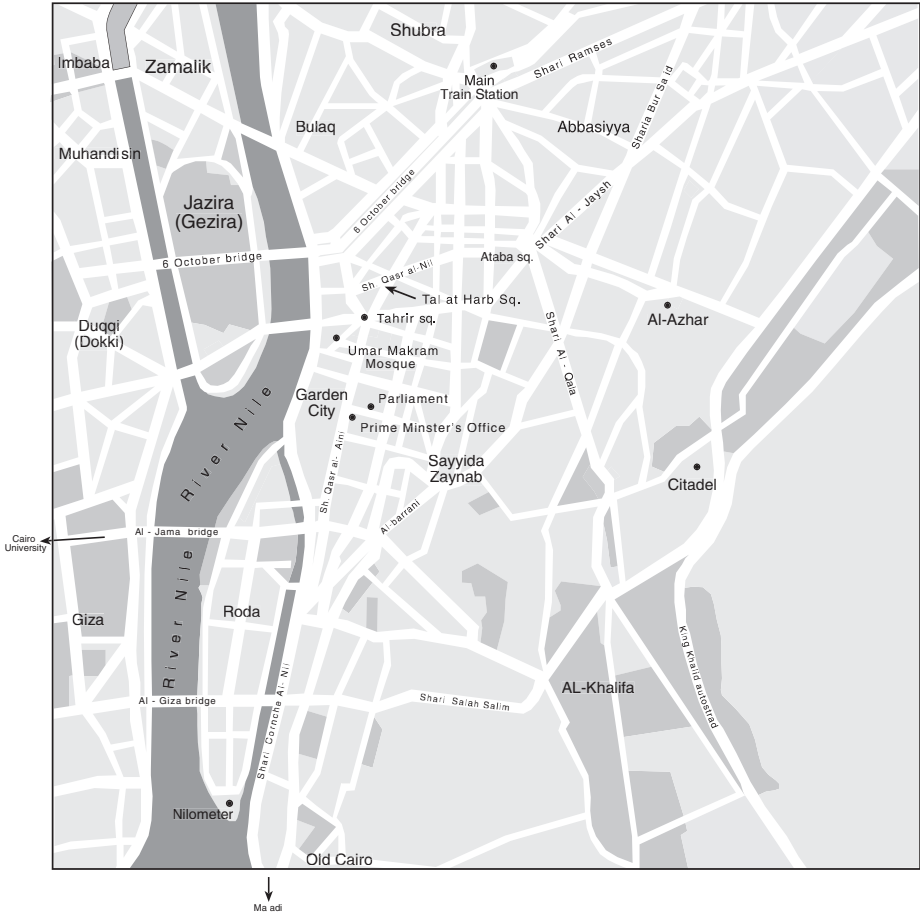
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List of Acronyms

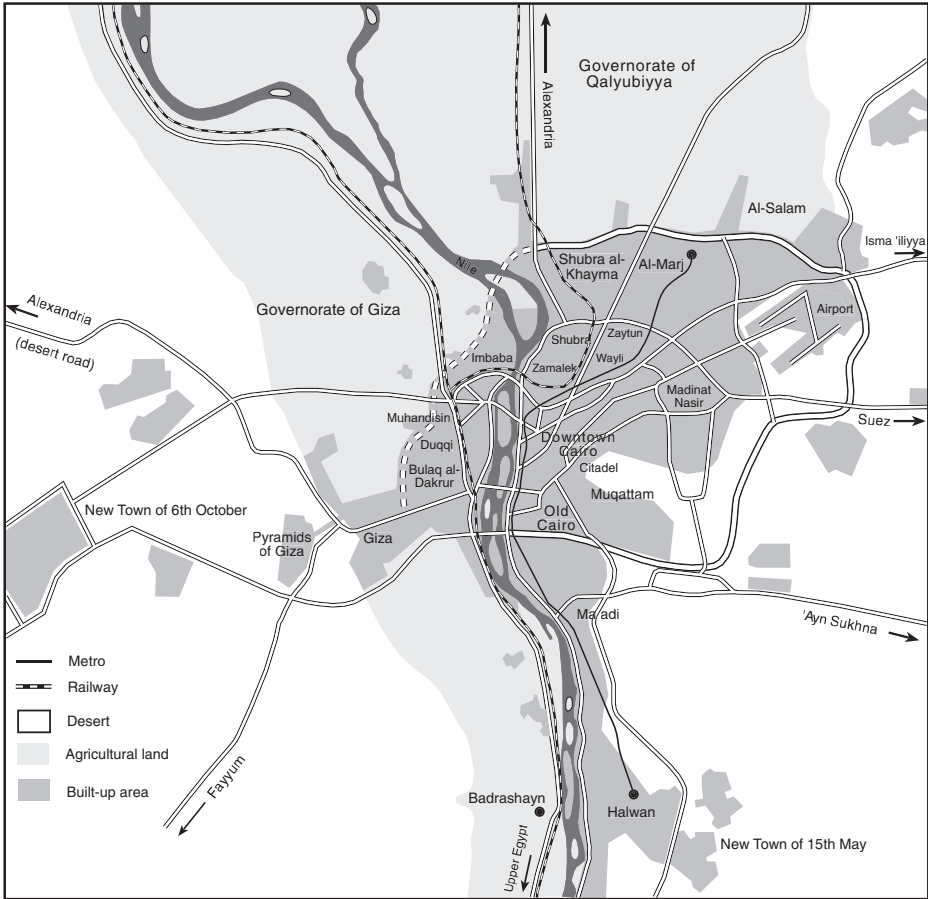
AUC	American University in Cairo
ASU	Arab Socialist Union
CAPMAS	Central Agency for Popular Mobilization and Statistics
CEDEJ	Centre d'études et de documentation économique, juridique et sociale
CHRLA	Center for Human Rights Legal Aid
ECES	Egyptian Center for Economic Studies
EOHR	Egyptian Organization for Human Rights
ERF	Economic Research Forum for the Arab Countries, Iran and Turkey
EU	European Union
GDP	Gross Domestic Product
GFTU	General Federation of Trade Unions of Egypt
GNP	Gross National Product
HDP	Human Development Report for Egypt
IMF	International Monetary Fund
NDP	National Democratic Party
NGO	Non Governmental Organization
SCC	Supreme Constitutional Court
UN	United Nations
US	United States
USAID	United States Agency for International Development
£E	Egyptian pound(s)
US \$	United States dollar(s)

Maps

CAIRO

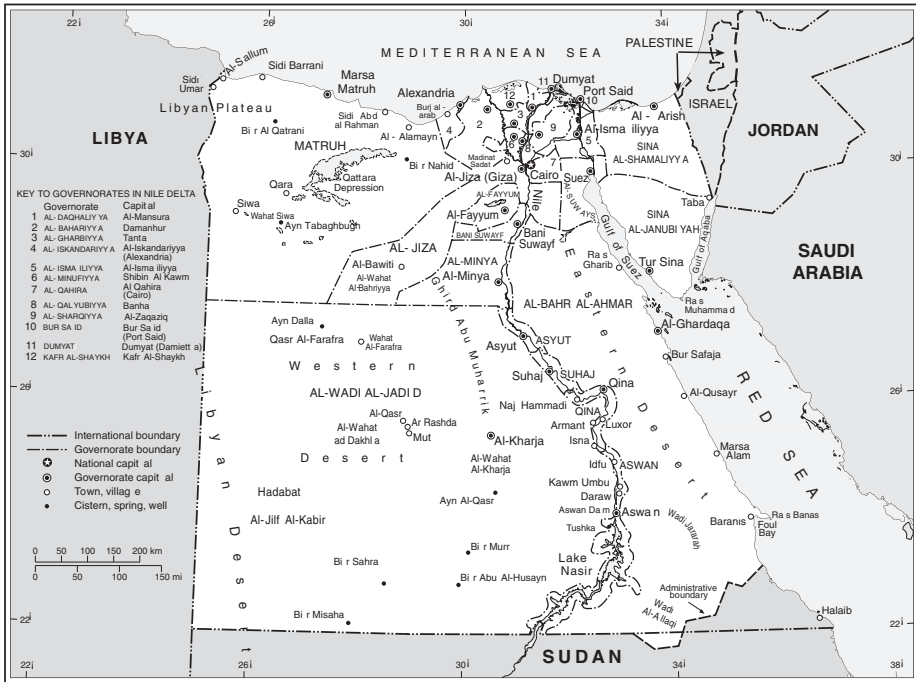


GREATER CAIRO



MAPS

EGYPT



Introduction

This book aims to make a contribution to two debates: on the political liberalization and democratization of countries in the ‘Third World’, and on the modern and contemporary history of Egypt. By examining recent political developments in Egypt, this study seeks to critique and to go beyond the interpretation of its history in terms of a transition to democracy. In a wider sense, it advocates a reading of events and developments that emphasizes not only ruptures and discontinuities but also continuities. Far from being an attempt to rehabilitate the historiography of an Eternal Orient identified with a certain notion of Orientalism, the revalorization of continuities serves to question belief in linear, almost inevitable, progress towards political ‘modernity’ characterised by the universalization of the democratic norms known from Western Europe and North America. In the medium term at least, such expectations appear questionable not only in Egypt but also elsewhere, in particular in other countries that implement programmes of macroeconomic stabilization, structural adjustment or similar measures of austerity and economic liberalization.

The most common periodization of the political history of modern Egypt contends that the 80 or so years that have passed since its formal independence following the First World War have been marked by a succession of political regimes and even systems that are quite distinct from one another. According to this narrative, the ‘liberal’ and semi-parliamentary monarchy, whose sovereignty was restricted by special treaties with Great Britain, was replaced in 1952 by the military dictatorship or revolutionary regime of the Free Officers led by Jamal (Gamal) ‘Abd al-Nasir. The policies introduced by the officers in the name of ‘Arab socialism’ then allegedly gave rise to a democratic centralism of sorts, characterized by authoritarian, if not totalitarian traits. After Nasir’s death in 1970, his successor, Anwar al-Sadat, supposedly abandoned the economic interventionism and democratic centralism inspired by popular democracies in favour of substantial economic and political liberalization, initiating a return to the market economy and the parliamentarism of the ‘liberal’ period. Finally, the openings that Sadat initiated are said to have been maintained, consolidated and expanded when Husni Mubarak came to power after the assassination of Sadat in 1981. The history of Egypt is seen as marked by ruptures of variable importance, substantial at the beginning and end of the Nasirist regime, more modest at the time of the advent of Mubarak. Thanks to the latter two of these ruptures, Egypt is often described as gradually

returning to a liberal tradition which developed in the course of the nineteenth and twentieth centuries, but which is commonly believed to have been interrupted by the revolution.

Over the years, this vision of history has developed and changed in many ways, but the new perspectives have failed to challenge the received wisdom. Among the many continuities between the different periods, it is not only the authoritarian features of the successive regimes that have been highlighted but also the statism and economic nationalism of the monarchy, which in certain respects were more pronounced than during the first few years after the revolution. Another feature that has been emphasized is the importance placed initially by the Free Officers on the private sector and foreign investment. Possibly, the agrarian reform of 1952, which consisted of the distribution of land technically purchased by the state, was meant not only to reduce the political importance of the landlords but also to transform into an industrial bourgeoisie an economically dominant class which was still largely agrarian. It has also been stressed that the Free Officers were not all of 'petty-bourgeois' origins, and that some came from wealthier backgrounds, including families who had relatively comfortable revenues from land.

Equally, a good deal of the literature tends to question, sometimes only implicitly, the 'democratic rupture' supposedly produced by the advent of Sadat. As a whole, this literature allows one to illustrate and determine with considerable ease the limitations of the heavily truncated process of political liberalization introduced by Sadat and continued by Mubarak in the first ten years of his presidency.

In comparison to the 1960s, the progress made in the 1970s and 1980s was undeniable – especially if one measures developments against the yardstick of liberal democracy, as most of the authors did. Even taking into account the relative pluralism that characterized Egypt during the single-party system under Nasir, the controlled multipartism decreed at the end of the 1970s may have looked like another revolution. In spite of its limitations, the process of political liberalization may, indeed, have appeared to have been set in motion. In another 'moment of enthusiasm', observers could easily be tempted to project the pluralist achievements into the future and therefore to analyse Egypt as a country in transition to democracy. Not only the general public, but also a great many observers, thus allowed their views to be influenced by a potential future, rather than by the realities of the present.

Consequently, Egypt has more often than not been regarded as a country whose political regime, despite its undeniable authoritarian features, displayed recognizable liberal and even 'democratic' traits. Although neither the president nor parliament was ultimately elected by the electorate, there were nevertheless presidential and parliamentary elections. The courts were reputed to be independent, which was supported by the fact that they often overruled measures taken by the executive. There were even three occasions, in 1987, 1990 and 2000, when the Supreme Constitutional Court declared that the way in which deputies had been elected to the lower house of parliament was unconstitutional, thereby twice provoking early elections. The press did not hesitate to criticize the regime, often virulently, and frequently accused ministers and their entourages of embezzlement and corruption. Only the president and his family

enjoyed complete immunity from such accusations. Thousands of associations and non-governmental organizations flourished throughout the country and seemed to constitute an active and vibrant ‘civil society’. There were even several human rights organizations which monitored the situation very closely and were highly critical of the regime. Finally, the relatively liberal character of Egypt’s political regime appeared to be further confirmed when it was compared to other countries in the Arab world such as Syria, Iraq and Saudi Arabia.

In the eyes of many, the political regime in Egypt seemed to be even more characterized by liberal traits or increasingly firmly engaged on the path to liberalization since the *infital* – the measures of economic liberalization associated with Sadat – were followed up, broadened and reinforced by other such measures under Mubarak. For these observers, the relative decline of the public sector in an economy hitherto largely dominated by this sector, and indeed often called socialist, the simultaneous growth of the private sector and the extension of market relations were generally unthinkable without a political opening of sorts, perhaps less visible or less instantaneous, but no less real. Faithful to the belief that a liberal or liberalized economy implies political liberalization, they deduced the latter from the former.

However, as we shall see, not only has Egypt’s economic liberalization remained partial, but the effects of that liberalization on the evolution of liberties have been more complex than it may seem. Of course, it is true that the most direct beneficiaries of the new economic policies lived more freely than they did before. The opening of new fields of economic activity to private actors increased their freedom of action in these areas, and enabled them to acquire wealth, accumulate capital and extend their liberties wherever such extension was facilitated by the control of material resources. The fortunate could travel abroad or around the country, watch the news on satellite television, express their opinions by influencing or sometimes even by setting up periodicals. They could gain the ear of the regime and occasionally succeed in affecting its policies. However, it is also true that economic liberalization and the wider economic reforms of which it was part have weakened the position of other actors in this game. For instance, the large-scale liberalization of prices, often by the reduction or abolition of subsidies, that characterized the 1980s and 1990s, has done nothing to extend the liberties of tenants or of consumers of subsidized products – at least, not those liberties whose elasticity varies with income and resources.

More importantly, the more recent measures of economic liberalization by no means coincided with measures of liberalization affecting the more strictly political domain. On the contrary, after the beginning of the 1990s, the ‘liberal’ traits of the political system were seriously called in question. The events and developments that illustrate this hiatus cannot be reduced to attempts by some Islamist actors and forces to impose their values and convictions through propaganda, intimidation and terror. although this view is widely held in Europe and America.

In their majority, the measures that cast doubt on the liberal character of Egypt’s political regime were measures taken by the rulers themselves. The many trials of civilians by military courts, the spiralling number of death sentences, the long-time growing number of political prisoners, the everyday use of torture, the attempts to muzzle the

press, the restrictions imposed on institutions of 'civil society' such as professional syndicates, the association in government rhetoric of human rights organizations with terrorist groups and the widespread official interference in the 1995 parliamentary elections were only the most salient aspects of this evolution. Thus, the freedoms that characterized a liberal political regime were subject to new and numerous restrictions, which the dominant representation and description of Egypt tended to dodge and ignore. In certain cases these restrictions, which comprised repressive measures as well as the manipulation of elections and the production of docile majorities, not only prevented the extension of existing liberties but even led to their reduction.

It is difficult to reconcile these restrictions, and even more so the reduction of liberties, with a reading of Egypt's political evolution as a transition towards democracy and a truly liberal political order. The restrictions even cast doubt upon the notion of a 'blocked transition' and the hope that what was unfolding was merely a temporary setback on the long march towards liberal democracy. They support at least as much an alternative reading which, while accounting for variations over time, does not try to force them into the Procrustean bed of the end of history. The evolution of Egypt, like that of other countries supposedly on the road to 'democratization', may be thought of as an alternation of periods of extending, stagnating and contracting liberties. Seen from this perspective, periods of political liberalization may alternate with periods of deliberalization or re-authoritarianization. In the long run, the latter may be as much temporary deviations from an overall trend towards liberalization, as the former may be short-term escapes from a trend towards the latter. The notion of liberalization by no means implies that this process leads to the emergence of a 'truly' liberal political order, nor does the notion of deliberalization imply the emergence of a political order devoid of any liberal element. They both only designate tendencies towards the reinforcement and the generalization of liberties in the former, and towards their restriction and monopolization in the latter case. Lastly, at least in theory, there is nothing that prevents different liberties from evolving at a different pace and even in different directions, some extending and others contracting.

Those who recognize that the Egyptian regime multiplied measures that are irreconcilable with a liberal political order usually explain them as consequences of growing conflict between the regime and Islamist opposition forces. In other words, the restrictions are mostly seen as aimed at groups which attacked liberal values and a state considered to be close to these values. Chronologically, the restrictions concerned became more severe after the increasing use of force by armed Islamist groups during the first half of 1992 and the assassination of the secularist writer Faraj Fuda (Farag Foda) in June 1992. The connection between these two types of development not only appears to take into account the recent political developments of Egypt, but also preserves the image of a political regime which, theoretically at least, was on the road to 'democratization' or in 'transition to democracy'. The Islamist groups, which are often depicted as atavistic forces of darkness, thus appear to be the principal culprits preventing a transition towards political modernity identified with secular democracy.

In order to illustrate how and explain why the Egyptian regime has increased restrictions on liberties during the 1990s, I will examine several factors, including, of

course, the conflict between the regime and Islamist opposition groups. However, although they have undoubtedly been important, the conflicts do not in themselves fully explain the restrictions.

No less important for the evolution of liberties were the economic crisis that affected Egypt in the second half of the 1980s and the programmes of macroeconomic stabilization and structural adjustment implemented or envisaged to overcome that crisis. From the point of view of the regime, the actual and potential distributive consequences of the crisis and the reforms that followed, which involved a large dose of economic liberalization, threatened to have serious political repercussions. It could not be excluded that the responses of those concerned, in particular action and agitation by the losers, or their frustration and their resignation, would impede the implementation of the reforms. In the worst-case scenario, public order and even the stability of the regime might be affected.

Indeed, the material consequences of the crisis and the reforms, and the corresponding apprehension on the part of numerous actors, provoked considerable critical and sometimes hostile reaction. Such reaction confirmed the fears of those responsible for the policies – fears that, in view of Egypt's recent history, were not unfounded, even if one should not exaggerate the importance of the 'bread riots' in 1977 and the mutiny of the auxiliary police in 1986. The distributive consequences of crisis and reforms led directly to restrictions to liberties, and not only indirectly by strengthening Islamist opposition groups, as is often correctly but excessively argued.

At the same time, the economic evolution affected the evolution of liberties because the regime lost, or was afraid to lose, control over a number of activities and actors previously directly dependent upon it. Those measures which led to a redistribution of resources limited the exercise of such control through patronage. And those measures which sought to liberalize the economy limited the influence of the regime over the running of part of the economy. In both cases, it seems that the regime sought to compensate, even overcompensate, for this loss of control by new restrictions on liberties.

As far as parliamentary representation is concerned, developments cannot be understood without considering the dynamics created when elections based on party lists were abandoned in favour of constituency-based majority vote. Introduced after the second of the rulings passed by the Supreme Constitutional Court mentioned earlier, the new electoral system contributed to the elimination of opposition forces, even though such elimination was by no means sought by the judges. The respect of the regime in power for the Supreme Constitutional Court's ruling, although it appears to confirm the liberal attitudes of the former, was in fact followed by intervention which led to further erosion of parliamentary representativeness and, consequently, of the liberal aspects of the wider political order as well. At the same time, the increasingly 'hands-on' approach to the management of elections allowed the regime to cultivate and enlarge a constituency on which it could rely and which, despite its limited size, served as its social base.

In some cases, the restrictions also reflected the decreasingly liberal convictions and values of many political actors, including forces considered to be part of 'society'. Incidentally, these convictions and values were not only of a religious order, but also of a

nationalist or more generally moral order.¹ In other cases, it was the aim to transform the state apparatus into an even more efficient instrument at the service of the regime, and therefore to suppress as much as possible its agents' independence, which was behind the restrictions on liberties. Additionally, it is possible to link certain restrictions on liberties to the longevity of the regime, which allowed its members and their entourage to consolidate their positions and to pursue their own interests to the detriment of others.

Consistent with usage in the preceding paragraphs, a distinction will be maintained throughout this volume between the notions of 'regime', 'political regime' and 'political system': the last describes the organization of political relations throughout the polity or political community as a whole, with particular reference to the relationship between the rulers and the ruled. The notion of 'political regime' or 'political order' designates that part of the political system that is governed, in principle, by the constitutional, institutional and legal framework. As my *problématique* suggests, the political relations concerned are mainly relations of power (or their absence) which recall the Weberian definition of politics. However, this does not prevent one from taking into account politics in the wider sense when this is required. Thus restrictions on liberties, even if they are conceived as manifestations of power relations, are accompanied, either before or after, by the redefinition of the circle of actors involved in, or consulted about, the elaboration of public policies. Such redefinition raises the question of the participants in the resolution of political problems and of the ways in which such problems are resolved – even if the question is limited to policies pursued by, or through, the regime in power. Broadening the analysis to include the political problems outside these limits would be an interesting exercise, but it would hardly be realistic to embark on it within the framework of a study such as this.

Unlike the notion of 'political regime', that of the 'regime' as such and its synonyms which are the 'regime in power' and 'ruling regime' refer to the actors who, in common parlance, are said to be 'in power' or to 'exercise power'. The notion obviously includes the structures that influence relations between these actors and their actions, structures often created by the actors themselves, and the modes of action the actors resort to. If the regime dominates all the agencies which constitute what is called the state, the latter is not identical with the former. The regime may include actors who are not formally part of the state, do not carry its label, exercise its prerogatives or duties, or enjoy its legitimacy; conversely, it excludes any agent of the state who does not belong to what some call the power élite.

However, this definition of the regime in power does not mean that it will not possibly have to confront countervailing forces of varying strengths and of a more or less concrete type, on either an occasional or a continuous basis. In principle, these counter-powers can arise from any sort of formal separation of powers – a separation that may be vertical, as in federal states, or horizontal as in liberal democracies. They can also arise from less institutionalized separations of power, including separations by default, for instance when the central power lacks the means to impose itself. Thus, in a state that is 'weak' in Migdal's sense,² that is, in a state that fails to command the ultimate loyalty of its nationals and even of its own agents, the rulers may well be capable

of imposing themselves, but their authority and the means of coercion at their disposal do not necessarily allow them to remove all resistance to their actions – resistance which is often passive and often arises within the state apparatus itself. Although the regime perhaps controls most of the means of coercion, it does not ipso facto hold a monopoly on them, still less a legitimate monopoly. Even in concrete terms, the localization of power, which at first glance appears to conform to the Weberian model, can actually turn out to be at least partially Foucaultian.

Although simple in abstract terms, the identification of this power, namely of the actors that make up the regime, is far less simple in concrete terms, particularly when one is dealing with Egypt in the late 1990s. There were no important civilian positions below that of president of the republic (which at least constitutionally is civilian) which automatically made their incumbents members of the regime. This is true for members of parliament and also for judges, including those who sat in the highest courts such as the Court of Cassation and the Supreme Constitutional Court. It is also true for ministers, although that is not to say that some of them could not have been part of the regime for other reasons. Even in the armed forces and the police, a high rank was not in itself a criterion for membership in the regime. Although some officers may have carried political weight, their influence could derive from less formal factors, such as family connections and old friendships, or the fact that they were brothers-in-arms or contemporaries at the Military Academy. The political role of the armed forces and the police and of their individual members remains as obscure as the composition and the internal workings of the regime itself.³

Nevertheless, some certainties do emerge. The president of the republic (henceforth abbreviated to ‘the president’, except where confusion could arise), who hitherto has always come from the armed forces, was undoubtedly the kingpin, in Mubarak’s era as in Sadat’s and Nasir’s. The senior officers of the armed forces and the police made their presence felt and remained unavoidable as a professional category, but they did not necessarily play an important active role as a structured group or individually. They were pillars of the regime, but their influence lay in inertia and viscosity rather than in action and initiative.

Like his predecessor, Mubarak learnt from Nasir’s troubles with Marshal ‘Abd al-Hakim ‘Amr who, until the June War in 1967, managed to establish his own ‘centre of power’ within the army. As a result, senior officers regularly changed postings, going from one military zone to another, or sometimes from posts of command to posts of planning or representation, before returning to more sensitive posts. Not even the highest members of the military hierarchy were spared these movements, and the minister of defence tended to be relieved from his post before he could become too powerful.

How abruptly the wheel of fortune could turn is illustrated by the departure in 1989 of Muhammad ‘Abd al-Halim Abu Ghazala, minister of defence since 1981, who for a long time was considered one of the most powerful men of the regime. It is also shown by the resignation of Hasan al-Alfi, minister of the interior until 1997, who, despite his long career as a police officer and governor of Asyut, did not politically survive the massacre of tourists at Luxor in autumn 1997. He was even publicly humiliated on television, and

the following year got hardly any support from the regime in the lawsuit that he and his sons had brought against journalists who had accused them of corruption.

Like the leaders of the armed forces and police (or some of them at least), the leaders of the National Democratic Party (NDP), the political party of the regime that emerged from the former single party and which was always dominant in all elected assemblies around the country, were indispensable to the regime. It was only through this party that the regime could build a constituency of sorts and claim a degree of popular legitimacy, both of which were regularly highlighted by electoral victories as resounding as they were arranged. And it was largely through the NDP that the regime created, re-created and maintained its networks and clienteles, which, benefiting from the distribution of resources and favours from the top to the bottom, provided it with a limited but none the less real social base. It would therefore not be surprising if some leaders of the party had succeeded in transforming this indispensability to the regime into membership of it. Yusuf Wali, a major landowner in Fayyum who became minister of agriculture and secretary-general of the party, may have been one of these fortunate men, as may Kamal al-Shazli, often thought to be in the same category. Fathi Surur, the long-standing president of the lower house of parliament, the People's Assembly, may, however, be on the way out.

Other professions whose activities were important for the continuation of the regime may also have served as a base from which a solid and comfortable place could be carved out within the regime. Traditionally, the media and public-sector enterprises were such professions. The progressive liberalization of the economy, initially in the 1970s and later in the 1980s and 1990s, suggests that the principal beneficiaries of these reforms in the private sector were increasingly well placed to be co-opted.

Nevertheless, proximity, collaboration and services rendered did not necessarily indicate co-optation in the strict sense of the word. As we shall see, even important representatives of the private sector could sometimes rapidly lose their political influence. Our ignorance regarding the real relations between the different actors and forces in the game should therefore lead us to be cautious. The regime was – and remains – largely a black box. Apart from the president, its representatives or members remained mostly shadowy figures. To define the regime, as some do, as an almost formal alliance of the armed forces and a variable number of bourgeoisies or factions of the bourgeoisie therefore remains problematic.⁴ To think of it in terms of 'strategic groups', which try to maximize their share of the bounty and power, would be no less bold, as long as the existence of such groups and their links to the regime remain postulated rather than demonstrated.⁵ Consequently, discussion of the coherence or divisions within the regime remains equally hypothetical.

One may even wonder whether, in terms of individuals, the regime did not largely boil down to the president alone. Of course, he had to take into account the interests of the actors, networks and forces that were the pillars under his throne or that buttressed it. However, rather than forming a stable structure, they may be seen as partly interchangeable, some of them being marginalized and others coming to prominence. Also, rather than being arrived at on the basis of horizontal negotiations between these individuals and groups, decisions and arbitration generally seem to have been made by the

president, who, through vertical communications with the actors, tried to find a compromise acceptable to the majority.

Formulated in these terms, the emphasis on the president's role does not, ipso facto, amount to favouring an excessively patrimonialist interpretation of the nature of the regime. Without denying that the regime often acted in a patrimonialist manner towards the rest of the country, the uncertainties regarding its composition and internal workings mean that patrimonialism cannot be erected as *the* principle by which it functioned.⁶

Nor does the emphasis on the president's role amount to reducing the way in which power was exercised to an ephemeral construction which appeared, and which will disappear, with him. The degree of solidity and institutionalization of Egypt's political system was, in spite of everything, sufficiently high to enable us to discard such a scenario. From regime to regime, from president to president, the weight of the established political system, and indeed its institutionalization, by and large favoured continuity in terms of the way power was exercised.

Whatever the composition of the regime in power, the political regime and system may certainly be defined as 'authoritarian', if this means that the rulers had far-reaching autonomy when choosing policies and making decisions about whom to co-opt and to associate to the exercise of power. The measures taken to exclude the ruled from these decisions did not, however, prevent the regime from taking into account what it saw as the groundswell of public opinion in order to reinforce its own legitimacy.

Egypt's political regime largely conformed to current definitions of authoritarianism. It resembled, for instance, that given by Roger Owen, who considers authoritarianism to be a political order 'in which power is highly centralized, pluralism is suspect and where the regime seeks to exercise a monopoly over all legitimate political activity'.⁷ It also fitted the criteria selected by Juan Linz, who writes that: 'authoritarian regimes are political systems with limited, not responsible, political pluralism; without elaborate and guiding ideology (but with distinctive mentalities); without intensive nor extensive political mobilization (except at some points in their development); and in which a leader (or occasionally a small group) exercises power within formally ill-defined limits but actually quite predictable ones.'⁸ Similarly, it displayed features emphasized by Guy Hermet. While contending that, due to the vast extent of the concept it covers, 'la notion d'autoritarisme offre de prime abord peu de secours à qui s'efforce de singulariser un agencement spécifique du pouvoir' (the notion of authoritarianism initially offers little help to someone endeavouring to singularize a specific organization of power), Hermet underlines the merits of Linz's definition in order to distinguish between authoritarianism and totalitarianism. In addition, he points to the nature of the relations between the rulers and the ruled, and the recruitment of the rulers, in order to distinguish between authoritarianism and democracy.⁹ Indeed, the barriers to pluralism, the monopolization of legitimate political activities, political demobilization and the potential absence of a dominant ideology should not be considered more pertinent than restrictions on participation in decisions concerning the selection of the rulers and the definition of policies.

The above definitions clearly indicate that authoritarianism, for whatever reasons, falls short of exercising complete control over all walks of life and in a sense is even predicated on such limitations. In Egypt, these limitations were the result both of the Migdalian character of the Leviathan – that is, the colonization of the ‘state’ by ‘society’ – and of institutional arrangements, introduced by successive regimes, which also constituted checks and balances of sorts. Of course, the regime continuously sought ‘centralization of power’ and the ‘monopoly over legitimate political activities’, and it often and largely attained these objectives; but the effectiveness of the state apparatus, including that of the ‘security’ forces, left a lot to be desired, partly because loyalty to the state was only one of the loyalties that officials could have. Moreover, the domination and exploitation of particular branches of the state apparatus by the advocates of particular causes imported the conflicts of ‘society’ into this apparatus. Institutional complexity actually assisted in this appropriation of state agencies from below: the state apparatus comprised agencies that were pushing for economic liberalization while other ministries or administrations were trying to preserve the public sector. Similarly, the various agencies of censorship, which depended on various ministries and other branches of the state, were far from agreeing on common criteria and strategies. In certain institutions, particularly in the judiciary, there were even fairly serious pockets of resistance to the executive.¹⁰

The analysis of the evolution of liberties in Egypt during the 1990s is therefore an analysis of liberties under authoritarian conditions. However, this evolution was not only influenced by the characteristics (which are not necessarily specificities) of the Egyptian case and the sort of authoritarianism that has just been described, or by the characteristics of authoritarianism at large; it was also influenced by logics that may be found outside authoritarian regimes and systems. More precisely, this evolution sometimes seems linked to the fact that power was exercised by a regime, whose autonomy vis-à-vis the majority of political forces and actors in the country, although affected by internal divisions and the Migdalian aspects of its state apparatus, was reinforced by substantial income from rents. Technically, payment to a factor of production exceeding its highest opportunity cost, but broadly defined as income without effort, rents such as royalties from the Suez Canal, receipts from oil sales or foreign grants based on strategic considerations not only reduced the need to levy income through taxation but increased the possibility for the rulers to distribute resources from above and thus buy the loyalty of the ruled.¹¹

My analysis of the evolution of liberties in Egypt during the 1990s follows the distinction between positive liberties and negative liberties (or freedoms). Common in the work of eighteenth- and nineteenth-century liberal thinkers such as Condorcet, Benjamin Constant, Madame de Staël, John Stuart Mill and Harriet Taylor, who sometimes thought of it in terms of liberties of the ancient and modern or political and civil liberties, the distinction in the second half of the twentieth century came to be associated in particular with the work of Isaiah Berlin. I shall generally adopt his definitions, which avoid potential conceptual pitfalls of wider definitions of the same concepts, but shall adapt them to the needs of my analysis. Berlin defines positive liberties as ‘liberties *to*’ – ultimately as the liberties of the ruled *to* chose their rulers, or at

least to influence this choice and thus to determine or inflect the policies of the government. In other words, positive liberties are liberties that allow participation at the level of polity at large, which in most cases is the state. Negative liberties he defines as ‘liberties *from*’ – liberties enjoyed by the ruled *from* the intrusion and interference by the rulers and their policies, whoever these rulers may be and however democratically or otherwise they came to power.¹²

Berlin sums up the distinction between the two meanings of the notion of ‘liberty’ when he writes: ‘The first of these political senses of freedom or liberty (I shall use both words to mean the same), which (following much precedent) I shall call the “negative” sense, is involved in the answer to the question “What is the area within which the subject – a person or group of persons – is or should be left to do or be what he is able to do or be, without interference by other persons?” The second, which I shall call the positive sense, is involved in the answer to the question “What, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?” The two questions are clearly different, even though the answers to them may overlap.’¹³

Defining ‘positive liberties’ in terms of possibilities to participate in the affairs of the community and therefore in government, rather than more generally in terms of the realization of the self and defining ‘negative liberties’ in terms of liberties against government, rather than in terms of exclusively external obstacles to the realization of the self may justify the distinction between these two sorts of liberty against otherwise valid criticisms. Phrased in these terms, the distinction remains compatible with the observation by Charles Taylor that ‘the crude negative view of freedom, the Hobbesian definition, is untenable. Freedom can’t just be the absence of external obstacles, for there also may be internal ones’ – an observation which challenges any more radical distinction between negative and positive liberties.¹⁴

Berlin’s distinction between the two types of liberties is useful to the extent that the existence or growth of the liberties of the one type does not necessarily imply the existence or similar evolution of liberties of the other type. Negative liberties do not guarantee positive liberties, and positive liberties do not guarantee negative liberties. Nor does the erosion of negative liberties entail the erosion of positive liberties or vice versa. However, the two types may collide, for instance when extended negative liberties reduce the domain over which positive liberties may be exercised (which does not, of course, mean that positive liberties can be reduced only by negative ones). The distinction does not serve as a pretext to justify preferences for one or other type, as John Rawls suspects those who advocate the distinction. However, Rawls has the merit of suggesting a non-dichotomized classification of liberties. This may better account for potential conflicts between liberties not only of the two types but also of the same type.¹⁵ It may also help to clarify linkages such as those between the negative freedoms of expression and association and the positive freedom to vote.

Having made the distinction between positive and negative liberties, it is important to be more specific about the contents of these two categories. In the present context we cannot define positive liberties without qualifying and adapting the concept somewhat. I shall do this, first, by taking into account the characteristics of authoritarian

regimes, and second, by broadening the concept beyond the political institutions and structures that it normally covers.

An authoritarian regime such as that in Egypt leaves little room for the existence of positive liberties in their strictest sense. Because participation in the selection of the rulers is highly restricted, few Egyptians enjoy real positive liberties. Moreover, those who do enjoy them do not exercise them through procedures such as elections that normally seem to be designed to fulfil this function. Even in times supposedly more liberal, the opportunities for political participation were restricted for the vast majority of Egyptians. Under the monarchy, the people did influence the selection of some rulers, such as parliament, the prime minister and cabinet, but they had no say in the selection of other, more powerful rulers, notably the king and palace officials.

Rather than defining positive liberties solely in terms of possibilities of participation, it therefore seems useful to discuss them also with regard to the more modest dimension of the possibilities of representation. Although often confused with participation, representation does not ipso facto bestow decision-making power. In principle at least, even a totally representative assembly or delegation can lack any such power. Nonetheless, representation may have an impact on the decisions even of a regime that is set up without the participation of the representatives. The statements or simple presence of those who know how to get themselves and their interests represented may lead or force the regime to take their views into account. Even when separated from any direct participation, representation is therefore full of dangers for the decision-makers, who consequently seek to control and influence it. Naturally, neither participation nor representation can be analysed simply in terms of ‘formal’ procedures, which are generally those prescribed by the texts. Actions and practices which one likes to define as ‘informal’ must also be taken into account.

Strictly speaking, positive liberties are those exercised at the level of governing the polity as such. This is all the more evident if one accepts the link made by Isaiah Berlin between positive and negative liberties. Berlin suggested that ‘perhaps the chief value for liberals of political – “positive” – rights, of participating in the government, is as a means for protecting what they hold to be an ultimate value, namely the individual – “negative” – liberty.’¹⁶ Since negative liberties, as a whole or individually, can be guaranteed only by the body (or person) entrusted with the exercise of sovereignty, positive liberties are obviously defined primarily with regard to that body which, except in federal arrangements, is identical with the central government.

Nevertheless, the choice of the representatives who manage or administer an institution or organization, whether or not it is part of the state, also affects the liberties of those represented (and sometimes not only theirs), although the effects are generally limited by the rules governing the representatives’ actions, rules generally imposed by other institutions and ultimately by whoever exercises sovereignty. Within those limits, the decisions of those responsible for a territorial subdivision of the state affect certain liberties of the inhabitants of that subdivision, be it only by granting building permissions or collecting local taxes; similarly, decisions made by a university president or the dean of a faculty concern the rights and obligations of the professors and students, their promotion, their admission to examinations and their freedom of speech. As for union

leaders, they have as little say as the deans and mayors in whether the members of their institution live or die, but they do have their say when it comes to deciding strike action or the return to work. To the extent that office-holders at these levels enjoy discretionary powers, or can choose between several options, those who elect or select them enjoy a positive liberty.

Beyond the level of the entire polity, the notion of positive liberties will therefore also include the possibility of participation and representation at lower levels of the state structure and in entities which were regulated by the actions of the regime and the workings of which affect their members' lives. While recognizing some important differences, participation and representation will therefore be discussed not only in relation to the central state, but also in relation to the territorial subdivisions of the state and to certain institutions such as the trade unions or private voluntary associations which are often and sometimes too rashly thought of being part of a fully fledged civil society. Throughout the text, an explicit distinction will be made between positive liberties in the strict and narrow sense of the term and those in the wider sense.

In the absence of a universally recognized catalogue of, or a perfect consensus on, the identification of negative liberties,¹⁷ I shall limit the concept to personal freedom, freedom of expression, freedom of assembly and freedom of association. Freedom of expression includes expression of religious beliefs, while freedom of association includes the freedom to defend the material interests of individuals and social groups, and therefore the freedom to form trade unions and to act through them. Freedom of conscience does not figure on this list, because I prefer to stick to expressed, rather than unexpressed, convictions. Once again for practical reasons, I shall limit myself largely to negative liberties which have a political connotation and which correspond to political liberties other than positive liberties.

The question of whether, formulated in terms of rights, such liberties should or should not be guaranteed in a given cultural context, such as that of Egypt, will not be addressed. This study is limited to analysing the evolution of liberties which can be noted in an empirical fashion, and in spite of my own convictions this does not imply a stance concerning the need to defend these liberties. The debate over the universalist (rather than universal) character of human rights or their cultural specificity is therefore no more relevant to my *problématique* than the debate over the supposed advantages of authoritarianism according to Joseph de Maistre and his disciples.

During the 1990s, both positive and negative liberties evolved not only in written laws and decrees but also in terms of actions and practices. Here, the latter will be defined in relatively simple terms, as actions of a repetitive and foreseeable nature, in a sense as 'the ways of doing things', which go beyond the purely rhetorical enunciation of a norm. If the laws and decrees (which for the sake of simplicity I shall sometimes refer to as 'texts') became more restrictive, the actions of the various executive agencies of the regime sometimes became more restrictive still. For instance, the 'security' forces often ignored the few guarantees given to the population by the increasingly repressive and restrictive texts, and were involved in countless illegal activities, or covered up or supported actions by the regime and its entourage. Their action restricted the liberties of a majority beyond the legal restrictions in place, while extending the liberties of a

minority in an equally non-legal manner. Of course, neither the minority nor the majority is rigorously defined or delineated, given that the often blurred boundaries between 'state' and 'society' allowed many Egyptians to transgress the law with the help of someone who was theoretically a state actor; on the whole, though, where it counts, this possibility remained non-existent for the majority. The divorce between text and action or practice was so big that the two realities often formed two separate and distinct universes. My analysis of the evolution of liberties cannot therefore be limited to the texts; it must also take actions and practices into account.

It is important to recognise that restrictive texts, actions and practices may, by restricting the liberties of the ruled and the regimented, reinforce, although not necessarily in a zero-sum game, the liberties of the rulers and their entourage. In the two areas of texts on the one side and of actions and practices on the other, restrictions of liberties from which some actors suffer may thus be accompanied by a highly selective liberalization, from which a minority of actors benefit.

In the domain of positive liberties, the restrictions began quietly, with the elections in 1990 to the lower house of parliament, the People's Assembly, by far the more important of the two chambers. The elections were followed by a growing restriction of opportunities to participate in the selection of representatives, as well as in the choice of policies at the different levels of the state apparatus and in the various non-state institutions. In terms of irregularities and official interference, the 1995 elections to the People's Assembly were far worse than those of 1990, which had been the first to be held on the basis of constituency-based majority vote. In the Assembly elected in 1995, more than 94 per cent of the seats went to members of the regime party, compared to 79 per cent of the seats in 1990. In comparison, then, the 1984 and 1987 elections to the People's Assembly, themselves not exactly untarnished by irregularities, appeared to be lessons in democracy and representation. It was the ballot of 1984, the second to be held since the return to pluripartism at the end of the 1970s, which by its relative honesty in the eyes of many seemed to confirm the transition to democracy. The elections in 1992 and 1995 which partially renewed the second chamber, the Consultative Assembly, resulted in no better representation there of candidates who were not members of the regime party. The presidential elections continued to be mere exercises in style: in 1987, 1993 and 1999, President Mubarak was the only candidate and on all three occasions he was duly returned in the referendum called election.

On the lower steps of the state pyramid, the erosion of representative and participatory mechanisms was just as evident. Under a law passed in 1994, village chiefs (*'umdās*), who are often, although incorrectly, identified with mayors, and the persons responsible for the administrative sub-units of villages were no longer elected but were appointed by the relevant ministry. Another law passed that year put an end to formal participation by university professors in the selection of faculty deans. Like the *'umdās*, deans were thenceforth appointed. The results of the elections for municipal councils and other local bodies mirrored those of the parliamentary elections.

The restrictions on positive liberties also affected structures and institutions which were formally independent of the state. The 1992 amendments to the law on political parties made that law more restrictive. Of course, in Egypt the parties' primary function

is not always to represent interests and translate them into public policies, but to the extent to which the parties attempted to play this role, their abilities were further restricted by the 1992 amendments. Individuals seeking to form a new political party, and having lodged the necessary formal application, no longer had the right to act in the name of their party before it was officially recognized by the Parties Committee, a government agency, whose reticence made the creation of new parties no easier in the 1990s than in the 1980s.

In the trade unions, elections should have taken place in 1995 but were postponed until 1996, when the trade union law had been redrafted, redefining the conditions of membership, and the right to vote and to stand in union elections. In light of this sort of manipulation, it is not surprising that candidates with close links to the regime won as easily as they had in the past, although economic reforms such as public sector reform and privatization had made the situation of union members more precarious. In the private sector, whose absolute and relative size did not cease to grow, old and new restrictions combined to deprive most workers and employees of trade union representation.

In the professional syndicates, which in a corporatist logic organized certain professions such as doctors, lawyers and technicians, the 1993 law 'guaranteeing democracy within the professional syndicates' required that at least 50 per cent of members took part in the first ballot and, failing that, at least 33 per cent in the second and possibly third round of the elections. If these figures were not achieved, the outgoing president and council would act as caretakers. In the case of the failure of a fourth round, the syndicate was to be temporarily run by a panel of judges. The alleged democratic merits of this law were in fact doubtful, as we shall see. Finally, the annual student elections in the universities were not suppressed, but they were managed and manipulated in such a way that their results hardly mirrored voter choice.

The new restrictions that affected negative liberties were hardly less numerous. The state of emergency that was decreed after Sadat's assassination in 1981 was extended and remains firmly in place. Consequently, many individual and political liberties were suspended or severely restricted. Not content with the repressive arsenal put at their disposal by the state of emergency, in July 1992 the regime introduced amendments to the penal code and other laws that increased the sentences for numerous offences pertaining to public order and security. Punishment was toughened even further for crimes defined as 'terrorist'. The definition of terrorism given by the law was so far-reaching and imprecise that it covered any use or threat of force that might unsettle public or constitutional order or that affected the security of individuals and property. It even covered the illegal occupation of sites and places, and the disruption of transport and communications as well as the simple act of preventing the application of the law. The implications of these amendments were even greater, since many alleged crimes were now automatically heard before the State and Supreme State Security Courts, which had several of the attributes of special courts.

Known somewhat misleadingly as the 'press law', further amendments to the penal code in spring 1995 imposed draconian sentences for 'crimes of publication', such as slander or spreading false information. The amendments were only abrogated a year later after a sustained campaign of protest by journalists.

INTRODUCTION

Meanwhile, the rights of individuals wanted for political reasons were also respected less and less. Cases of torture, disappearances and administrative detention without charge or trial increased substantially in the 1990s. From the end of 1992, an ever-growing number of civilians was sentenced by military courts, which, thanks to a questionable interpretation of the laws and the constitution, increasingly replaced the Supreme State Security Courts in political trials. Death penalties and executions for political reasons reached unprecedented levels in the history of republican Egypt.

In the following chapters, I will endeavour to give a detailed account of the evolution of political liberties in Egypt in the 1990s and argue that its explanation is to be found in the factors mentioned above. In this account, the use of the past tense is not meant to suggest that the events and developments referred to belong exclusively to the past. It is only meant to allow for the possibility of change between the time of writing and that of publication. While remaining resolutely multifactorial, the explanation will pay particular attention to economic change since the second half of the 1980s. It may therefore appear that the restrictions on liberties introduced in this period were often, although by no means exclusively, linked to the economic crisis of the 1980s and to the economic reforms implemented or envisaged to overcome that crisis. This analysis will then ultimately enable us to engage constructively with the historical and theoretical debates referred to at the beginning.

PART I

Limited Liberties before Deliberation

Political Liberties at the End of the 1980s

Authoritarian Arrangements

The restrictions on liberties that were already in place at the end of the 1990s had been imposed at various points in time.¹ Some had been introduced by Mubarak to replace more stringent ones inherited from Sadat. Most dated from the days of the latter, who, however, in many cases only amended or even alleviated restrictions imposed under Nasir. Interestingly, some of the last restrictions introduced by Sadat coincided with the transition to pluripartism and thus confirm the doubts about the interpretation of this period as one of democratic transition. The promulgation of the notorious laws No. 33 of 1978 concerning the ‘protection of the internal front and social peace’ (*qanun bishan himayat al-jabha al-dakhiliyya wa al-salam al-ijtima’i*)² and No. 95 of 1980 concerning the ‘protection of values from shame’ (*qanun himayat al-qiyam min al-‘aib*), known as the Law of Shame,³ followed the dissolution of the former single party, the Arab Socialist Union (Al-Ittihad al-Ishtiraki al-‘Arabi; ASU) in 1977 and the first pluriparty parliamentary elections in 1979, which are generally considered the most reliable indicators of Sadat’s alleged attempts at political liberalization.

The law on the protection of the internal front and social peace provided for sanctions against those who questioned the principles of the revolution of 23 July 1952 or of the coup from above, which for the occasion was relabelled ‘revolution’, that Sadat had resorted to on 15 May 1971 to purge his regime of Nasirists who opposed his political line and domination. These principles – defined as the alliance of popular forces, social peace, national unity, belief in spiritual and religious values, protection of the socialist achievements for workers and peasants, and sovereignty of the law – were to be respected by those holding positions of responsibility in the state apparatus, the public sector and the media, as well as by candidates in elections to local councils, trade unions, professional syndicates or private voluntary associations. Any candidate not respecting these principles could be dismissed by the socialist prosecutor-general (Al-Mud‘ai al-‘Amm al-Ishtiraki, normally referred to as the socialist prosecutor), a position created by Sadat under the 1971 Constitution.⁴ Individuals who ‘contributed to the corruption of political life before the July revolution’ were even completely stripped of their ‘political rights’, a notion that in Egypt covers the right to vote and the right to

stand for office – including, of course, in parliamentary elections. Moreover, they were prevented from taking leading positions in political parties.⁵ Aimed mainly at the former leaders of the pre-revolutionary Wafd Party, who were attempting its resurrection, this law could also be invoked against agnostics, atheists and liberals of all sorts.⁶

The Law of Shame allowed the punishment of any act contrary to morality, as defined by the regime. As a catch-all, it applied to the dissemination of ‘immoral’ messages as much as to public criticism of religious values. Those accused of such crimes appeared before a special court, the Court of Ethics (Mahkamat al-Qiyam), often called the Court of Shame (Mahkamat al-‘Aib), which, independently of any ruling by ordinary courts, could deprive the accused of their political rights and even of some economic rights. This court also became the only place to appeal against the measures taken by the executive against the press.⁷

These two laws, promulgated by Sadat and often invoked during his reign, were hardly used in the first ten years of Mubarak’s presidency, which corresponded to a period of relative political openness. The one was finally repealed and the other substantially modified in 1994.⁸ However, the objectives of the two laws could partly be attained through recourse to other existing laws; partly, they were replaced by new legal or practical restrictions which served the same ends. In this context, it should be noted that the law on the People’s Assembly (Majlis al-Sha‘b) continued to refer to the law on the protection of the internal front and social peace. The repeal of the latter did not entail the modification of the former.

If the promulgation of these two laws by Sadat was proof of the more-than-ambiguous character of his political reforms, the rare recourse to them during the 1980s confirmed at the same time the relative liberalization of political life during the first ten years of Mubarak’s presidency. However, the fact that they remained in force throughout the 1980s also revealed the limitations of this liberalization and consequently confirmed that by the end of that decade the regime was still largely illiberal.

Certainly, the sometimes substantial tightening of the restrictions on certain political liberties towards the end of the 1970s should not detract from the fact that simultaneously other restrictions were partially abandoned. The most significant of these was undoubtedly the constraint that the single-party system had put on political representation, even though the single party had never been homogenous and had always been divided into different trends and currents. Another measure was the lifting in 1980 of the state of emergency, which was re-imposed only after Sadat’s assassination in 1981. One may safely say that the political regime was no more liberal at the beginning than it was at the end of the 1970s; however, the liberties granted in the meantime were accompanied by measures of limitation that often emptied them of their content or at least prevented them from having significant impact.

At the level of legislation in the wider sense, that is, at the level of ‘texts’, liberties were already restricted by the constitution promulgated by Sadat in 1971 and amended by him in 1980.⁹ This constitution certainly referred to the guarantee of human and political rights as well as to the principle of the separation of powers as is commonly associated with the name of Montesquieu. Yet, at the same time, it limited quite substantially both the exercise of several of these rights and the actual separation

of powers. In particular, it granted large powers to the president and therefore strengthened his position not only vis-à-vis other constitutional powers but also vis-à-vis the people supposed to be sovereign.¹⁰

As far as political liberties were concerned, the constitution recognized, for example, the principle of pluripartism (*ta'addud al-ahzab*), but stipulated that the activities of the political parties must not stray beyond 'the framework of the basic elements and principles of Egyptian society' (*itar al-muqawwima wa al-mabadi al-asasiyya li al-mujtama' al-misri*) defined by itself.¹¹ The same qualification was applied to the clause under which '[t]he press shall exercise its true vocation freely and independently'.¹² These 'basic principles of society', which were also supposed to guide the actions of the state, included a notion of social justice inherited from the days of Arab socialism, as well as respect for the corporatist arrangements introduced in that era to ensure that 'workers and peasants' occupied at least half the seats of all elected assemblies. They also included the protection of 'genuine Egyptian traditions',¹³ respect for religious (particularly Islamic), moral and patriotic values, and recognition of the importance of the role of the state in planning and managing the economy. Even the private voluntary associations created by Egyptians were bound by these principles and, if they did not comply, could be considered anti-constitutional.

In principle, the constitution also guaranteed freedom of opinion and expression, freedom of belief and worship, the sanctity of the private home, personal freedom and the dignity of the individual, including in cases of detention or imprisonment. However, personal freedom could be infringed or suspended by order not only of a judge but also of the public prosecutor, who was directly responsible to the executive. Moreover, the 'right to express [one's] opinion and to publicize it verbally or in writing or by photography or by other means' could only be exercised 'within the limits of the law' (*fi hudud al-qanun*).¹⁴ The right to free expression did not extend to the right to demonstrate, which was not mentioned in the constitution. Other rights such as the sanctity of the private home or the privacy of the mail could be suspended by a judge 'according to the provisions of the law' (*wafqan li-ahkam al-qanun*).¹⁵ While clauses such as the latter are common in constitutional law, they nonetheless enabled the legislator, who in reality was subservient to the executive, to undermine the basic law.

Concerning the institutions, the constitution clearly emphasized the dominant position of the president. He 'maintains the boundaries between [the constitutional] authorities in a manner to ensure that each shall perform its role in the national action'.¹⁶ In fact, the president not only determined the boundaries between the various constitutional powers, including his own, but also himself exercised in part the prerogatives of other such powers. Ultimate depository of all executive powers, he had important prerogatives in terms of legislation as well.

Under the terms of his executive powers, 'the president, in conjunction with the government, shall lay down the general policy of the state and supervise its implementation in the manner prescribed by the Constitution'.¹⁷ He presided over the Council of Ministers and appointed and dismissed its members, including the prime minister. He also appointed high-ranking civil servants and military officers. 'If any danger threatens the national unity or the safety of the motherland or obstructs the

constitutional role of the state institutions', he could take 'urgent measures to face this danger', which he then submitted to a referendum within 60 days.¹⁸ This, incidentally, was how Sadat introduced the measures that became Law No. 33 of 1978. Finally, the president could declare a state of emergency (*halat al-tawar*), even if such dangers were not present.¹⁹ The People's Assembly had to approve the state of emergency, but if the president chose to dissolve the Assembly, it was enough to have the declaration ratified by the next parliament – which was then elected under the state of emergency. Declared after the assassination of Sadat in October 1981, the state of emergency was periodically renewed by the People's Assembly, which has therefore always been elected under the state of emergency.

As for legislation, only the president was entitled to introduce bills to parliament on behalf of the executive. Unlike the government, which enjoyed no prerogative in this regard, individual deputies could propose bills, but the procedure was highly complicated²⁰ and in reality rarely ran its full course. The president also had the right to veto laws voted by the People's Assembly, which was the only chamber actually able to pass legislation. In the case of a presidential veto, the Assembly needed a majority of two-thirds to enact the bill. In 'exceptional' circumstances, the president could also issue decrees having the status of law, either when the People's Assembly was not in session or if it temporarily delegated such powers to him, a move which had to be agreed by two-thirds of its members. In both cases, however, if the decrees were to remain in force, they were subject to the retroactive approval of the Assembly in place, or of the Assembly that succeeded it. In order to dissolve the Assembly, the president technically needed to call a referendum, which in practice he could not lose.²¹

This controllable and dispensable Assembly every six years played an indispensable role in the 'election' of the president. Under the watchful eye of the president in power, the Assembly selected the sole candidate, who then had to be confirmed by a referendum. The candidate had to obtain a majority of two-thirds in the Assembly. The same majority was required to amend the constitution, with amendments again being subject to approval by referendum.²²

The preponderant role of the president became even more decisive and overwhelming in the light of his 'real' power as the foremost representative not only of the state but also of the regime. This combination of formal and actual powers clearly facilitated the election of the outgoing president, which the constitution explicitly authorized, or the election of his preferred successor. Under these conditions, it was not particularly difficult for the candidate to obtain the required two-thirds majority. It was even easier to obtain the absolute majority required for the subsequent referendum to be carried.

The third power established by the constitution was the judiciary, which at first glance seemed to be less dependent than parliament on the executive. However, in the constitution, the 'independence' of the judiciary was a general principle rather than a firm guarantee, and its scope was again to be defined by law. Moreover, competing provisions allowed, for example, special courts to be established.²³ Even from a purely constitutional point of view, parliament, whose weakness vis-à-vis the executive was real and yet exacerbated by the actual rather than residual legislative powers bestowed

upon the president, was in no position to defend the independence of the judiciary, the principal instrument that could ensure the respect of liberties.

The constitution itself thus heavily restricted the positive and negative liberties enjoyed by Egyptians. At the level of the state, their direct political participation was limited to electing a parliament unable to check or balance the powers vested in the president. They had only an indirect influence on the choice of president, first by electing deputies who then nominated the single candidate, and second by participating in the referendum that served as an election. Other provisions, such as those that defined the values to be defended by political parties, further restricted positive liberties. The necessity to respect these values, which even applied to the press, also limited negative liberties.

To summarize, the individual liberties and the dimensions of the separation of powers that were not explicitly limited either by the very articles that guaranteed them in principle or by competing provisions of the constitution, were limited by blanket clauses that allowed the president to extend his powers in the case of vaguely defined dangers – diagnosed by himself – or when it pleased him to declare a state of emergency. In other words, the constitution allowed the president to suspend the constitution. Ultimately, liberties were limited to an extent that made Egyptians nationals of their country, rather than citizens in the full sense of the term.

As the president's wide-ranging powers suggested, the constitutional provisions and the limits they imposed on liberties were more than a constitutional issue. As in most cases it was not so much the constitution that shaped relations of power, but relations of power that shaped the constitution and its later amendments. In the Egyptian case, those relations of power were less than balanced. The constitution of 1971 was not the result of a consensus or compromise among the political actors and forces of the time, but the tool of Sadat and his entourage to defend their interests and consolidate their power. It was promulgated in September 1971, a few months after the May purges that allowed Sadat to rid his regime of its last opponents from within. Not only were 'Ali Sabri and the other victims of this coup from above more strongly influenced than Sadat by certain values of Nasirism, but they also hoped, it seems, to put into place – perhaps through force – procedures of collective decision-making unacceptable to the president.²⁴

If, in practice, the predominance that the constitution granted the president was tailored to suit Sadat, he would hardly have been able to take advantage of his vast prerogatives without grounding them in some real power. Although he was not universally accepted in the armed forces, it was there that Sadat, a former Free Officer, established his first social base. It was clear that the powers of the president were not only those of an individual but also of an individual supported in part by the officers.

Thanks to the usual measures taken in such circumstances, including the public valorisation of the military, entitlement schemes for officers as well as their discretionary appointment, transfer and removal, and also the victory in the October War of 1973, Sadat was soon able to count on the support of the military at large and, at the same time, to contain their influence. Increasingly, the prerogatives of the president were backed up by real force, while those of parliament and the liberties of ordinary Egyptians remained empty shells.

Sadat failed to completely control the single party, the Arab Socialist Union (ASU), but this posed no real threat to his power. It is also true that his policy of economic liberalization reinforced the economic, and thus potentially the political, power of the most important beneficiaries of that policy. However, because economic liberalization was a highly selective and truncated exercise, it mainly rewarded its architects in the regime and their clientele.²⁵ Rather than being confronted by a new independent economic power, Sadat was able to rely on the support of the *nouveaux riches*, most of whom he himself had created. He held considerable sway over them by controlling the distribution of rent which, in the 1970s, and especially after the October War, became the country's major source of finance. Egypt was never among the major oil-producing countries, but beginning with the substantial rise in oil prices in 1973 it benefited increasingly from financial transfers from those countries. Part of these funds arrived as remittances sent by Egyptians working abroad to their families back home, but important grants and loans accrued directly to the state. Thanks not only to his constitutional powers but also his real powers, resting on the loyalty of the armed forces and on the distribution of rent, Sadat was in a position to deal with any opposition which could have challenged him on the basis of the more liberal aspects of the constitution. Under these conditions it was not difficult for him to persuade the deputies that it was in their own best interests to ensure his re-election. It was no more difficult for him to ask them to grant him *pleins pouvoirs* or to vote laws that redefined the liberties of Egyptians.

As an experienced and highly decorated officer, who had served in the October War, Husni Mubarak had no difficulty in establishing his authority among other officers when he became president. Just as important, he arrived at a time when the Egyptian state continued to distribute internally rents that accrued to it from outside, either because of its strategic position as the only Arab state that had then signed a peace treaty with Israel or because of its own oil production. When Mubarak mended fences with other Arab states, which had expelled Egypt from the Arab League after it signed a peace treaty with Israel, the country began to profit again from the transfers of rent from major oil producers in the Gulf, which had been interrupted after the treaty signing. Although these transfers declined in the second half of the 1980s, due to the fall in oil prices, Mubarak, like his predecessor, continued to marshal sufficient resources to back up his constitutional powers.

The provisions of the constitution were completed by a series of texts which interpreted them in a (yet) more restrictive manner. In part, these texts elaborated on the restrictions referred to by the constitution itself; in part, additional restrictions were introduced where the constitution did not rule them out or where it remained vague. Worse, many agencies of the state supposed to implement these texts often did not consider themselves restrained even by the limits that such an illiberal interpretation of the constitution should still impose on their action. If complaints were lodged, the executive frequently found ways to circumvent the rulings of the administrative courts that were competent in cases of abuse of power. While it tended to respect the rulings of the Supreme Constitutional Court (Al-Mahkama al-Dusturiyya al-'Ulya; SCC), the latter could only defend liberties which the constitution guaranteed, at least implicitly.

Positive Liberties in the Narrow Sense: The Central Institutions of the State

In the domain of positive liberties, the right to vote and the right to stand for political office that are commonly thought to be inherent in the notion of the sovereignty of the people were curtailed in various ways not only by the Law of Shame, but also by the Law on the People's Assembly, promulgated in 1972.²⁶ Article 5 of this law appeared to make eligible roughly the same categories of individuals as are eligible in the liberal democracies in Europe, but Article 39 excluded members of the armed forces and the 'security forces', as well as members of the judiciary and certain other categories of civil servants.²⁷ According to an amendment passed in 1979, candidates seeking election to the Assembly had to respect the principles set out in Law No. 33 of 1978; the requirement remained in force even after this law was repealed.²⁸ Several other texts, including the law on the military, deprived officers and conscripts, along with all ranks of the security forces, of the right not only to be elected but also to vote.

The many agents and agencies of the regime who controlled the actual exercise of the right to vote and the right of eligibility frequently suppressed these rights. The admissibility of each candidate for parliamentary elections was decided upon by a three-man commission presided over by a judge who, at first glance, seemed to be neutral, yet who was chosen and appointed by the minister of justice. The two other members of the commission were appointed by the minister of justice and the minister of the interior respectively.²⁹ Voters' inclusion in the electoral register was overseen by a committee headed by the judge presiding over the local court; however, the judge, who sat *ex officio*, was flanked by two members appointed by the regime.³⁰

In each constituency, the counting of the vote was overseen by a judge selected and appointed by the minister of the interior. The latter also chose all members of the so-called general committee (*lajna 'amma*, pl. *lajan 'amma*) responsible for the counting and supervised by the judge. Additionally, the minister of the interior appointed the panels responsible for the various polling stations (*lajna far'yya*, pl. *lajan far'yya*) from where, according to the law, the ballot boxes were taken to the general committee, which alone was allowed to open them. The ordinary members of these panels had to be selected from individuals on the payroll of the administration and public sector who, because of their professional situation, found themselves in subordination to the regime.³¹ Against this deployment of sympathisers and dependants of the regime, the law permitted a certain number of representatives or 'delegates' (*mandub*, pl. *mandubin*) of the candidates to attend the polling and the count, but in practice it was easy to obviate these clauses. More disturbing yet was the fact that delegates did not have the right to accompany the ballot boxes from the polling stations to the general committee.³²

Unlike the provisions mentioned above, the electoral system itself underwent substantial changes. Between 1984 and 1990, the relevant provisions of the law on the People's Assembly became less restrictive in certain respects, but without necessarily allowing a more adequate representation of the electorate.³³ At the same time, however, the new provisions contributed to the disintegration of political parties. This affected the NDP just as much as the opposition, but still benefited the regime, which

unlike the opposition had other structures to rely on. The changes to the election system paved the way for certain types of illegal and extra-legal intervention in the electoral process, which appeared fully only in the 1990s.

The electoral system adopted in 1984 was that of corrected proportional representation – corrected largely in favour of the list of candidates that obtained the majority of votes. Only political parties could put out lists.³⁴ Each list was credited with the percentage of seats that corresponded to the percentage of votes it received, as long as it gained more than 8 per cent of all votes cast nationally. Votes for lists that did not receive the qualifying percentage were transferred to the list that had won the greatest number of votes; in practice, the latter was always that of the NDP. The participation of individual or ‘independent’ candidates was excluded.

Considering that under the constitution all Egyptians were guaranteed the same political rights (including the right of eligibility), the SCC ruled in 1986 that the ban on individual candidacies was unconstitutional. In its final form the ruling was not published until 1987, which created some chronological confusion among commentators.³⁵ The court’s power to intervene and the effects of its ruling certainly demonstrated that the regime, despite its authoritarian nature, respected at least the appearances of a constitutional order. But such respect did not involve any major inconvenience for the regime, which was able to adapt its strategies to the new realities without too much trouble.

Intended to offset the shortcomings of the electoral system used in 1984, the new provisions voted in 1986 governing the 1987 elections³⁶ made independent candidacies possible while maintaining the principle of an election based on party lists. Under the amendments, a tenth of the seats in the People’s Assembly were reserved for individual candidates, who, to be elected, had to gain the majority of votes given to individual candidates in a ballot in which voters cast one vote for an individual candidate and one for a party. None of the 48 constituencies could elect more than one deputy who was not part of a list. The great majority of deputies continued to be elected on the basis of lists which, as in 1984, had to reach more than 8 per cent of the votes cast for parties.³⁷ When it was asked to examine the 1986 amendments, the SCC adopted a line consistent with its previous ruling. In 1990, it declared them unconstitutional, because they did not guarantee full equality between individual candidates and those on lists.³⁸ The regime reacted to the ruling by adopting, for the elections of 1990 and thereafter, a new electoral system entirely without lists, based on a two-round majority vote opposing individual candidates in two-member constituencies.

With its second ruling, the court not only disassociated the right of Egyptians to stand for office from their membership in political parties, but also, by so doing stopped the regime from preventing people standing who could not find a political home in any of the parties it was ready to legalize. By scrapping proportional representation, the court’s second ruling also put a natural end to the correction, or rather over-correction, of election results in favour of the NDP.³⁹

If the authorization of individual candidacies democratized the elections to some extent, the introduction of majority voting meant on the other hand that voters who would have been represented under proportional representation no longer were.

Majority vote easily favoured candidates from the largest party – in this case, the NDP. Thus the new electoral system did not necessarily lead to a more accurate overall representation of the electorate. Nor did it entail changes to the other constitutional and legal provisions biased in favour of the regime and its allies.

On the ground, the effects of even the least restrictive of these provisions continued to be amplified by three other factors, which had already had highly distorting effects on the elections of 1979, 1984 and 1987.⁴⁰ Above all, as far as the texts were concerned, the state of emergency allowed the regime to stop the opposition parties organizing electoral meetings in public places as well as to arrest, if only until the end of the electoral campaign or on polling day, party activists who were due to represent their parties or candidates at the polling stations and at the counting of the vote. For example, some 2,000 members and supporters of the Muslim Brothers (Jama'at al-Ikhwān al-Muslimīn, used interchangeably with Muslim Brotherhood) were arrested the day before the 1987 elections.⁴¹

Second, elections to the People's Assembly were always marked by substantial fraud and interference. Although the regime and its entourage were never alone in resorting to such methods, they were best placed to manipulate electoral registers, control access to polling stations or tamper with ballot boxes – activities I shall return to in the context of the 1990 and 1995 elections. Suffice the story of an opposition candidate in the 1987 elections who, after polling in his village had closed, jumped into his car to follow the pick-up lorry taking the ballot box to the general committee where the votes were to be counted. After getting stuck behind a tractor he lost sight of the lorry. When he eventually caught up with it, he found that it had changed colour ...

Third, the elections always took place in a general political context characterized by the overwhelming de facto hegemony of the regime and its party. Because its power allowed it to tailor the constitution to its own needs and to manipulate and 'manage' the elections through widespread interference, the regime was also able to dominate or even monopolize debates, to exclude other actors from the game and to present itself as the 'only alternative' – be it in terms of political choices for the country as a whole or in terms of access to material benefits for individuals, groups or constituencies. Thanks to this hegemony, many Egyptians did not experience the illiberal provisions of the constitution or the interventions in the electoral process as major constraints. Although the NDP did not necessarily appear to them to be the best party, it frequently seemed to be the only party.

It is therefore no surprise that all elections ended in victory for candidates of the NDP. Indeed, candidates of the regime party never obtained less than two-thirds of the seats in the Assembly. In the elections of 1979, 1984 and 1987, deputies who were members of the NDP accounted for 88 per cent, 87 per cent and 78 per cent of the seats respectively.⁴² The NDP's majority was always large enough to enable the party to ignore other political forces, when it came to nominating Mubarak as the only candidate for president, or when as president he asked for the state of emergency to be renewed, or when he requested full powers so that he could legislate by decree. By the same token, the NDP's majority was large enough to secure, without other parties' support, a deputy's expulsion from the Assembly, which, under the constitution, also

required a two-thirds majority. Of course, many NDP candidates would normally have won the elections without intervention in their favour, but it allowed them to quash the last potential threats to their victory. What change did occur took place in the parliamentary opposition. Although the opposition was no more elected than the majority, in the strict sense of the term, the elections were the procedure through which it was selected.⁴³ As has been argued in other cases, this sort of opposition contributed more to the regime's stability than it did to its downfall.⁴⁴

No less secure was the regime's majority in the Consultative Assembly (Majlis al-Shura), the second chamber created by the constitutional reform of 1980. A third of its deputies were directly appointed by the president. The election of the remaining two-thirds, which like the appointment of the first third, took place by halves every three years, resulted each time in an overwhelming victory for the NDP. In the 1987 election, boycotted by most opposition parties, the NDP officially obtained 80 per cent of the votes, while the official turnout was 81.87 per cent.⁴⁵ As a consultative body, this chamber had no direct legislative powers, but its role was important given that its president, who was elected by the majority of its members, retained certain regulatory powers over the media.

Even less ambiguous than the results of the elections were those of the referenda. In the referendum on 13 October 1981, endorsing Mubarak as the new president of Egypt, the 'ayes' accounted for 98.46 per cent of the votes cast, if official results can be trusted. Six years on, in 1987, the 'ayes' still amounted to 97.12 per cent, while the turnout reached 88.4 per cent. Only the results of referenda that affected the president's legitimacy less directly were slightly less impressive. For instance, the referendum that, earlier in 1987, confirmed the dissolution of the People's Assembly, resulted in only 80 per cent of votes in favour, roughly the same percentage as that of the seats that went to members of the NDP in the ensuing elections.⁴⁶

During and between election campaigns, the existence of opposition parties was never mentioned on radio or television. As presented by these media, the political arena was populated exclusively by actors belonging to or close to the regime. Given that radio and television were the main sources of information for most Egyptians, the number of potential voters for one of the opposition parties probably did not exceed the number of readers of their newspapers, whose print-run was limited and whose distribution was often patchy outside the major cities.

The disadvantages and constraints that affected the activities, and even the existence, of opposition parties were obviously not limited to their marginalization by the official media. Promulgated as part of the transition to pluripartism, Law No. 40 of 1977 submitted the creation of political parties to the authorization of the regime and, once they were established, restricted their freedom of action.⁴⁷ The law established a special committee to which, initially, all applications to establish a political party had to be addressed. The applications had to be signed by at least 50 people, half of them workers or peasants. The Parties Committee, officially the Committee for the Affairs of Political Parties (Lajna Shu'un al-Ahزاب al-Siyasiyya) consisted of four representatives of the regime, including the minister of the interior, plus three retired senior judges appointed by the president of the committee,

himself one of the four regime representatives. Clearly an agency of the regime, the committee was required by law to explain its decisions, which, however, it did not always do.⁴⁸

Only parties that satisfied a certain number of legal conditions could be authorized. Parties were obliged to accept the principles of the *shari'a* as 'the' main source of legislation, as well as to defend national unity, social peace, democratic socialism and the interests of workers and peasants. Parties could not be 'established on the basis of class, religion or social category', nor could they be established on grounds of geography, sex, origins or 'dogmas'.⁴⁹ Furthermore, their programmes had to be sufficiently different from those of existing parties. Finally, members of the armed and security forces, judges and certain categories of civil servants did not have the right to belong to political parties or to lodge an application for the creation of a new party. Most of the programmatic conditions were so vague and general that it was easy to reject almost any demand for the creation of a new party by pointing to one section or another of its manifesto. At the same time, these conditions imposed a degree of overlap and similarity of party programmes, so that it was almost impossible for new parties to satisfy the other criterion of sufficient difference from existing parties. Although the refusal of authorization could be contested in the administrative courts, the length of the appeal process and its uncertain outcome did not encourage the founding of new parties.

Once legalized, parties still had to submit to a wide range of restrictions, including the need to respect continuously the very conditions on which their initial authorization depended. They were not allowed to accept funds from abroad or to maintain offices or bank accounts outside Egypt. Their accounts were subject to scrutiny by the Court of Auditors (*Al-Jihaz al-Markazi li al-Muhasabat*). Any transgression of these restrictions by party leaders could result in the party's dissolution. In addition, the provisions of the state of emergency prevented activities such as public meetings. There were also many *de facto* restrictions and daily forms of harassment, which often had no precise legal basis. Parties did enjoy a few privileges, however, the most important undoubtedly being the right to publish newspapers and periodicals without the prior consent of the Higher Press Council – a privilege they shared with trade unions and professional syndicates.⁵⁰ And they remained one of the few structures in which a degree of collective political co-ordination and activity was possible.

In principle, the restrictive policy of authorizing parties could have reinforced the parliamentary representation of opposition forces. For instance, a limited number of opposition parties could avoid the fragmentation of the votes cast in their favour, which was crucial as long as parliamentary representation depended on obtaining a fixed minimum percentage of votes. The restrictive policy of authorization could also have reinforced the internal coherence of the parliamentary opposition if, for instance, it had contributed to the emergence, alongside the NDP, of another major party, such as the Wafd Party before the revolution, and therefore to a parliamentary landscape similar to that of the Federal Republic of Germany or of Great Britain.

In practice, this did not happen. Even though the percentages of non-NDP deputies rose from some 13 per cent of seats in the 1984 elections to 23 per cent in the 1987 elections, this – short-lived – increase did not coincide with a decrease in the number

of contending parties. The importance of parliamentary representation of the various political forces depended not on their number, but on the factors mentioned above. This hardly allowed the results to be analysed in terms of simple electoral mechanics, which would come down to the formal rules in force and the number of votes cast for each party or candidate. For example, the de facto hegemony of the regime and its party limited the total number of votes that the opposition parties could win – even if simultaneously the small number of these parties may have prevented excessive fragmentation of the vote in favour of the opposition.

In fact, the mechanisms in place limited both the weight and number of opposition parties.⁵¹ At the beginning of the 1980s, there were five political parties, and from 1984 there were six. Three of them came into being after what could be called the constructive dissolution of the former ASU into parties of the ‘centre’, the ‘left’ and the ‘right’, a dissolution through which Sadat hoped to reconcile pluripartism with continued control. These parties were, respectively, the NDP, the Party of the National Democratic United Gathering (generally known as the Party of the Gathering – Hizb al-Tajammu‘ al-Watani al-Dimuqrati al-Wahdawi, or Hizb al-Tajammu‘) and the Party of Socialist Liberals (today known as the Liberal Party – Hizb al-Ahrar al-Ishtirakiyyin or Hizb al-Ahrar); the last two, however, soon broke free of complete regime control. The three other parties, the New Wafd Party (Hizb al-Wafd al-Jadid, sometimes referred to as the Neo-Wafd),⁵² the Socialist Labour Party (Hizb al-‘Amal al-Ishṭiraki), generally known as the Labour Party (Hizb al-‘Amal) and, later, the Umma Party (Hizb al-Umma),⁵³ were newly created ‘from below’, even though the Labour Party was set up with Sadat’s support.⁵⁴ To the extent to which the differences between these three parties were ideological, the Wafd Party could be seen as ‘liberal’, the Labour Party as an alliance between certain leftists and Islamists, and the Umma Party as Islamist.

The fact that there were six fairly distinct parties in Egypt compared not unfavourably with several ‘established’ liberal democracies such as the United States, the United Kingdom and the Federal Republic of Germany. However, that number was less impressive if one considers the difficulties that some of them had to overcome to be authorized. It is still less impressive if compared to the number – eleven – of rejected applications for authorization. The Wafd and the Umma Party were legalized only after a protracted appeal in the courts. Two others met with success only in the 1990s, again after long legal battles.⁵⁵ The case of the Wafd Party clearly illustrated that the restrictions were aimed not solely at the more obscure or eccentric projects, such as the Progressive Global Party, but also at parties which might prove to be too popular. The regime’s unwillingness to consider the creation of a Nasirist party confirmed the repressive nature of the authorization procedure. Indeed, it was not until the 1990s that a Nasirist party could be established, again thanks to a court ruling. The fact that no applications were lodged for the creation of a Communist Party or an Islamist party other than the Labour and Umma parties reflected the expectation that any such attempt was doomed to fail, rather than a lack of real demand. The Labour and Umma parties by no means represented all the various and diverse Islamist currents. The Labour Party was constantly wracked by conflicts between its Islamist and socialist

wings, while the Umma Party was monopolized by a single family, the Sabahis, and thus was not able to mobilize other actors, even if generally they shared the same goals and values.

The numerous restrictions governing parties' activities had, first, an impact on their programmes and strategies, which were not supposed to breach the limits set by the regime. Second, the restrictions cut the parties off from the 'masses', the voters whom in theory they should have mobilized or been able to mobilize. With their freedom of action being far more limited outside than inside their headquarters and branches, the parties in some ways resembled the nightclubs on Pyramid Road in Giza or the discotheques of Sharm al-Shaykh and Taba, where everything was possible that was impossible outdoors. The parties were characters in a political carnival that unfolded in well-defined places throughout the year, rather than on certain dates throughout the entire country. Only every five years, on the occasion of parliamentary elections, were they allowed to momentarily jump over the walls and entertain the country at large with their marches and dances. And even then, certain places and spaces remained forbidden territory. Universities, schools, installations of the armed and security forces and numerous other places were off-limits. The parties were not so much instruments of political participation or representation as debating clubs, circles or clubs where excitement and effervescence occurred *in vitro* rather than *in vivo*. Thus they ultimately often belonged to what some like to call 'civil society'.

Therefore, one may easily draw the conclusion that elections and referenda were influenced less by the voters than by the regime that counted and discounted the votes. Through the parliamentary elections, the president was in a position to secure the election of his friends and confidants, who then passed his laws and, when the next presidential elections came up, selected him as the only candidate. Through the referenda, the president was in a position to obtain the opinions he sought from a people sovereign in theory. He could thus obtain the endorsement of his nomination by a parliament that he dominated. He could also dissolve parliament if its composition or even its presence should endanger the interests of the regime, which was sovereign in practice.

There is no doubt that the organization, the reality on the ground and the results of the parliamentary elections in 1987, 1984 and even 1979 contrasted with those of previous elections. Although significant in some respects, these changes did not affect the regime's position and power. The first two parliamentary elections under Mubarak's presidency did not allow any real parliamentary opposition to emerge, although they did lead to a decline in the NDP's majority, which fell from around 88 per cent of the seats in 1979 to 87 per cent in 1984 and 77 per cent in 1987, in which year the NDP's official candidates won only 68 per cent of the seats.

Profiting from the changes to the electoral system brought about by the first ruling of the SCC, the other NDP deputies elected in 1987 stood as 'independent' candidates. Indeed 40 out of the 48 seats reserved for independents went to members of the NDP, who, once elected, immediately joined the NDP parliamentary group. It seems likely, therefore, that the fall in the party's majority in these elections was not caused by the electoral system but was a sign of the greater openness that the regime had decided to

adopt, if only temporarily.⁵⁶ A more significant aspect of the new system was that, with the election of NDP members standing as independent candidates, the links between the regime and its majority in the People's Assembly began to change – a change that over time turned out to be more radical than that between the regime and the opposition. In this sense, 1987 marked only the beginning of a process that was to take on far greater dimensions in the 1990s.

While the fact that the regime twice agreed to modify the electoral system in ways suggested by the SCC may be seen as a willingness to lift existing restrictions on liberties, other interpretations are possible. Indeed, the practical consequences remained limited because other methods of control remained in place, and increasingly the mechanism of exclusion was simply shifted from the point where individuals stood for election to the moment when votes were counted.

In 1987, only eight years after the SCC was established, it would have been difficult for the regime to dismiss one of the court's most important rulings without provoking a constitutional crisis, which would not have been worth the candle. The court could be seen not only as a source of difficulty but also as a source of legitimacy. What better way to prove that the constitution was being respected than by respecting the decisions of the Constitutional Court? This was all the more important because any disrespect of its rulings would have cast additional doubt on the regime's legitimacy. In fact, later in 1987, the Assembly that had been elected in 1984 was supposed to return President Mubarak for a second six-year term of office. Had he been elected by an illegitimate Assembly, the president would have lost part of his own legitimacy. The Assembly had therefore to be dissolved as speedily as possible to guarantee that the president's re-election took place in order and in proper form. As far as the court's ruling of 1990 was concerned, the difficulties it entailed for the regime were no worse than those resulting from the previous judgment. Moreover, it would have been difficult to refuse on a second occasion what had been conceded on the first. As in 1987, it was all the easier for the regime to respect the court's ruling, because it invalidated the elections without invalidating the resolutions and laws passed by the Assembly that had been dissolved. Probably because it was aware of the innovative and unprecedented nature of its decisions, in its judgment the court stated explicitly that the decisions made by the illegitimate Assemblies would remain legitimate.⁵⁷

Positive Liberties in the Wider Sense: Representation and Participation Elsewhere

Opportunities for representation and participation were equally restricted beyond the domain of positive liberties in the narrow sense of the term. They were also restricted at the lower levels of the state apparatus and in collective decision-making structures which were not part of the state, but regulated by it. The implementation of existing legislation and all sorts of extra-legal interference enabled the regime to control such structures without ever having to resort to the state of emergency. The restrictions in question directly affected those negative liberties that by definition were exercised collectively: the freedom of association in general and, more specifically, the freedom to defend material interests through organizations such as trade unions. Other negative

liberties were affected to the extent that exercising them was facilitated by the existence of associations.

Since the revolution of 1952, freedom of association had been heavily restricted by the texts in force, by their application and by abuses of power by successive regimes. Egyptians could not legally form private voluntary associations without prior authorization by the relevant ministry, and even after authorization was granted, the authorities continued to exercise their sometimes rigid control over the association's activities and the selection of its board members.

With regard to the collective defence of material interests, only associations and corporatist organizations created for this purpose by the regime or recognized by it and remoulded to its tastes were authorized. Students, for instance, could choose between no more than one representative body in each university, so that annual elections offered no surprises. Collectively, peasants could express themselves only at a local level, through co-operatives presided over by civil servants from the Ministry of Agriculture. The only way employees could defend their rights was through the official trade unions, which, despite their formal separation from the single party in 1976, continued to be dominated by sympathisers and people of the regime.

For some time, the only way for employers to protect their interests was through organizations such as the Chambers of Commerce (*ghurfa*, pl. *ghuraf al-tijara*) and the Federation of Egyptian Industries (Itihad al-Sina'at al-Misriyya; FEI), whose statutes were modified under Nasir to ensure their domination by the state. Only after 1979, and particularly in the 1980s, did there emerge associations which more specifically, although not always exclusively, represented private-sector employers and entrepreneurs. Established in most cases under the law governing private voluntary associations, they had to obtain official authorization and to respect the other constraints imposed by this law.

Only the professional syndicates were able to manage their affairs with a greater degree of independence. Corporatist organizations par excellence, the professional syndicates comprised employees, employers and self-employed of the same profession whose common interests were necessarily limited by their different employment status. The salaried members of these syndicates were often also members of a union belonging to the General Federation of Trade Unions of Egypt (Al-Itihad al-'Amm li-Niqabat 'Ummal Misr; GFTU). However, numerous professions had no professional syndicate, while existing syndicates enjoyed monopoly status in the professions concerned.

With regard to private voluntary associations, Law No. 32 of 1964,⁵⁸ promulgated in the most centralizing and authoritarian days of Nasirism, enabled the government to prevent the creation of such structures and to disband existing ones. In both cases, the discretionary powers of the government reduced the law to a travesty. It was up to the government to decide whether a putative association of a particular group of citizens fulfilled the legal criteria, whether it was non-profit seeking and whether its activities would, as required by the law, respect values such as 'public order' (*al-nizam al-'amm*), 'morality' (*al-adab*) and the 'interests of the republic' (*salamat al-jumhuriyya*).⁵⁹ Once established, an association was subject to tight controls over its activities and its financial and budgetary decisions, including the receipt of funds from abroad. Unless

explicitly authorized, an association could not operate outside the governorate where it was registered.⁶⁰ The minister for social affairs was entitled to merge associations which he thought pursued the same goals.

In any case, the minister's prerogatives limited members' participation in decisions that affected their association. He appointed the state's representatives on the boards of all associations, representatives whose 'number must not exceed one half of all the members of said board'. In addition, associations were obliged to copy the minutes of every board meeting to the relevant supervisory authority (usually the Ministry for Social Affairs), and to provide that authority with the names of all candidates standing in board elections. The authority then had the right to 'reject the candidates whom they consider[ed] necessary to reject.'⁶¹ Finally, the associations were automatically members of the General Federation of Private Associations and Foundations (Al-Ittihad al-'Amm li al-Jam'iyyat wa al-Mu'assasat al-Khassa), which was chaired *ex officio* by the minister for social affairs.

In practice, the law did not prevent the mushrooming and flourishing of thousands of officially registered associations throughout the country: their number practically doubled from 7,593 in 1976 to around 15,000 in 1994.⁶² For most of them, the real constraints were those necessary to satisfy the numerous bureaucratic requirements imposed by the law. The regime did not try to restrict the activities of philatelists, botanists or other collectors. It was even proud of the thousands of 'development associations' that offered social services in the villages and the poorer areas of the cities. Such pride could not be dissociated from the fact that these associations, usually set up and managed by civil servants, by and large sought to support official policies where officially allocated resources proved insufficient.⁶³

The large number of authorized associations did not mean that the legal restrictions were purely nominal. They were applied every time the regime considered that an existing or a planned association addressed issues of a delicate or thorny nature. For example, the Egyptian Organisation for Human Rights (Al-Munazzama al-Misriyya li-Huquq al-Insan), founded in 1985, was refused official authorization and registration, and was therefore, strictly speaking, an illegal organization. Both it and its members were often harassed, although its existence was tolerated in order not to vex the regime's friends in Europe and North America. It was possible to bypass the law by establishing would-be associations as companies – as in the case of the Ibn Khaldun Center, the Cairo Center for Human Rights (Markaz al-Qahira li-Huquq al-Insan) or the Center for Human Rights Legal Aid (Markaz al-Musa'adat al-Qanuniyya li-Huquq al-Insan). However, company status did not allow these structures to act in the same way nor with the same popular participation as associations.

The main restrictions on union rights was the monopoly of representation enjoyed by the 23 branch unions (*al-niqabat al-'amma*) forming the GFTU.⁶⁴ In principle, membership of the unions was open to all 'those working' (*al-'amilin*) – that is, workers, employees and civil servants – even though some restrictions applied. Each 'responsible' for certain industries, the branch unions were the only ones open to those working in those industries. Unions outside the GFTU were banned.⁶⁵

In reality, union rights were also restricted by the fact that union leaders were, almost without exception, members of the NDP, even though the law no longer granted such privileges to members of the regime party. The functionaries who dominated the decision-making bodies of the unions in 1976 when the umbilical cord to the ASU, the NDP's predecessor, was severed remained closely linked to the party. Together, the then union leaders and the regime ensured that the NDP continued to dominate the unions.⁶⁶ It was only with the reforms of 1995 that the GFTU lost its legal monopoly on representation and negotiation. However, even then the reforms had no practical consequences, since they failed to define the procedures to follow in the creation of new 'parallel' trade unions outside the Federation.

In union elections, as in parliamentary elections, an NDP candidate's chance of victory was greatly increased by his party being the regime party. To a degree, voters thought NDP members would be more efficacious because they were closer to the regime and its channels of distribution. More importantly, party members could mobilize the many 'political resources' at the regime's disposal and this made all the difference on the ground. One of these resources was obviously the apparatus of the unions with its personnel, publications and infrastructure: NDP candidates always had the best-funded and best-organized election campaigns, unimpeded by official bans on meetings and propaganda in public enterprises. They also benefited from the law requiring candidates to register with the 'directorates of the workforce' (*mudiriyyat al-quwa al-'amila*), which could create all sorts of formal difficulties for those candidates who were not so well connected.⁶⁷ These directorates reported to the Ministry of Employment, which obviously followed the orders of the regime. Moreover, until the beginning of the 1990s, the socialist prosecutor could reject undesirable candidates in trade-union elections, as he could in elections to local authorities, boards of private voluntary associations and boards of professional syndicates.⁶⁸ The ballot itself was overseen by judges, but as with parliamentary elections they did not have the means to control it effectively. In addition, they were selected by the minister of justice, who, like the minister of employment, was a representative of the regime.⁶⁹ Even at company level, usually only a few union councils escaped the regime's control, and even they remained under the tight supervision of the union hierarchy, which retained the exclusive power to represent members in collective bargaining.⁷⁰

The right to strike was recognized neither by law nor under the constitution. The regime refused to accept that it had recognized that right when in 1981 it signed and ratified the International Covenant on Economic, Social and Cultural Rights. It was only in the 1990s that trade unions began to demand the right to strike, as compensation for their concessions concerning the reform of the public sector and its partial privatization.⁷¹ However, none of this prevented spontaneous strikes and sometimes even well co-ordinated industrial action organized by clandestine workers' committees. During the strikes at Kafr al-Dawwar in 1984, and Shubra al-Khayma and Mahalla al-Kubra in 1986, tens of thousands of textile workers occupied their factories for several days before they were forcibly removed by the police. The strike by railway workers in July 1986 resulted in a court ruling recognizing the right to strike on the basis of the international covenant signed by Egypt. Although the regime respected the

ruling in the case concerned, it did not change its general attitude. This was particularly obvious in the repression of the strike by Halwan steelworkers in 1989, which was without doubt the biggest strike of the 1980s.⁷²

Whereas the regime's control of the unions was indirect, the Chambers of Commerce and the FEI continued to have a substantial number of government representatives on their boards. The regime's influence on both was all the more substantial as their membership extended not only to private but also to public-sector companies.⁷³

In the 25 chambers – which were regional bodies – only half the members of the boards were elected, while the other half were appointed by the minister of supply and internal trade. The General Federation of Chambers of Commerce, which comprised the regional chambers, was headed by a board composed of the 25 regional presidents and six additional members appointed by the minister. At the beginning of the 1980s, the presidents of 20 regional chambers were local representatives of the NDP.⁷⁴

In the FEI, which was 'nationalized' in 1958, the minister of industry appointed one-third of the members of the board as well as its president. Moreover, the minister was entitled to veto any decision taken by the board. Since 1953, all industrial enterprises had to join the Federation, which had a monopoly on their collective representation. The minister also intervened in the composition of the boards of the different branches or 'chambers' of the FEI, which each represented certain types of industry (textiles, food, chemicals and so on). Between 1958 and 1993, every FEI president was a public-sector figure. From 1993 the FEI was again headed by a representative of the private sector, who however remained answerable to the minister of industry.⁷⁵

Although more independent than the chambers and the FEI, the new associations of businessmen and -women established from the late 1970s onwards also remained under tight state control. Most were registered as private voluntary associations and therefore fell under Law No. 32 of 1964, which allowed government representatives to sit on their boards. This was the case for the two largest such associations: the Association of Egyptian Businessmen (Jam'iyyat Rijal al-A'mal al-Misriyyin) officially founded in 1979; and the Alexandria Businessmen's Association (Jam'iyyat Rijal al-A'mal bi al-Iskandariyya), founded in 1989 after several years of semi-independence within Alexandria's Chamber of Commerce. In the new towns built around Cairo, the Association of Investors of 10th Ramadan Town (Jam'iyyat al-Mustathmirin bi-Madinat 'Ashir min Ramadan) and the Association of Investors of 6th October Town (Jam'iyyat al-Mustathmirin bi-Madinat al-Sadis min Uktubir), both established in 1986, operated according to the same rules and under the same constraints.⁷⁶

Apart from the formal links governed by Law No. 32, the Association of Egyptian Businessmen also had more informal ties with the state and the regime. Some of its members were prominent figures in the public sector; certainly they were not members *ex officio*, as they would have been in the chambers of commerce and in the FEI, but even as private members they were in a position to foster harmonious relations between the association and the regime.⁷⁷

Of all associations representing the material interests of social groups, the professional syndicates (*al-niqabat al-mihniyya*) were most independent of the government and

regime. It is therefore not surprising that they were particularly affected by the trend towards deliberalization in the 1990s. To illustrate the extent to which they were affected, I shall describe in some detail their situation prior to these developments.

Each governed by the law under which it was established, the professional syndicates generally organized individuals who exercised certain gainful activities and formally constituted them as a profession.⁷⁸ The criteria for membership referred to more or less precise types of activities, employment or degrees and diplomas, and the exercise of the activities itself often depended on membership in the syndicate concerned. In other words, the syndicate not only defined the profession, but was able to prevent individuals from exercising it, either by rejecting their membership or by imposing sanctions, including expulsion. Frequently referring to considerations of professional ethics, the rules and regulations governing membership were also influenced by political concerns. In the Nasirist period, the professional syndicates mobilized support for the regime's policies and interests.

Increasingly important were the possibilities, more or less circumscribed by law, to defend the professional and material interests of their members. While they had no role in collective bargaining, they generally ran pension schemes and offered social services such as medical care, housing programmes and even personal loans at low interest rates. Certain syndicates, like that of the engineers, were supposed to advise the government in the areas of their expertise, even though in practice they were rarely consulted. These activities varied considerably from one syndicate to another, depending on their statutes, size, members, leaders and financial resources, the last of which were sometimes propped up by generous government subsidies.

The number of professional syndicates increased considerably during and after the 1940s. The syndicate of journalists was established in 1941; those of engineers, doctors, pharmacists, agronomists, veterinary surgeons and dentists later in the same decade. The syndicate of lawyers was established as far back as 1912. Six others were created during the 1950s (five of them after the revolution) and six more under Sadat during the 1970s. An additional three were set up in the 1980s after Sadat's death and one more in the 1990s. By 1995, there were 24 professional syndicates altogether in Egypt.⁷⁹

There was no apparent common denominator among the professions organized into syndicates. There was, for instance, a syndicate of sociologists, but not one of historians or psychologists. In the absence of such a common denominator, the creation and continued existence of syndicates rather seems to have reflected the nature of relations between these professions and the state. Sometimes the 'syndicalization' of a profession, which naturally involved statutory regulation, was decided by the rulers in an attempt to manipulate and control the profession more easily, as was clearly the case when the syndicates of lawyers, journalists and commercial employees were established.⁸⁰ In other cases, syndicalization was, at least in part, a response to the demands of the 'professionals' themselves, who tried not only to advance their own interests through official state recognition but also to establish formal structures that would enable them more easily to capture resources controlled and distributed by the state.⁸¹

In the 1960s, the professional syndicates did not escape the attempts by Nasir's regime to dominate all intermediary structures or institutions of 'civil society'. Nasir's

measures transformed the syndicates into appendages of the ASU, which exercised tight control over their activities and access to leading positions within them. Under Sadat the situation remained the same for several years, even though in practice control was somewhat relaxed. Under a law passed in 1975, membership in professional syndicates and trade unions became no longer conditional on simultaneous membership of the ASU. This marked the beginning of a certain legal emancipation of these structures from the state and the regime, although the greater participation that it brought in terms of voting and eligibility in syndicate elections were relativized by the promulgation in 1978 of the law on the interior front and social peace which enabled the socialist prosecutor to reject undesirable candidates. Although truncated, this legal emancipation was nonetheless accompanied in professional syndicates by a degree of political emancipation that trade unions were not granted.

In practice, professional syndicates, even before their separation from the ASU, generally managed to maintain a certain and sometimes remarkable freedom of action vis-à-vis the regime. Their members and leaders had (or found) opportunities to air their grievances and opinions, and to take initiatives that were contrary to the line taken by the regime. Perhaps granted in order to consolidate authoritarianism by its partial relativization, these liberties were obviously used by the members of the syndicates, who thus repeatedly crossed the more or less visible red line drawn by the regime. A notorious example was the conflict at the beginning of the 1970s between President Sadat and the syndicate of journalists, which gave its backing to students protesting against the regime's policy towards Israel.⁸²

From the end of the 1970s and over the following decade, numerous syndicates managed increasingly to free themselves from the legal constraints under which they were supposed to operate. Indeed, the syndicates became the principal arena in which opposition forces could develop their political activities, question the regime's policies and propose alternative strategies. The public debates organized by the lawyers' syndicate in 1980 and 1981, which reflected many political actors' growing reservations about Sadat's policies, marked the beginning of this trend.⁸³ Before the restrictions of the 1990s, this period of syndicate activism was only briefly interrupted in September 1981 when Sadat, shortly before his assassination, clamped down on anything and anybody who moved slightly out of step with his regime.

During Mubarak's first term as president, opponents of the regime managed to win the elections in several syndicates. This was all the more noteworthy because they belonged to political forces which the regime sought to marginalize at all costs. In the syndicates concerned, victory invariably went to Islamist candidates who were members or sympathisers of the Muslim Brotherhood. Thenceforth they could use the infrastructure of the syndicates, including their meeting halls and periodicals, as a platform to confront the regime more effectively.⁸⁴ However, over time the activities of the syndicate's new Islamist leaders contributed strongly to the regime's restrictive approach to liberties in the 1990s.

In the doctors' syndicate, candidates who were members of or sympathisers with the Brotherhood obtained the majority in the 1986 board elections. In 1987, Islamists won 54 of the 61 seats on the board of the syndicate of engineers, which until then had

been one of the bastions of the NDP, and in 1990, they gained another victory in the pharmacists' syndicate.⁸⁵ Islamists also strengthened their position in other syndicates. Over the years, they consolidated their earlier victories and maintained their control and influence in the professional syndicates. After the syndicate elections in 1989 and 1990, Islamists controlled the syndicates of doctors, pharmacists, dentists and accountants. Their rise continued into the 1990s, most notably with their victory in the elections to the board of the lawyers' syndicate in 1992.

The victories won by the Muslim Brotherhood and other Islamists were at least as much a reflection of their organizational skills as of their electoral appeal. Within the overall context of the 'Islamization' of public life, these victories were hardly surprising, but they were also won in ballots with an extremely low turnout. Furthermore, many voted for them for purely pragmatic reasons. Because they had not previously been in a position of responsibility within the syndicates, the Islamist candidates had been able to avoid accusations of corruption or incompetence. Once elected, some of them proved to be highly competent, although others resorted to the same financial and administrative irregularities as their predecessors. Among the engineers, for instance, the Islamist leaders considerably improved the syndicate's financial position, and defended and furthered the material interests of its members through professional training, medical care and housing programmes.⁸⁶ Although politicized and even political, the syndicate elections remained largely syndicate elections. The votes and victories gained by Islamists certainly entailed the redistribution – within limits – of political resources in favour of oppositional forces, but they did not *ipso facto* reflect the emergence of a new majority.

The syndicates controlled by Islamists continued, developed and in their own way renewed the tradition of political activity, in the wider sense of the term, which had returned to these institutions towards the end of Sadat's rule. Debates and conferences organized by the syndicates discussed Egypt's foreign policy, its relations with the United States and Israel (which continued to occupy the West Bank, the Gaza Strip, the Golan Heights and Southern Lebanon). They also discussed Egypt's internal situation, its illiberal political system and the new economic policies, which increasingly departed from the statist or 'socialist' development models of the past and thus from a certain concept of national independence. The periodicals published by the syndicates, such as *Majallat al-Muhandisin* or *Al-Muhamun*, enabled their leaders to propagate their ideas and values among a relatively large audience.

In general, however, the tight legal and de facto control that the regime was – and still is – able to exercise over most associations and intermediary structures called into question the existence in Egypt of a 'civil society' in the strict sense of the term as it is postulated in fashionable literature.⁸⁷ Without discussing the history of the concept covered by this notion, I shall use it in its most common definition in the contemporary literature on Middle Eastern societies: to designate voluntarily established intermediary structures which primarily pursue non-profit activities (this obviously does not exclude the defence of the material interests of certain categories of individuals), which are located between the individual and the state, and which mediate relations between the two.⁸⁸ The various 'institutions' of civil society therefore need to be independent of the

state. The latter must not regulate their activities and procedures beyond the strictest minimum that guarantees equal possibilities of participation to their members and the respect for the interests of non-members. It is only on the basis of a clear distinction between what is state and what is society – difficult to detect in many cases but certainly in Egypt – that civil society can play the role of mediator and counter-power to the state that ultimately defines it.⁸⁹

Negative Liberties: The State against Individuals and Groups

Just as important as the obstacles to freedom of association were the restrictions on freedom of expression in the media. While guaranteeing the ‘freedom of the press, of printing, of publishing and of the means of information’ the constitution also required that the press should serve society and defend the ‘basic elements of society’ that were supposed to underpin it. Explicitly, it outlawed only censorship of newspapers, not of other types of publication or media, but ‘in a state of emergency’ even newspapers were allowed to be censored to the extent that they touched on matters of national security or public safety. Once again, the constitution limited the applicability of the grand principles it enunciated to the domain defined by law.⁹⁰ As the state of emergency was continuously in force, papers could be censored. Even the privacy of the mail could be suspended under the 1958 law and its amendments governing the application of the state of emergency.⁹¹

The Press Law that came into force in 1980 (Law No. 148 of 1980)⁹² claimed to guarantee journalists freedom of expression and independence with regard to any authority other than the legislator. However, like the constitution, it required the press to serve the ‘interests of the country and its nationals’ (*masalih al-watan wa al-muwatanin*) and journalists to respect the ‘basic elements of society’. Moreover, this law established the Higher Press Council (Al-Majlis al-A’la li al-Safaha), provided for by the constitution, and granted it important regulatory powers over journalists and newspapers. Made up mainly of representatives and sympathisers of the regime, the Higher Press Council determined the ‘charter of honour’, the code of professional ethics governing journalists’ activities, and saw to it that they respected the basic elements of society. It brought any transgression to the attention of the disciplinary bodies of the journalists’ syndicate. The council also fixed the price of newspapers and accepted or rejected applications for the publication of new periodicals. Although guaranteed by the constitution ‘in conformity with the law’, the right to publish thus depended on a body controlled by the regime; apart from the state and its many agencies, only political parties, trade unions and professional syndicates were exempted from the requirement to obtain the council’s consent. Until the early 1990s, the council’s decisions could be contested only in the Court of Ethics (Mahkamat al-Qiyam). According to the Law of Shame, which instituted this jurisdiction, any person found guilty by the Court of Ethics was prevented from publishing periodicals. Finally, the penal code made it illegal to publish information which endangered public order or national security, or damaged the reputation of representatives of the state.

Although newspapers were not sent to a censor prior to publication, legislation prevented the publication of a good deal of information because the penal code and

the Press Law could not but encourage journalists and periodicals to exercise self-censorship. Nor did state ownership of the most important media, including all major dailies such as *Al-Ahram*, *Al-Jumhuriyya*, *Al-Masa'* and, obviously, radio and television, facilitate the distribution of information the regime wanted to suppress. In case these various prophylactic measures failed, the regime did not hesitate to resort to more heavy-handed methods. For instance, the Nasirist periodical *Sawt al-'arab* was closed in August 1988 because it had been too critical of the regime's Saudi friends.

Albeit to different degrees, the publication of books and the production of plays, films and documentaries were also affected by laws, decrees, practices and actions which restricted freedom of expression. Unlike films, books were not censored before their release or distribution, but their authors could easily face legal action afterwards. Like censorship *ex ante* in the case of film production, such censorship *ex post* mostly concerned books considered to be immoral or anti-religious. These might also be targeted by the Academy of Islamic Research of Al-Azhar, which sometimes demanded their withdrawal from bookshops and libraries or removed them itself. The Academy was not legally entitled to do so, but for many years the regime only timidly opposed its activities.⁹³

No more than the constitution did ordinary legislation grant Egyptians the right to demonstrate in public. 'Within the limits of the law' the constitution authorized gatherings and 'processions' (*mawakib*), but not demonstrations.⁹⁴ Considering the many restrictions on positive liberties, the absence of this right was perhaps only natural. The few demonstrations that took place, during strikes, for example, were invariably repressed by the police, who applied the provisions of the state of emergency that outlawed any public gathering.

Personal freedom was restricted not only by the many legal provisions that imposed prison sentences on acts that elsewhere went unpunished, but also – and especially – by the state of emergency.⁹⁵ The law governing its implementation allowed limits to be imposed on freedom of movement, such as putting people under house arrest, forcibly displacing them and assigning them activities and jobs determined by the executive. In particular, it allowed people to be arrested, by order of the executive alone, for periods which, in practice, could be indefinite. Individuals detained under these provisions were entitled to lodge an appeal every 30 days; however, if the relevant special courts – the Supreme State Security Courts established under the state of emergency – ruled in their favour, they could be – and often were – rearrested immediately after their release.⁹⁶ The regime used this device during election campaigns to arrest militants of opposition parties, but recourse to arrests without court order remained relatively rare in the 1980s, especially compared to the 1990s.⁹⁷ Apart from suspending the privacy of the mail, other powers which the state of emergency granted to the executive were also used rarely.

The Judiciary and Restrictions on Liberties

Considering the constitutional and de facto preponderance enjoyed by the executive and, in particular, by the president, it is not surprising that the courts were only rarely able to redress the balance of liberties in favour of the ruled. The illiberal character of

the political regime appeared nowhere more strikingly than in the legal provisions, arrangements and practices through which the regime attempted, and partly succeeded, to influence the administration of justice in its own favour.

The constitution certainly guaranteed in principle the independence of the judiciary, the irremovability of judges and the non-interference of the executive in trials. In addition, many court rulings demonstrated that there were numerous judges who refused to be influenced by the wishes or pressures of the regime. However, the constitution left the precise definition of these guarantees to the appreciation of the legislator, for instance when it declared that 'the law establishes the institutions of the judiciary, their powers, the method of their composition, as well as the conditions and the procedure governing the appointment and transfer of their members'.⁹⁸ Indeed it also declared that 'the law establishes the State Security Courts and determines their powers and the conditions governing the appointment of those who in these courts administer justice'.⁹⁹ The notion of 'transfer' might easily contradict that of the 'irremovability of the judges'. The 'State Security Courts' might nullify the guarantee given to every Egyptian by the same constitution that he or she has the right to be judged by his or her 'natural judge'. Although the latter notion was ill-defined, nobody, not even the regime, was able to propose an interpretation compatible with the existence of jurisdictions other than the ordinary courts.¹⁰⁰ A product of the executive, the constitution defined and qualified the independence of the judiciary according to the interests of the executive. It thus enabled the regime to take measures to neutralize the independence of the judiciary where that independence hurt.

Nevertheless, at the level of the ordinary courts, the judiciary's independence, from a formal point of view, was ensured no less than in the countries of Western Europe and North America which are generally considered particularly advanced in this regard. By 'ordinary courts' I mean all those which are entirely made up of professional and irremovable judges; which are superimposed hierarchically in order to allow appeals against the rulings of lower courts; which do not duplicate existing courts; and which were or are not established under the state of emergency. They are distinct from the special tribunals or courts that duplicate existing ordinary courts because they were established later and given jurisdiction in matters hitherto heard before ordinary courts. The ordinary courts are also distinct from special courts in that none of the latter meets all the above criteria.

In the strictest sense of the term, the 'ordinary courts' were the civil and penal courts whose rulings were open to be appeal before the Court of Cassation (Mahkamat al-Naqd). Apart from the Court of Cassation itself, they comprised the Primary or 'partial' Courts (Al-Mahakim al-Juz'iyya), the Courts of First Instance (al-Mahakim al-Ibtida'iyya) and the Courts of Appeal (Mahakim al-Isti'naf), including the Assize Courts (Mahakim al-Jinayat). They also comprised the judges and the chambers of 'execution' (*da'ira*, pl. *dawa'ir al-tanfidh*) of all these courts whose intervention was often necessary in order for the rulings to be executed.¹⁰¹ In the broader sense, the ordinary courts also comprised, despite their undeniable specificity, the SCC, whose rulings were final and executory, and the State Council or Conseil d'Etat (Majlis al-Dawla), which was an administrative jurisdiction similar, but not identical, to its French counterpart.¹⁰²

The appointment, promotion, transfer, delegation and secondment of judges were scrupulously regulated by law. The law also guaranteed their irremovability until they had reached the legal age of retirement. If the presidents of the courts enjoyed certain discretionary powers, their own appointment was largely dependent on 'objective' criteria such as that of seniority. In the courts whose rulings could ultimately be challenged in the Court of Cassation, in the Court of Cassation itself and in the department of public prosecution, every decision concerning the careers of individual members of the judiciary, including the appointment of the presidents of the courts, was made by the Higher Council of the Judiciary (Al-Majlis al-A'la li al-Qada'; HCJ), whose composition could not be influenced by the regime. The seven members of the HCJ sat *ex officio*, on the basis of the positions they occupied in the judicial hierarchy,¹⁰³ generally thanks to their predecessors on the same council.¹⁰⁴ In its decisions, the HCJ was not bound by the reports of the office in charge of inspecting the judiciary which was part of the Ministry of Justice; on the contrary, it had its say in the appointment of the members of this office.¹⁰⁵ Within the State Council, decisions of this type were made by the Council of Administrative Affairs (Al-Majlis al-Khass li al-Shu'un al-Idariyya; CAA), which in principle enjoyed the same degree of independence.¹⁰⁶

These councils were also independent of the Higher Council of Judicial Powers (Al-Majlis al-A'la li al-Hay'at al-Qada'iyya; HCJP), which was chaired by the president of the republic. Established in 1969¹⁰⁷ and confirmed in its existence by the 1971 constitution¹⁰⁸, the HCJP was invested with vast powers by the 1972 law on the judiciary¹⁰⁹. It lost most of those powers when the CAA and the HCJ were established in 1984, and then played a minor role, including advising on the appointment of judges of the SCC.¹¹⁰ As far as the HCJ is concerned, the law of 1984 stipulated not so much its establishment as its re-establishment 15 years after its abolition under Nasir, 15 years during which members of the judiciary continuously demanded its reinstatement.

Legally speaking, the SCC enjoyed the greatest independence of all courts. Established in 1979 and firmly rooted in the constitution by the amendments of 1980, the court examined the constitutionality of laws and of those presidential decrees which had the force of law, and resolved conflicts of competence among the other courts. If contradictions emerged between legal texts, or between judgments rendered by the higher courts, then the ruling of the SCC was definitive. The court's first judges were appointed by the president of the republic on the advice of the HCJP. Such advice was not required for the appointment of the president of the court and, in any case, did not bind the president of the republic in his choices. Once the initial appointment were made, he was less free in choosing and appointing new members. He had to choose each new member from a list of two names, of which one was put forward by the general assembly of the court (*al-jam'iyya al-'umumiyya*), the other by the president of the court. Henceforth, the president of the republic only had the final say on the choice of the president of the court, within the limits of various other legal requirements and after taking the advice of HCJP. The judges of the SCC were, like other judges, irremovable.¹¹¹

Alongside the SCC, the State Council was the second jurisdiction which, according to the constitution, could control and limit the action of the other constitutional powers and of the various agencies of the state. Apart from the lower administrative courts, it

comprised the Supreme Administrative Court (Al-Mahkama al-Idariyya al-‘Ulya), which validated or invalidated administrative decisions including decrees (and presidential decrees that had the force of law before they were ratified by the People’s Assembly and thus transformed into law). The constitution guaranteed in principle the independence of the State Council, as it did that of the other ordinary courts.¹¹²

However, in the State Council, unlike other ordinary courts, the irremovability of the judges was guaranteed only by law, not by the constitution. Promulgated by Sadat in 1972, the law on the State Council was modified in 1984 during President Mubarak’s first term in order to improve guarantees for the council’s independence. It was at this time that the CAA was established and assumed the prerogatives of the HCJP and those of the president of the State Council concerning the appointment of judges, their assignment to divisions and chambers, and their careers. Also since 1984, the appointment of the council’s vice-presidents, which remained within the powers of the president of the republic, required the agreement of the council’s general assembly (*al-jam‘iyya al-‘umumiyya*). He had more freedom to choose the president of the State Council, a decision in which the general assembly was only consulted. However, the president had to be selected from among the vice-presidents.¹¹³

In spite of the structures and procedures which were determined in great detail, even on a formal plane the independence of the ordinary courts was not without certain restrictions. For example, apart from the SCC, no court enjoyed any real budgetary autonomy. Down to the last paper-clip, all office equipment was provided by the Ministry of Justice. Such control of resources facilitated the control of those whose work these resources were supposed to make possible.

If the independence of the ordinary courts was nonetheless buttressed by detailed legal provisions, actual practices were not always what they should have been. The salaries of judges on the bench and of public prosecutors weakened their resistance to all sorts of offers emanating from the executive. The law fixed only the basic salary of a judge, while all supplements and bonuses, which could be as much as half his total income, were granted on a discretionary and *ad hominem* basis by the Ministry of Justice. The ministry, or rather the minister himself, concentrated their attention on those who held strategically important positions and who, like the presidents of the courts, themselves had certain discretionary and informal powers over the functioning of the courts.¹¹⁴ In legal circles, for example, nobody ignored the de facto marginalization of the judges who, after the bread riots in 1977, did not pass the sentences Sadat had wanted.¹¹⁵

In practice, though, the judgments rendered by ordinary courts often met the expectations that one had on reading the texts that governed their workings. While many rulings must have found favour with the regime, its servants and its entourage, just as many must have displeased them. For example, during the 1980s the Court of Cassation ruled that forced confessions were inadmissible in court, thus clearly stating its opposition to the torture of detainees. In another case, the same court decided that a worker who had been detained under the state of emergency should continue to receive his salary, identifying the state of emergency with *force majeure*. On another occasion it emphasized the competence of the ordinary courts even in cases heard

before military courts, the recourse to which it considered as a mere *fait accompli*.¹¹⁶ For its part, the Supreme Administrative Court in the State Council confirmed rulings of the Court of Cassation by decreeing that measures taken under the state of emergency were 'not beyond the control of the judiciary'.¹¹⁷

If members of the SCC freely admitted that, in one way or another, their rulings had to take 'political realities' into account,¹¹⁸ those rulings often seemed to be inspired by a desire to extend liberties. Certainly, in the 1980s as much as in the 1990s, the overall picture emerging from the court's judgments is ambiguous. For example, the decision to recognize *shari'a* as not just one but *the* principal source of legislation in Egypt may seem at odds with the defence of political liberties, although the two are more easily reconcilable if one analyses the ruling attentively and takes into account the safeguards put in place by the court.¹¹⁹ Be that as it may, there is little likelihood that the ruling resulted from the court's obedience to the regime. The rulings that declared the provisions governing the parliamentary elections of 1984 and 1987 unconstitutional are a clear illustration not only of a favourable attitude towards the extension of positive liberties, but of an interpretation of the constitution that was independent of the regime's interpretation. The court's attempts to render these rulings as palatable as possible to the regime may have reflected the limits of its independence, but possibly they also illustrated the difficulties the judges faced, and thus give a measure of their courage.¹²⁰

The spirit of independence that prevailed in the judiciary appeared just as clearly in the insistent demands by its members that the HCJ should be re-established – demands the regime finally gave in to in 1984. That spirit was also illustrated by the debates during the conference on law and justice held in Cairo in April 1986 on the invitation of the Judges' Club (Nadi al-Qudat), the professional association of judges. The discussion papers did not hesitate to criticize the special courts and procedures through which the regime circumvented and sidelined the ordinary courts.¹²¹ Indeed, the most substantial restriction of the independence of the judiciary consisted not in the interferences in the workings of the ordinary courts, but in the numerous attempts to skirt these courts, ignore their rulings or simply not execute them. In other words, the independence of the ordinary courts did not *ipso facto* entail the independent administration of justice.

Even when all appeals were exhausted, intervention by the judge of execution (*qadi al-tanfidh*), who could not overrule the court ruling but who could suspend its execution, was possible. Although more or less discreet recourse to the judge of execution was open to everyone, the regime used and abused it exceedingly when it wanted to prevent the execution of particular rulings. It was a question less of the eventual connivance of the judges of execution than of the length of the procedure itself, which involved several steps, summonses and hearings. It allowed indefinite postponement of the execution of rulings that were not in favour of the regime. It was particularly useful when used against rulings by the Supreme Administrative Court in the State Council concerning abuses of power committed by agencies of the state.

Similarly, the Court of Cassation ruled on the validity of the election of individual members of parliament, but strictly speaking its decisions merely represented

recommendations to the Assembly concerned, which then sovereignly and with the votes of the members concerned decided whether or not to follow these recommendations.¹²² Consequently, effective invalidation of the election of any deputy belonging to the majority party was impossible. None of the many complaints which, following each parliamentary election were filed with the court, ever resulted in a deputy losing his seat.

In the case of the SCC, the constitution stipulated that ‘the law determines the effects of a ruling on the unconstitutionality of a legislative text’.¹²³ The law being voted by the People’s Assembly, the rulings which were binding and had the quality of law, might be deprived of such immediate effects, should they prove to be too disturbing. From the time the court was established, the execution of its rulings was governed by the same law that created it and that defined its jurisdiction and workings.¹²⁴ However, the People’s Assembly could amend this law, like any other, through the simple majority of those of its members who participated in the vote. Without running the risks that the abolition of the SCC would entail, the regime thus had considerable leeway in resorting to the more discreet option of limiting the effects of its judgments. That is precisely what it did in 1998, when it amended the law so as to deprive the court’s rulings of their hitherto automatically retroactive character.

Most importantly, the regime often resorted to special courts, over which it had much greater control than over the ordinary courts. The special courts included the Court of Ethics, the State Security and Supreme State Security Courts set up under the law of 1980 (Mahkama, pl.: Mahakim Amn al-Dawla [al-‘Ulya]), the State Security Courts and Supreme State Security Courts established under the state of emergency (Mahkama, pl.: Mahakim Amn al-Dawla [al-‘Ulya] ‘Tawari’), and the military courts (*al-mahakim al-‘askariyya*), especially when the latter tried civilians. In all these courts the judges lacked independence and the opportunities for those convicted to appeal were limited, sometimes even non-existent.

Established in 1980 but de facto abolished in 1994, the Court of Ethics heard all cases brought by the socialist prosecutor. These included sequestration procedures initiated under the relevant law of 1971 as well as ‘all matters pertaining to the general interest of the citizens’ (*al-maslaha al-‘amma li al-muwatanin*), particularly cases of threats to decency and morality as defined by the regime. These threats included the propagation of ‘immoral’ messages no less than the negation of religious values.¹²⁵ Nevertheless, the right to reject politically undesirable persons from public office and to deprive them of the right to stand in certain elections which the law on the protection of the internal front gave to the socialist prosecutor was exercised directly by him, without the intervention of the court.

The Court of Ethics was made up of both professional judges and ‘independent persons’, who were all chosen and appointed for a limited period by the executive and who were therefore removable at the end of their mandate, which could not exceed two years.¹²⁶ The sanctions handed down by this court were less penal, in the narrow sense of the word, than political and – to a certain extent – economic. They included the withdrawal of the right to stand in parliamentary and municipal elections as well as in elections to the boards of public-sector enterprises, professional syndicates, trade

unions and even cooperatives and private voluntary associations; disqualification from participating in the creation of new political parties and from membership of existing ones; and disqualification from occupying positions through which it was possible to corrupt young people or to influence public opinion.¹²⁷ Appeals were heard exclusively by the Supreme Court of Ethics (Al-Mahkama al-'Ulya li al-Qiyam) which operated on the same principles.

The Supreme State Security Courts, which the 1980 law established within every Court of Appeal, in theory judged all crimes against public order and against the security of the state and its representatives. Certain lesser offences were judged by the State Security Courts, which were set up within the Primary Courts. The most serious crimes were automatically referred to the Supreme State Security Court in Cairo. Normally composed of judges, the Supreme State Security Courts could include military officers of certain ranks appointed by the president of the republic. The appointment of the judges sitting on these courts and their terms of office were not specified by the law, which in practice granted maximum latitude to the regime.¹²⁸ There was no appeal against the rulings of the Supreme State Security Courts, except before the Court of Cassation,¹²⁹ which could only rule on procedural aspects, not on matters of substance.

The State Security Courts and the Supreme State Security Courts established under the state of emergency in principle dealt with all alleged offences against decrees issued under the state of emergency, including their respect by the executive as in, for instance, cases of administrative detention. In practice, however, the division of labour between the courts was less clear-cut. In general, the composition of these State Security Courts and Supreme State Security Courts and the selection and dismissal of their judges resembled those of the State Security Courts and Supreme State Security Courts established under the law of 1980. The similarities extended to the opacity of numerous procedures.

Unlike verdicts handed down by the State Security Courts and Supreme State Security Courts established under the law of 1980, those pronounced by the courts and supreme courts established under the state of emergency were not open to appeal by those convicted.¹³⁰ Only the president of the republic or his representative had a de facto right of appeal since, in order to be executed, verdicts by these courts except in some specific cases needed his ratification. The president or his representative was also entitled to ask for a case to be retried.¹³¹

Surprisingly, in practice the independence of the judiciary manifested itself even at the level of the Supreme State Security Courts, most of whose members were, after all, judges. As such they seemed to remain under the influence of their professional socialization and code of ethics. For instance, in 1984 the Supreme State Security Court of Cairo established under the law of 1980 acquitted several people accused of having participated in the assassination of President Sadat. And in the 1990s the alleged assassins of the former speaker of the People's Assembly, Rif'at Mahjub, were acquitted for similar reasons, which pertained to abuses of power, including the use of torture, by the investigating authorities.¹³²

Even the Supreme State Security Court in Cairo established under the state of emergency, which was supposed to sentence the leaders of the railway workers strike of

1986, did not meet the regime's expectations. It ruled the strike legal because Egypt was a party to the International Covenant on Economic, Social and Cultural Rights. As was permitted under the law on the state of emergency, President Mubarak refused to ratify this verdict.¹³³ Also, the Supreme State Security Courts established under the state of emergency frequently ordered the release of administrative detainees. In such cases, their rulings were definitive and had to be executed with immediate effect, even without the endorsement of the president of the republic or his representative. The fact that the regime circumvented such rulings by immediately rearresting the persons concerned cannot be blamed on the judges.¹³⁴

Because of the vagueness of the constitution and the law governing the state of emergency, the law on military courts enabled the president of the republic to refer civilians to military courts, thus again circumventing the ordinary courts.¹³⁵ Rare in the 1980s, the trial of civilians before military courts, although largely on the basis of the ordinary penal code applicable to civilians, became common practice in the 1990s, probably because even the Supreme State Security Courts could not be relied on. Not only could military judges be appointed and dismissed as the regime wished, but also they were officers bound by the orders of their superiors. Their mandate of two years could, in fact, be terminated at any time for reasons of 'military necessity'. There was no appeal against their rulings, although, until they had been ratified by the president or his representative, they were not final.¹³⁶

The recourse to special courts was less frequent in the 1980s than in the 1970s and 1990s. The Court of Ethics slumbered along until it practically disappeared in 1994. The Supreme State Security Courts were by and large concerned only with the many anodyne matters to which the law extended their jurisdiction. The military courts generally only tried officers and soldiers who failed to respect military regulations. Nevertheless, the device was in place and it was ready to be used.

The political liberties enjoyed by Egyptians were thus already narrowly circumscribed before the beginning of the 1990s. The restrictive application of laws and decrees, and their frequent transgression by agencies of the regime, often reduced those liberties beyond the limits established by these texts. The prime beneficiaries were the regime and its entourage. The incomplete insulation of the agencies of the state from society certainly enabled even actors who were not close to the regime to influence, or here and there ignore, the formal rules of the political game. Personal and group loyalties, as well as material inducements, always helped to open doors which otherwise would have remained closed. Nonetheless, the hiatus between, on the one hand, liberties guaranteed legally and on the other, those existing in reality, favoured some far more than others.

PART II

The Deliberalization of the 1990s

Unlike the preceding chapter, which describes the situation at the eve of the changes in the 1990s, the following three chapters illustrate the changes themselves as they unfolded over time. Tracing a process is only partly compatible with a thematic approach such as that in the preceding chapter. However, where the chronological presentation allows, thematic coherence will be maintained. Moreover, chapter 5, which is dedicated to the scope and limits of deliberalization, will provide a systematic summary highlighting the changes affecting each of the liberties in question.

Reconciling themes with time is easier in the domain of positive liberties than in that of negative liberties. In the former, which is the realm of representation and participation, changes appear first at the level of the central state – the level traditionally privileged by the discussion of positive liberties. They provide the general frame for changes at lower levels of the state apparatus and at the level of institutions and organizations, which are not formally part of the state but are regulated by it. In the domain of negative liberties, which includes personal freedom as well as the freedoms of expression, assembly and association, the chronological narrative lends itself less to a thematic account, because no such general frame can be provided by the development of any of these liberties.

Positive Liberties in the Narrow Sense: The Central Institutions of the State

Parliamentary Elections

The erosion of positive liberties in the central institutions of the state was largely synonymous with the erosion of possibilities for Egyptians to choose their representatives in the People's Assembly. These opportunities, extremely limited until the mid-1980s, had increased with the 1987 elections. As a matter of course, the regime at that time still enjoyed a majority of over two-thirds, but more than 20 per cent of the seats went to candidates from opposition parties or to 'independents'. By Egyptian standards, positive liberties had grown to an unprecedented degree and in some areas were expected to increase. Unfortunately, the thaw was brief and from 1990 the trend was reversed. In the Consultative Assembly developments were more complex. However, to the extent that they marginally enhanced representation, this was the result of court rulings, not of voluntary action by the regime. Nor, of course, did the constitutional powers of the Consultative Assembly match those of the People's Assembly. In presidential elections, no further erosion of positive liberties occurred, but only because their 'closed' nature excluded any further deterioration.

From 1990 onwards, the NDP's majorities began to increase again, almost imperceptibly in the elections of that year, and then spectacularly in the 1995 elections. Reduced to 78 per cent of the seats in the 1987 Assembly, the majority of deputies belonging to the NDP (the reason for using this rather complicated phrase will become apparent shortly) increased in the 1990 Assembly to more than 81 per cent before jumping to more than 94 per cent in 1995. By comparison, in the 1979 Assembly they occupied a little over 88 per cent of the seats; and in 1984, 87 per cent.¹ Calculated on the number of seats to be filled by election, these percentages changed only marginally if one takes account of the ten deputies whom, under the terms of the constitution, the president appointed after each election.² Although not necessarily members of the NDP, the latter, who occupied only about 2 per cent of seats in the Assembly, were individuals whose loyalty to the regime was unquestioned.

The progression of the NDP's majority in the Assembly between 1987 and 1990 was too limited to indicate alone the beginning of deliberalization in the domain of positive liberties. But although it was not evident at the time, the elections of 1990 were the turning point when a new mode of manipulating the elections and of 'managing'

them from above appeared, entailing the continued growth of the regime majority in the People's Assembly. Prompted largely by the electoral mechanics resulting from the introduction of the new electoral system, the arrangements were in a sense tested in 1990 and then put in place definitively in 1995. More than ever the elections now became non-competitive and without choice in the sense of Hermet, Linz and Rouquié.³

The 1990 Elections to the People's Assembly

For many Egyptians, the announcement of new elections in 1990 initially seemed to confirm the regime's willingness to open the doors further to representation and participation.⁴ By calling the elections two years before the end of the term of the preceding Assembly, the regime respected the ruling of the Supreme Constitutional Court (SCC), which earlier in the year declared unconstitutional the electoral system adopted in the elections of 1987. In the eyes of some, the dissolution of the Assembly elected in 1987 appeared all the more inspired by a wish to democratize, as the 1984 Assembly had been dissolved for the same reason. Also, from dissolution to dissolution the rules governing the elections developed in accordance with the Court's rulings, from the proportional representation of party lists towards two-stage majority vote for individual candidates in two-member constituencies. By respecting the Court's judgments, the executive appeared to respect the principle of separation of powers and thus to give proof of its own evolution towards post-authoritarian government.

However, the adoption of an electoral system more in line with the requirements of the constitution, and apparently more democratic, took place through procedures which themselves were not democratic. Moreover, the timetable of the reforms, decided by the regime alone, as well as new and existing restrictions, hardly enhanced the opposition's chances. What happened was nothing but the replacement of the existing mode of managing the elections with a different one.

Although the SCC delivered its ruling as early as 19 May,⁵ the referendum necessary to dissolve the Assembly was only announced on 26 September; it took place on 11 October. Also on 26 September, the law on the People's Assembly was amended, replacing the vote for party lists with a two-round majority vote for individual candidates. Thenceforth, the country was subdivided into 222 constituencies; each electing two deputies, of whom at least one had to match the official description of a worker or a peasant.⁶ A week later, on 2 October, Law No. 206 of 1990 was published, demarcating the boundaries of the new constituencies.⁷ Candidates could finally register from 22 October. Thus the new electoral system and the new constituencies were definitely in place only two months before the elections, the first round of which was set for 29 November and the second for 6 December. The disadvantages for non-NDP candidates who had no sizeable supporting infrastructure were obvious, and were exacerbated by the ruthless gerrymandering under Law No. 206.⁸

The delay in promulgating the new arrangements seemed all the more deplorable because in essence it was a return to the provisions that governed the 1979 elections. The impression that the regime wilfully kept its rivals in the dark was strengthened by the fact that the delay could not be explained by complex and extended consultations

in advance of the changes, as none had taken place. Although there was some discussion in the ranks of the regime, the opposition was at no point consulted.

Although in principle welcoming the return to majority vote, much of the opposition condemned the way it was done. Accusing the regime of reducing democracy to a 'democracy of slogans and decorum' and of avoiding dialogue with the opposition, the Wafd, the Liberal Party, the Labour Party and the Muslim Brotherhood decided to boycott the elections.⁹ In particular, they rejected the idea that the elections be held under the state of emergency, with constituencies determined by the regime, and without guarantees to ensure their 'cleanliness' (*al-nadhafa*).¹⁰ Various professional syndicates, the Judges' Club and several 'clubs' of university professors (Hay'a, pl. Hay'at al-tadris), which resemble the senior common rooms in British universities, also deplored, denounced and condemned the procedures.

Besides their legitimate fears, the opposition parties may have had other motivations that were not so easy to admit. Although they had campaigned for years for electoral reform along the lines of the 1990 changes, the switch from lists to individual candidates did not necessarily improve their chances. Indeed, their call for electoral reform may have been primarily an attempt to present themselves as the defenders of political liberties of the citizens who, under the old arrangements, had to adhere to a party in order to be eligible. It is doubtful whether they had considered the potentially negative effects on their own future of such a reform that they did not really expect to happen.

Technically, the new system favoured only independent candidates. Opposition parties could even suffer from it, given that their limited resources and the restrictions on their activities made it harder for them to win seats allocated by majority vote in many individual constituencies than seats allocated to lists on the basis of proportional representation – a point several Egyptian commentators emphasized.¹¹ Moreover, the latter reduced parties' power over their own candidates and deputies, who no longer needed to please their bosses in order to find a place on the list, but could stand for election on their own, with or without the agreement of the party leadership. Disobedience was particularly frequent in the ranks of the NDP, but it also weakened the opposition parties.

Apart from the NDP, only the Egyptian Green Party (Hizb al-Khudr al-Misri), the Umma Party (Hizb al-Umma), the New Young Egypt Party (Hizb Misr al-Fatat al-Jadid), generally known as the Young Egypt Party (Hizb Misr al-Fatat),¹² the Tajammu' Party (Hizb al-Tajammu'), and some two thousand so-called independent candidates participated in the elections. The Green Party and the Young Egypt Party were newly authorized by decision of the State Council. The independent candidates were often independent only to the extent that they were not officially invested and supported by a party. Many belonged to a party whose officially endorsed candidate or whose decision to boycott the elections they did not support. More than 80 Wafdists, 22 members of the Liberal Party (including its secretary general), 25 Muslim Brothers and other Islamists, 69 members of the Labour Party and 789 members of the NDP stood as independents. A further 120 belonged to the Unified Democratic Party (Hizb al-Ittihad al-Dimuqrati) which was in the process of being constituted but was only

officially recognized in 1993, again thanks to a ruling of the State Council. Among the parties, the NDP was the only party to present 444 'official' candidates – one for every seat. The Umma Party presented candidates for 33 seats, the Tajammu' for 28, the Young Egypt Party for 19, and the Greens for 11.¹³

Candidates belonging to the NDP, that is the official candidates of the party and its members who stood as independents, obtained 360 of the 444 seats filled by election, corresponding to 81 per cent of these seats as compared to 78 per cent in 1987. Once elected, the NDP candidates who stood as independents joined the party's parliamentary group, knowing, it seems, that such was the price of reaping the benefits of their investment.

Candidates belonging to opposition parties, that is, their official candidates and their members standing as independents, obtained only 29 seats compared with 94 in 1987. Thus, their share amounted to less than 7 per cent of the seats compared to 21 per cent in the outgoing Assembly. Six of these 29 seats went to candidates of the Tajammu', the only opposition party that officially participated.¹⁴ Of the remaining 23 opposition deputies, 14 belonged to the Wafd, eight to the Labour Party and one to the Liberal Party; they all stood as independents despite their respective parties' boycott of the election.¹⁵ In the outgoing Assembly, just over one-third of all opposition deputies belonged to the Wafd, while the others were members of the alliance formed by the Labour Party, the Liberal Party and the Muslim Brotherhood.¹⁶ The remaining 55 seats went to independent candidates who were not linked to any party and therefore may be considered as 'true' independents.¹⁷ Finally, in accordance with the constitution, the president appointed ten additional deputies, bringing the total to 454

At first glance, the results seemed to reflect the boycott of the ballot by most of the opposition parties. Apart from the sharp fall in the number of opposition deputies the boycott seemed to explain more specifically why members of opposition parties who stood as independents won fewer seats than their respective parties had obtained in the previous elections. The relatively good performance of the 'truly' independent candidates might also be explained by the boycott. Rather than voting for the NDP candidate, voters, deprived of a suitable opposition candidate, might have cast their votes for an independent. This transferral of votes might even explain why the NDP won only 3 per cent more seats than in the preceding elections, the small proportion reflecting those cases where the limited choice of alternatives pushed voters not towards the 'true' independents but towards the NDP. The boycott of the elections by most opposition parties might moreover have entailed the boycott of the elections by their voters, which would again have benefited the NDP, given that the law on the People's Assembly stipulated that deputies were elected on the basis of the majority of the votes cast – an absolute majority in the first round and a simple majority in the second.¹⁸

However, when examined more closely, explaining the results by the boycott alone is more problematic. In particular, such an explanation ignores the reasons, or at least the 'good' reasons, for the boycott, for example, the gerrymandering and other manipulations in the run-up to the ballot, including the almost total secrecy surrounding dates and procedures. These manipulations may have influenced the elections in favour of the NDP no less than the boycott did.

In addition, the results were influenced by the general circumstances in which the elections took place. It is hard to see how the boycott can account for the fact that 58 per cent of the official candidates of the NDP were elected, or declared elected, compared to only one-sixth of the official candidates of the *Tajammu*.¹⁹ Qualitatively, these circumstances were not radically different from those of previous elections. Like the 1979, 1984 and 1987 elections, those in 1990 were organized by a regime whose dominance was not in question and which did not accept that its position could be challenged by the ballot. This dominance affected the election results in several ways.

First, to the limited extent to which it reflected the choice of voters, the resounding victory of NDP candidates cannot be disassociated from the regime's de facto hegemony over political debate. Outside election periods, the activities of opposition parties were again hardly, if ever, covered by the state-controlled media, which were by far the most widely read, watched and listened to. Although the daily newspapers did report some of their internal developments and their opinions on certain matters, the information was always relegated to an obscure inside page or column. Television and radio, the only sources of information for the vast majority of Egyptians, completely ignored the existence of these parties. To many, the NDP therefore seemed the only possible choice.

Second, NDP candidates benefited not only from the indoctrination or manipulation of the electorate, but also from the link between party and regime. Knowing that the party enjoyed the regime's support, and that it would be declared victorious anyway, voters were only rational when they voted for its candidates. An NDP member could be considered to have the best access to the regime, a significant advantage in a country where one of a deputy's principal duties is to influence the allocation of budgetary resources in favour of his constituency.

Third, the provisions governing the technical aspects of the ballot facilitated interference by the regime and the forces closest to it. Often, these provisions were not respected at all, and fraud occurred on an even larger scale. Endemic as it was, fraud was certainly not exclusive to the forces of the regime,²⁰ but it was they who could most easily rely on the neutrality or the co-operation of bureaucrats and coercive agencies. For instance, electoral registers were doctored, allowing the dead, the missing and other phantoms to vote. If necessary, votes were recounted to ensure that such and such a candidate – including, in one case, the Prime Minister's brother – were elected, so that results were sometimes announced after a delay of several days. Sometimes the ballot boxes were already stuffed with ballot papers when they arrived at the polling stations. Elsewhere, voters were prevented from voting, or votes were bought by the candidates and their aides, sometimes for more than £E10 or £E20 each.²¹

Fourth, NDP members had far greater material resources than their opponents. This is not something to be ignored, if one considers that an average candidate easily incurred expenses in the region of £E50,000 – ten times the limit fixed by the Ministry of the Interior – to buy or make posters, banners and the wooden gates (*bawabat*) which, decorated with his photographs, slogans and banderoles adorned the streets of his constituency, to organize receptions and to pay his campaign aides.²²

Of course, it was possible or even likely that the NDP did not itself cover its candidates' expenses. However, the official denial of external support for the party²³ did not

prevent its candidates from making use of public-sector vehicles to transport their propaganda material, or from using public buildings to hold their meetings. In purely material terms, the resources made available by wealthy individuals hoping to be enthroned as 'official' candidates, were undoubtedly more important. Considering a seat in the People's Assembly a good investment for future gains, businessmen and entrepreneurs naturally turned to the NDP, whose candidates had by far the best chance of winning. In exchange for their official nomination, they financed their own campaign, and perhaps even other party activities. As gatekeeper to the parliamentary paradise, the NDP was clearly in a position to choose the best performing and most wealthy candidates. The amounts raised in this way far exceeded the modest subsidies that other parties received from public funds.²⁴

Funds served not only to run the campaign, buy votes and corrupt officials, but also to hire thugs (*baltaguiyya*), whose aggressive tactics in the 1990 elections contributed to a then unprecedented level of violence, resulting in the deaths of more than ten people. The increase of such violence was clearly linked to the new electoral system, which involved a more direct confrontation between candidates than had the list system.

Although these factors had marked and influenced every election since 1979, they, or rather some of them, were more pronounced in 1990. This was particularly true of vote tampering and fraud, which were exacerbated (although not solely caused) by the increasing importance of money in the elections. While the NDP was the most successful party in attracting wealthy candidates, it was by no means the only party to do so. Ultimately, a growing number of candidates could spend increasing amounts of resources, which intensified their competition and contributed to its violence.

The 1995 Elections to the People's Assembly

The regime's attempts to produce the right results were far more obvious in the 1995 elections than in 1990. The campaign itself, the ballot and the count of the votes were all marked by decisions and activities designed to ensure that the regime obtained a comfortable majority in the new Assembly. That this majority was a staggering 94 per cent of the seats was probably not anticipated, but it would be equally hazardous to claim that this figure was no more than an accident of history.²⁵

Under the terms of the constitution, the 1995 elections were due to be held during the 60 days preceding 13 December 1995, the date on which the mandate of the 1990 Assembly expired. Given that the election comprised two rounds separated by a week, the first round needed to take place slightly more than a week before this deadline.²⁶ Although the official campaign could not start until President Mubarak had fixed the dates of the ballot, which he was required to do at least 45 days in advance,²⁷ the unofficial campaign began as early as the summer. Without reducing them to simple electoral preparations, the regime's decisions and policies during this period cannot be fully understood outside this context.

In this regard, Law No. 93, which was voted by the outgoing Assembly at the end of May 1995 and immediately promulgated by President Mubarak, took on particular importance. This law, which modified several texts in force, heavily increased the penalties for 'crimes of publication'. It also abrogated the provisions which had hitherto

allowed journalists to escape pre-trial detention. Although from the point of view of the regime the uses of this instrument were not restricted to the immediate future, the law enabled it to exert additional pressure on the press during the electoral campaign.

No less important was the arrest, at the beginning of September, of more than 80 influential members of the Muslim Brotherhood, who were accused of belonging to an illegal organization and of meeting clandestinely to discuss schemes and activities contrary to the constitution and the law. The charges were based on amendments to the penal code promulgated in 1992, which related to the activities of illegal organizations and to acts defined as terrorist.²⁸ At the same time, the regime closed the organization's headquarters in the Tawfiqiyya district in Cairo. The Muslim Brotherhood had been formally banned in Egypt since the Nasir era, but its existence had been largely tolerated. The 1995 arrests signalled a potential change in the regime's policy, and were all the more significant because those arrested were tried in a military court. While the escalation of the conflict between the regime and certain Islamist groups since 1992 led to increasing numbers of civilians being tried by military courts, the Muslim Brothers arrested in 1995 were the first who were not accused of armed violence. Five of them were sentenced to five years in prison, 49 others to three years.²⁹ In November, after a devastating attack on the Egyptian embassy in Pakistan, the minister of the interior denounced what he called the 'division of labour' between the Muslim Brotherhood and the terrorists.³⁰

If Law No. 93 was a warning to journalists, the arrest of the Muslim Brothers was a warning not only to their fellow members but also to the voters. The formal ban on the organization which, in any case, did not define itself as a political party, obviously prevented candidates from standing for election as Muslim Brothers, but, as in previous elections, this did not in itself prevent them from standing for election. Some of those arrested in September probably intended to stand, and some of them even envisaged doing so from behind prison bars. If in the past the solution lay in joint lists with officially recognized parties – with the Wafd in 1984, and the Labour and the Liberal Parties in 1987 – it now lay in standing as independent candidates. The reinforcement of repression could only mean that the regime would not tolerate any Muslim Brother presence at all in the new Assembly; votes cast in their favour might not have been counted and voters might have been better advised to vote for more acceptable candidates.

The official call for elections by President Mubarak came only on 14 October 1995. The first round of the ballot was, once again, fixed for 29 November, the second for 6 December. In other words, the president announced the elections as close to the expiry of the Assembly's mandate as was possible under the 45-day clause.³¹ The announcement was made 47 days before the first round, but the decree was not published until five days later.³² Due to various other legal requirements, candidates had to register between 27 October and 6 November. Objections to candidacies and appeals against the rejection of candidacies were to be lodged before 11 November. The election campaign thus started in earnest only some three weeks before the first round.

At least in part, President Mubarak seemed to put back the deadlines because of conflicts within the NDP, whose various factions were deeply divided over who should

be adopted as its official candidates. In many constituencies the local authorities disagreed with the party hierarchy, and mobilized against the ‘parachuting’ in of candidates selected by the centre. In other cases the struggles between individuals and factions divided everybody, at both local and central level. In several constituencies, the NDP was unable to present an official candidate before the – delayed – announcement of the beginning of the campaign. The preparation for the 1995 elections was the most convincing illustration of pluralism within the NDP – although less in terms of ideology or programme than in terms of factions.³³

The most vivid example of the NDP’s internal struggles was the constituency of Tukh in the governorate of Qalyubiyya, where the clashes between two rival candidates left one person dead and several others wounded. Due to shifting balances of power within the party, the central authorities chose not the outgoing NDP deputy of the constituency but a party member who had stood as an independent in 1990. The new official candidate was the prime minister’s brother; the outgoing deputy and new independent candidate was the father of the local party secretary.³⁴

Such infighting notwithstanding, the brevity of the campaign generally favoured NDP candidates. Apart from being the only ones to be backed up by a supporting infrastructure, they also escaped the application of the law which prevented candidates from campaigning before the official start of the campaign. They were able to stick up their posters and to erect their *bawabat* weeks before that date, while other candidates often had theirs removed overnight even during the official campaign.

From the outset, the 1995 elections were marked by the discretionary and selective application of the law, and by interference and fraud. Similarly, the other factors in evidence in the 1990 elections were no less present in 1995, and continued to influence the results in favour of the NDP. The regime’s hegemony had not been eroded, the difference between its candidates’ resources and those of their competitors had not diminished, and the latter continued to fall victim to the tactical voting that favoured the NDP.

The regime’s hegemony over political debate was, again, most obvious in the media. Throughout the campaign, TV and radio news bulletins superbly ignored the existence of opposition parties. True, the regime granted each opposition party two 40-minute slots on television, which was double the time they were allocated in 1990, but the parties could not use this time as they wanted: they were only allowed to read their electoral proposals. Given the constraints of the party law these programmes in many ways resembled each other. In various respects, they were only poor copies of the programme of the NDP, which, incidentally, was given the same amount of air time under the pretext that all parties should be treated equally. Besides being the only party to get official news coverage on television, the NDP was the only one with access to modern production technology provided by state TV. Finally, the independent candidates were given no broadcasting time at all, even though the SCC had ruled that they should enjoy the same rights as candidates supported by parties.

The regime’s hegemony was not, of course, restricted to the media. Because of the restrictions imposed under the state of emergency, the opposition parties and candidates were again unable to hold meetings except in private rooms and buildings. While

in the countryside their marches (*zaffas*) were often tolerated, in the cities they were quickly broken up by the police, and the candidates were often taken to the nearest police station and held for some time. The only opposition candidates who more or less escaped these restrictions were the few whose victory was desired by the regime in order to give some colour to the new Assembly and to prove that Egypt was still in transition towards democracy. For instance, Yasin Saraj (Sarag) al-Din, the Wafdist candidate in the constituency of Qasr al-‘Aini in Cairo, suffered far less harassment than Mursi al-Shaykh, the Wafdist candidate in the neighbouring constituency of Sayyida Zaynab. Mursi al-Shaykh lost the elections; not surprisingly, since he was up against the speaker of the People’s Assembly, Fathi Surur. Yasin Saraj al-Din, expected to chair the Wafd’s parliamentary party, and brother of the party president, was declared elected.

As in the past, the resources available to parties and candidates were less than equally distributed. In a sense, this inequality was summed up by the size of local NDP offices, which were usually bigger than the national headquarters of the opposition parties in Cairo. The romantic villa in the Cairo district of Duqqi (Dokki) that housed the Wafd Party’s national headquarters was hardly any larger than that which housed the local NDP branch for the Cairo district of Qasr al-‘Aini. The NDP’s national offices occupied a 12-storey building on the banks of the Nile, in the heart of Cairo. Inherited by the NDP from its predecessor, the ASU, the building once housed the governorate and was built with public funds.

Even more than in 1990, the inequality of resources was aggravated by the unequal numbers of wealthy candidates the parties attracted. In 1995 there was a further increase in the number of entrepreneurs and owners of capital who joined the NDP and sought its official investiture. If this honour was not bestowed upon them, they stood, like many of their less wealthy colleagues, as independents and, if they won, joined their party’s parliamentary group.

According to one source, 37 (or 20.7 per cent) of 179 deputies elected for the first time in 1995 were ‘businessmen’ (*rījal al-a‘mal*).³⁵ According to detailed calculations by an Egyptian NGO whose self-declared mission was the ‘development of democracy’, the Assembly constituted in 1995 included a total of 66 businessmen, 59 of whom belonged to the NDP and one to the Liberal Party, the other six being independents.³⁶ Businessmen thus represented just over 14 per cent of all deputies. However, some businessmen, rather than standing for election themselves, preferred to finance a party or candidate. For example, the campaign of one of the candidates in the constituency of Zagazig-City (Qism Awwal Shurta Zaqaziq) seemed to be largely financed by a local businessman, while his main competitor was the regional director of a public sector bank, whom many voters suspected of siphoning off bank money to fund his campaign.³⁷

Finally, the state and the public sector continued to subsidize the NDP’s campaign needs in various ways. For instance, there is little doubt that the NDP obtained the advertising space on Cairo buses for free. And its candidates probably spent little more than that on public sector vehicles used to transport their *bawabat* or bill-stickers.³⁸

What was referred to earlier as the discretionary application of the law often took the more serious forms of interference or fraud. In fact, the run-up to the ballot and the

ballot itself were tainted by considerable irregularities at every step. Often the electoral registers, which in theory were updated annually, led an independent existence from that of the inhabitants of the constituencies concerned. Many people were not registered, or had died or moved, or were completely fictional characters. Such manipulation enabled polling cards to be issued to whoever wanted to vote, or to vote more than once.

As in the past, such interference was not the sole preserve of the NDP and its candidates. The opposition parties and candidates, as well as the independents, also resorted to it when they could. Their success or otherwise often depended on local standing, on family loyalties or other solidarities which linked them to the relevant civil servants, or simply on the financial resources they managed to mobilize. Packets of blank polling cards, for example, were sometimes available to opposition candidates, not only to their NDP colleagues.

In the constituency of Misr al-Qadima/Manial in Cairo, election observers from the Egyptian Organisation of Human Rights noticed that many names appeared more than once on the electoral register. The individuals concerned could vote as many times as their names appeared: a friend of the NDP candidate appeared three times, someone else with a similar name 11 times, a third person 20 times ... In total, 26 members of this family had more than one vote, and most had between ten and 25 votes.³⁹

Elsewhere, one single NDP candidate, 'Abd al-Min'im 'Imara, president of the Higher Council of Youth and Sports (Al-Majlis al-A'la li al-Shabab wa al-Riyada) and thus the de facto minister for youth and sports, managed to add more than 13,000 people to the electoral register in the Cairo district of Madinat Nasr, where he was a candidate. He was not concerned about the slight inconvenience that the supposed address of all the newly registered individuals was that of a large stadium, where not even security guards lived. Following complaints lodged by other candidates, the administrative court annulled the changes to the register, but 'Imara used all his weight to ensure they were not deleted.⁴⁰

Sometimes manipulations concerned not the electoral register but the candidates. Like some of the Muslim Brothers arrested in September, the local secretary of the Labour Party for Ma'adi and Basatin, Mustafa 'Abd al-Bakri, was intending to stand for election. Unlike the former, however, he was arrested only on 27 October, the first day on which candidates could register, and not released until after the closure date for the registration of candidates.⁴¹

On the eve of the first round of the elections, more than a thousand people, most of them delegates and supporters of opposition and independent candidates, were arrested.⁴² The action was primarily directed against Islamist candidates, particularly those belonging to the Muslim Brotherhood, but it also affected the militants of other tendencies. The arrests meant that the candidates in question were deprived of any real opportunity to verify the ballot in the polling stations and counting centres, because there was not enough time for them to obtain the necessary signatures and stamps to replace their detained delegates.

In both rounds of the elections, as for instance in Zagazig, ballot boxes were already stuffed with voting papers when they arrived at the polling stations. In many

polling stations, the delegates of independent or opposition candidates were not admitted, under the pretext that some detail was missing from their letters of authorization. Others were evicted before the polling stations closed. Elsewhere, the vote was stopped before the stations were legally to close, or only voters with the necessary recommendations were admitted. In the polling station for women in Tahrir Street in the Cairo district of Duqqi, a brawl broke out when several voters alleged fraud. The police arrived, arrested the women, and then made off with the ballot boxes. Many polling stations were wrecked by hired thugs, and the ballot boxes disappeared, were set alight or opened by force. When the police stood quietly by, as they did in Sayyida Zaynab in Cairo, the probability was high that the instigators were close to the regime. In other places, special polling stations were found to be in police stations, which was illegal. Not infrequently, votes and officials in charge of the vote were bought.⁴³

At the end of the ballot, the minutes of the polling stations were doctored, for instance by forging the signatures of opposition delegates who had been arrested or evicted. It was also towards the closure of the poll that the dead and fictitious voters cast their votes. At this late hour, polling station staff, who were all civil servants or public sector employees, had a good idea of the actual turnout, which enabled them to add only as many votes as there were absent registered voters (a process known as *taqfil*, or closure). Sometimes one noticed more ballot boxes leaving the polling stations than there should have been, sometimes less. The boxes were then taken to the counting centres, generally without being accompanied by the candidates' delegates, which meant boxes could be swapped for other, safer ones on the way. At the counting centres, non-NDP delegates again had to struggle to be admitted, or were refused entry or later evicted. Moreover, at the counting centres the chaos was generally such that the judge supposed to oversee the count was overwhelmed, and the officials charged with the actual counting could produce what majorities they liked.⁴⁴

In many constituencies, interference and fraud translated into worse violence than in 1990. On some occasions, the brawls and clashes were limited to supporters of respective candidates. On others, the police took sides, or were even directly implicated from the start. The clashes at Tukh were not an isolated incident: violence during the electoral campaign resulted in the deaths of three people, with 36 injured. On the day of the first round of voting, 20 people died and over 120 were injured. During the week between the first and second rounds and on the day of the second round itself a further 15 people were killed and about a hundred injured.⁴⁵

Although it announced the winners, the ministry did not publish the number of votes obtained by each candidate. The official figures were limited to the turnout. Even the official gazette only published the names of the candidates elected.⁴⁶ There were only a few cases in which one could obtain relatively reliable information on the number of votes cast for individual candidates.⁴⁷ Ultimately, the official results reflected the wishes of the elected far more accurately than those of the electors.⁴⁸

When the minister of the interior announced the final result of the ballot, 417 of the 444 seats went to members of the NDP. The figure included the hundred or so NDP members who were elected as independents, but then joined the party's parliamentary group.⁴⁹ Even without the ten deputies appointed by the president, the regime

thus had a majority of 93.90 per cent of the seats in the Assembly. With the appointed deputies, the majority rose to 94.05 per cent of the seats, the regime's biggest majority since the introduction of pluripartism in 1979.

The biggest losers were the parties and movements that the regime identified with its enemies, such as the Muslim Brotherhood or the Labour Party, which despite certain tensions remained close to the Brotherhood. If 317 out of 439 official NDP candidates were declared elected, none of the official candidates of the Labour Party won a seat. The only deputy of the Labour Party was a Muslim Brother elected as an independent. Yet, the Labour Party fielded and officially supported 120 candidates, and 148 independent candidates belonged to the Muslim Brotherhood.⁵⁰

Other losers came from parties that had collaborated with the regime during the previous legislature or that the regime at some stage had considered as potential allies. The *Tajammu'*, which in the outgoing Assembly had played a role of constructive opposition, suffered just as much the *Wafd*, whose leaders had, for several months prior to the elections, cultivated personal contacts with their counterparts in the NDP. Not one candidate from these two parties won a seat in the first round, and only seven out of the 40 *Tajammu'* candidates and 18 out of the 181 *Wafd* candidates obtained enough votes to be able to take part in the second round.⁵¹ Eventually, only five candidates of the *Tajammu'* and six of the *Wafd* were elected. There was also one deputy from the Liberal Party, which had presented 60 candidates; one from the new Nasirist party, the Arab Democratic Nasirist Party (*Al-Hizb al-'Arabi al-Dimuqrati al-Nasiri*) which, having been legalized by the State Council, put forward 43 candidates; and 13 'true independents' out of nearly 3,000 independent candidates.⁵² Similar to earlier elections analysed by Alain Roussillon, those of 1995 served only to select an opposition, and a weak one at that; they did not serve to elect the majority that was designated in advance.⁵³

The Decline in Sociological Representativeness

The 1995 elections resulted not only in the largest majority of NDP deputies since 1979 but also in the largest majority of male deputies since that date. If the decline of female representation was not just a consequence of the exclusion of non-regime forces, it was nonetheless a sign of political deliberalization in Egypt. However, unlike the parliamentary representation of the forces independent of the regime, which began to decline only after reaching its peak in 1987, that of women deteriorated continuously from election to election.

Among the 444 deputies elected in 1995 there were only five women, all members of the NDP. Four women were among the ten deputies appointed by the president.⁵⁴ In 1990, the number of women elected still amounted to seven; after the appointment of three woman deputies by the president, the 1990 Assembly included ten women.⁵⁵ In 1987, 14 women were elected and the president appointed four more, giving a total of 18.⁵⁶ Thus, women occupied only 2 per cent of the seats in the 1995 Assembly, compared with 2.2 per cent in 1990 and 4 per cent in 1987.⁵⁷ Before the quota of 30 seats (then out of 450) reserved for women was abolished in the mid-1980s, their share of total seats was 8.9 per cent in 1979 and 7.86 per cent in 1984.⁵⁸

The decline of female representation cannot be explained by a fall in the number of female candidates or in their percentage of all candidacies. On the contrary, the development over time of the number and percentage of female candidates was inversely proportional to the number of seats that they obtained. In the 1987 elections, there were only 22 women among the 3,592 candidates, which is just about 0.6 per cent. In 1990, there were 45 women out of a total of 2,676 candidates, or 1.68 per cent. In 1995, their number rose to 71 out of 3,980 candidates, which is 1.78 per cent.⁵⁹ Although the switch to majority vote coincided with an increase in both the number and per centage of female candidacies, it also coincided with a decline in the number of women elected. At the same time, the chances of being elected were not the same for female and male candidates. The five women elected in 1995 represented just 7 per cent of all female candidates, whereas the 439 men elected represented more than 11 per cent of male candidates.

However, the decline of female representation coincided with the fall in the number of female candidates endorsed by the NDP. In the 1987 elections, 2.4 per cent of the NDP's list was female. After the change to majority vote in 1990, women only represented 0.9 per cent of the officially endorsed NDP candidates. In 1995, the figure increased slightly to 1.3 per cent, still far below that of 1987.⁶⁰

Certainly, this tendency was not exactly the same in other parties. In the Wafd, women represented 0.8 per cent of the official candidates in 1987, but 1.6 per cent in 1995. The common list formed by the Labour Party, the Liberal Party and the Muslim Brotherhood in 1987 comprised 0.2 per cent women, while they accounted for 1.6 per cent of the Labour Party candidates alone in 1995.⁶¹ The Tajammu' presented no women candidates at all in 1990, but they represented 2.5 per cent of its officially endorsed candidates in 1995.⁶² However, these developments did not override trends within the NDP, because the opposition parties were far from putting candidates forward for every seat. In 1995, for example, the Wafd put forward candidates for only 180 of the 444 seats to be filled by election, and the Labour Party presented only 120. Finally, the stronger representation of women among candidates of the opposition did not affect their parliamentary representation, for the simple reason that they were opposition candidates.

Like the number of women, the number of Copts in the Assembly had been in almost constant decline since 1979. That Assembly included 14 Copts, of whom four were elected and ten appointed by the president. In 1984, their number fell to nine, again four of them being elected. The 1987 Assembly was a slight exception to this trend as it included ten Copts, six of whom were elected, but in 1990 there were a mere seven Coptic deputies, only one of whom was elected.⁶³

The 1995 Assembly included no more than six Copts, the lowest number since 1979, and they were all appointed by the president: not a single Coptic candidate was elected. In absolute terms, the number of Coptic candidates was the largest for a long time, but in relative terms the 57 Copts represented less than 1.5 per cent of all candidates.⁶⁴ The Wafd put forward nine Coptic candidates; the Tajammu', the Labour Party and the Liberal Party one each. The NDP had none,⁶⁵ whereas it had had three in 1990.⁶⁶ The NDP candidate for one of the two seats in the Cairo constituency of

Wayli,⁶⁷ Ahmad Fu'ad 'Abd al-Aziz, president of the education commission in the outgoing Assembly, even distributed fliers that said: 'No to the heathens, no to the Copts, no to the Christians, yes to the candidate of the national [party], son of Wayli'.⁶⁸ He was duly elected against his Coptic competitor, the notable and Wafdist Munir Fakhry 'Abd al-Nur.

The Role of the People's Assembly

Once constituted, the Assembly had as little influence over legislation as voters had over its composition. As emphasized above, the constitution consecrated the predominance of the executive, especially the president, who enjoyed certain legislative powers and was able to dissolve the Assembly when he saw fit. More importantly, these prerogatives reflected a real (im)balance of power which was to the president's advantage.

Even parliamentary immunity was lifted with increasing ease. According to the constitution, lifting a deputy's immunity required the consent of two-thirds of the members of the Assembly concerned,⁶⁹ who were naturally reticent and did not always vote such requests. However, the number of cases rose from the beginning of the 1990s. It was then that the first accusations of drug-trafficking against a dozen deputies were heard, which led to three of them losing their immunity. Later, four deputies, one a former minister, had their immunity lifted after an inquiry into a large case of corruption: together with businessmen and directors of public-sector banks they had allegedly obtained or granted themselves important loans without collateral and without interest. In 1996, it was the turn of Rida' Muhammad 'Abd al-Rahman who, accused of having forged a military certificate, lost his immunity, was tried by a military court and sentenced to six months in prison.

Nine deputies from both chambers of parliament lost their immunity in 1997 and 1998, most on charges of drug-trafficking, corruption and other offences punishable under the penal code. It is perhaps no coincidence that these accusations were levelled at a time when money played an increasingly important role in parliamentary elections. However, there was also the case of 'Ali Fath al-Bab, then the only deputy of the Labour Party, who was accused of conniving with the Muslim Brotherhood and therefore with an illegal organization.⁷⁰

The Assembly's legislative role was usually reduced to the recording and approval of the texts presented by the executive. Certainly, deputies had the right to introduce bills, but they had little influence over legislation. In the 1996-97 session, for example, the People's Assembly passed 35 bills, 34 of which were tabled by the executive. With regard to legislative initiative the executive is identical with the president, as under the constitution the government did not have the right to introduce bills. Out of the six bills introduced by deputies and discussed during the same session, only one was voted on; the others were rejected or sent to committees where they generally died a slow death. The only bill approved was introduced by an NDP deputy. Four others passed the initial scrutiny of the commission responsible for filtering the bills introduced by deputies (Lajnat al-Iqirahat wa al-Shawaki); however, even reaching this point did not guarantee final adoption.⁷¹

Occasionally, deputies managed to amend bills tabled by the executive, as when in March 1998 they amended an amendment to the existing law on the police. The regime wanted promotion to the rank of colonel and general in the police to be no longer governed by seniority, but granted on a discretionary basis by the minister of the interior. The deputies succeeded in amending the amendment in such a way that at least promotion to the rank of colonel continued to be by seniority. While not insignificant, the change was not exactly substantial either.⁷² Similarly, in early 2000 they managed to mount sufficient opposition to dilute new personal status legislation slightly more favourable to women.

The executive's grip on legislation has been a constant feature in contemporary Egyptian politics. It did not necessarily tighten in the 1990s, nor was such domination a specifically Egyptian phenomenon. It was nonetheless evident, even though the figures are incomplete and parliamentary procedures were not always characterized by transparency. In the 1989–90 session of the People's Assembly, not one of the many bills introduced by individual deputies was put on the agenda: the only such bill debated had been introduced in 1987.⁷³ All 201 bills passed during the session were introduced by the executive.⁷⁴ During the 1992–93 session, the Assembly discussed six bills introduced by deputies.⁷⁵ They were not put to the vote and approved until the 1993–94 session. That session was by far the most favourable for bills proposed by deputies. In addition to the six bills proposed the year before, the Assembly debated a further 11 out of the 20 introduced by deputies during that session; of the latter, it rejected three and adjourned the vote on the others. Once again, the total number of bills introduced by deputies during this session is unknown, although it is probably much higher than the number of bills that found their way onto the agenda. And the latter figure is itself only a fraction of the number of bills introduced by the regime and duly passed, a number which, depending on the year, varied between several dozen and a hundred, and was sometimes over 200.⁷⁶

The role of the People's Assembly was equally limited when it came to government reshuffles. Under the constitution, governments were responsible to the president, rather than to parliament. The Assembly was empowered to withdraw its confidence from individual ministers; it could also withdraw its confidence from the prime minister, but such a move involved a referendum which, if in favour of the government, entailed the dissolution of the Assembly. No restrictions governed the dismissal and appointment of ministers and the prime minister by the president.⁷⁷ In practice, the president tended to appoint new cabinets after his own re-election or after the elections to the People's Assembly. In the latter case, the opening of a new parliament merely provided the elegant pretext for the reshuffle, in which parliament itself had no active role.

During the 1990s Egypt had three prime ministers, 'Atif Sidqi from 1986 to early 1996, Kamal al-Junzuri (Gunzuri) until October 1999, and 'Atif 'Abid (Ebeid) after that. Al-Junzuri and 'Abid had held important cabinet positions throughout Sidqi's premiership and even before; 'Abid remained in office under al-Junzuri. Some key ministers had even been continuously in office since Mubarak came to power in 1981. This was the case with Safwat Sharif, minister of information, Yusuf Wali, minister of

agriculture, and Mahir Abaza, minister of electricity, who, however, lost his cabinet seat when 'Abid was appointed prime minister. Other important portfolios also remained in the same hands over considerable time. Most Egyptians cannot recall the name of 'Amru Musa's predecessor in the Foreign Ministry, while Tantawi epitomised continuity in the Ministry of Defence. However, longevity in office never was a guarantee of eternity, as was illustrated in the case of the former minister of the interior, Hasan al-Alfi. Yusuf Butrus-Ghali has a good chance of staying on as minister of the economy so long as the outside world has to be reassured that Egypt remains committed to economic reform and liberalization. Other ministers were dropped rather quickly, either because they failed to meet the president's expectations or because various groups and factions had to get their share of the spoils.

Elections to the Consultative Assembly

The erosion of positive liberties was less visible at the level of the elections to the Consultative Assembly (Majlis al-Shura), which, since its invention by President Sadat, remained firmly in the hands of the regime. First of all, the 1980 constitutional amendments that established this Assembly stipulated that a third of its members be appointed by the president, the remaining seats being filled by election. Every three years half the seats were to be filled, partly by (re)election and partly by (re)appointment. In 1980, 1983 and 1986, the electoral system prevented the opposition parties from being represented at all. Referred to as the system of the 'complete list' (*al-qa'ima al-mullaqa*), it awarded all the available seats to the party whose list got the most votes. That party was inevitably the NDP. For this and other reasons, which concerned the Assembly's very existence, most of the opposition parties boycotted the first three elections.⁷⁸

The complete list system was declared unconstitutional by the SCC in 1989,⁷⁹ a year before that court came to a similar conclusion concerning the 'ordinary' lists on the basis of which the People's Assembly was elected. After the decision to elect the Consultative Assembly on the basis of majority vote and according to the rules later adopted for the People's Assembly, the opposition parties were divided on which position to take. The Labour Party, the Liberal Party and the Muslim Brotherhood decided to participate in the 1989 elections. This notwithstanding, almost all seats went to candidates belonging to the NDP. After the appointment of the remaining third of its members, a provision that survived other changes, the new Consultative Assembly consisted of 244 deputies who were members of the NDP (or otherwise close to the regime), eight independent deputies and six from the opposition parties.⁸⁰ Thus the majority of the NDP and its loyalists continued to exceed 94 per cent of the seats.

The fall in the regime's majority from 100 per cent to 94 per cent of the seats was hardly a step towards political liberalization, particularly as the modification of the electoral system that caused the fall was not sought by the regime. On the contrary, one could already detect the beginnings of the new mode of election management that was tested more thoroughly in the 1990 elections to the People's Assembly and became fully operative in 1995. Indeed, the replacement of an electoral system which offered maximum guarantees to the regime by one less watertight and foolproof prompted the

regime to take measures to compensate or even over-compensate for the risks arising from this change. The only difference, compared to the People's Assembly, was that the restrictions on positive liberties inherent in the new mode of election management did not result in a decline of the new Assembly's representativeness. However, such a decline was avoided only because the old mode of election guaranteed the regime the quite extraordinary majority of 100 per cent of the seats.

From then on, the regime's majorities in the Consultative Assembly remained fairly stable. These results were partly favoured by the continued absence of a large part of the opposition from these elections, an absence which in 1995 allowed many NDP candidates to stand unopposed. The 1992 elections were boycotted by several parties, claiming thereby to continue their protest against the conduct of the 1990 elections to the People's Assembly. In 1995, the question was largely that of the expenditure incurred by the campaign for an Assembly without actual powers. Several parties declared that they were motivated solely by the financial impossibility of running two election campaigns in one year; the one for the People's Assembly obviously being more important. Incidentally, the number of independent candidates was not impressive either. However, as in the 1990 elections to the People's Assembly, the results reflected not only the absence or the limited number of competitors, but also the general conditions under which the ballot took place, including its management from above.

In 1995, NDP members won 88 of the 90 seats to be filled by election, which corresponded to 97.7 per cent. The number of seats to be filled by election was slightly higher than before because there was now a total of 264 deputies instead of 258.⁸¹ When the other half of the Assembly was elected in June 1998, NDP candidates took all 66 seats to be filled by election. Despite another large-scale boycott by the opposition forces, there were 392 candidates for these 66 seats.⁸²

Presidential Elections

Traditionally 'closed', presidential elections were not affected by the erosion of positive liberties. From the regime's point of view the presidency was clearly too important an office to leave the selection of its incumbent to the hazards of a genuine election. It was only their fictitious nature that allowed these elections to strengthen simultaneously the two aspects of the president's 'democratic legitimacy': his selection by an allegedly sovereign people and his unlimited popularity, the latter illustrated by scores even better than the NDP's. Other than to legitimate the regime, the huge majorities obtained by the president obviously also served the far more banal objective of ensuring the regime's durability and survival.

The percentages obtained by Husni Mubarak were invariably impressive. In the referendum after Sadat's assassination, which formally brought him to power, 98.46 per cent of the votes cast were in his favour, while the turnout stood at 81.03 per cent.⁸³ Towards the end of his first term, the People's Assembly in July 1987 promptly designated Mubarak as the sole candidate for his own succession. He obtained the votes of 420 of the 458 deputies of the Assembly, which was far more than the two-thirds majority required under the constitution. In the referendum on 5 October

1987, he received 97.12 per cent of the votes cast, with a turnout of 88.4 per cent.⁸⁴ When he was again re-elected in 1993, 439 of the 448 deputies of this Assembly voted in favour of his nomination, again as sole candidate. In the referendum on 4 October, he obtained 96.28 per cent of the votes cast, while the turnout was 84.16 per cent. Even in 1999 when Mubarak stood for a fourth term, attrition remained minimal. In June, 445 out of now 454 deputies supported his nomination. The referendum in October resulted in 93.79 per cent of the voters endorsing the choice, from a turnout of 79.2 per cent.⁸⁵

New Restrictions on Political Parties

In December 1992, the People's Assembly passed amendments to the law on political parties which further restricted the freedom of action of existing parties and of individuals seeking to establish new parties. The amendments prevented founding members of a new party from pursuing any activity in the name of the party as long as it was not authorized by the Parties Committee. In their earlier form, these provisions prevented only activities which exceeded 'the limits of what is necessary' for the establishment of a party. Moreover, infractions of these provisions, and of others relating to the funding of parties, were now punished more severely. The new amendments imposed a prison sentence of between one and five years, instead of a £E500 fine as previously. Contrary to widespread belief, the amendments did not reinforce the limited sanctions against party members who broke the regulations put in place by their own parties concerning co-operation with foreign parties and organizations.⁸⁶

The procedure governing the legalization of new parties was not burdened with additional restrictions, but the Parties Committee systematically refused any request submitted to it – except one. The only party it legalized was the Party of National Understanding (Hizb al-Wifaq al-Qawmi), which formally came into being in March 2000. Most likely the regime hoped that this party of Nasirist complexion would split the Nasirist vote in the autumn 2000 elections to the People's Assembly. The seven parties legalized after 1990 all owed their existence to the State Council which, although bound by the law, tended to interpret it more generously than the Committee, which was a mere puppet of the executive. This was true for the decisions concerning the Egyptian Green Party (Hizb al-Khudr al-Misri) in 1991, the Arab Democratic Nasirist Party (Al-Hizb al-'Arabi al-Dimuqrati al-Nasiri) in 1992, the Democratic People's Party (Hizb al-Sha'b al-Dimuqrati) in 1992, the Party of Arab Socialist Egypt (Hizb Misr al-'Arabi al-Ishtiraki) in 1992, the New Young Egypt Party (Hizb Misr al-Fatat al-Jadid) in 1992, the Social Justice Party (Hizb al-'Adala al-Ijtima'iyya) in 1993 and the Unified Democratic Party (Hizb al-Ittihadi al-Dimuqrati) in 1993.

Other parties failed to convince the State Council, or else their founders gave up after being rejected by the Parties Committee. The Party of Egyptians and Expatriates for the Reconstruction of Egypt (Hizb al-Misriyyin wa al-Mughtaribin wa I'adat Bina' Misr) did not lodge an appeal, even though the Committee, contrary to the law, had not given any reason for its decision.⁸⁷ In March 1996, the Committee rejected the request for the creation of the October Party (Hizb Uktubir), whose name referred to

the Arab–Israeli war of 1973, known in Egypt as the October victory. The founders appealed to the State Council, but lost. It is not inconceivable that, apart from the usual reasons, the party’s explicitly anti-Israeli programme militated against its creation.⁸⁸

The plans of several members and sympathisers of the Muslim Brothers to create, with the support of more ‘neutral’ personalities (including some Christians) a party close to but independent of the Brotherhood, also ended in failure. Launched in 1996, the project to create this party under the name of Hizb al-Wasat (the Centre Party) was rejected by the Parties Committee. In May 1998, the State Council endorsed the opinion of the Committee, which considered the party’s programme insufficiently different from those of existing parties. The State Council also noted that many of the initial signatories of the request had subsequently withdrawn. The Brotherhood’s leaders had indeed put pressure on members not to support the project. Although ultimately aborted by the regime, the project was sabotaged by the Brotherhood.⁸⁹ Almost immediately after the court decision, several founders of Hizb al-Wasat, including Abu al-‘Ala’ al-Madi, decided to try and found it under the slightly different name of Hizb al-Wasat al-Misri (the Egyptian Centre Party), on the basis of a slightly modified group of signatories and a slightly modified programme.⁹⁰ However, if the obstacles created by the Brotherhood’s leaders were overcome, those created by the regime remained. On 21 September 1998, the Committee rejected the legalization of the new party. Its founders once again appealed to the State Council, which once again ruled against them.⁹¹ In 1999, the former members of the Islamist Jihad group who in autumn that year had sought authorization for their new Shari’a Party predictably also failed to convince the Committee. Less optimistic than the founders of Hizb al-Wasat, the Communists did not even try to obtain authorization.

Nevertheless, the legalization policy was not necessarily more restrictive than in the 1980s, when only one party, the Umma Party, was legalized, also on a decision of the State Council.⁹² The other existing parties during this time were all created at the end of the 1970s, which coincided with the beginning of pluripartism. This was true of the NDP, as well as of the Wafd, the Labour Party, the ‘Tajammu’ and the Liberal Party. In terms of election results it was always these older parties that were the most successful; among the parties created more recently, only the Nasirists were able to assert themselves.

Possibly the most significant new restriction to party activities was decreed at the time when this book went to print. After some infighting in the Labour Party the regime in June 2000 for some time suspended its activities and the publication of its mouthpiece *Al-Sha‘b*.⁹³

Illusory Overtures

Compared to the many ways in which the regime further restricted positive liberties, its few initiatives in the domains of representation and participation were unconvincing, more apparent than real. The most visible of them, the ‘National Dialogue’ (*al-hiwar al-watani*), launched in autumn 1993, soon reached an impasse. Sceptical from the outset, participants outside the regime, its forces and agencies soon noticed the limits of

this dialogue – which the regime probably never conceived as anything but a publicity exercise. Neither did the semi-regular meetings, to which Kamal al-Junzuri invited the opposition parties after his appointment as prime minister in January 1996, enlarge the circle of active participants in government.

President Mubarak's appeal for a national dialogue coincided not only with the beginning of his third term in office, but also, and in particular, with a moment when the country's political crisis seemed insoluble and perhaps becoming permanent. For nearly two years, Egypt had been sinking gradually into a climate of political violence, which reflected the increasingly deep, or at least increasingly rigid, cleavages in society. In his address of October 1993, the president therefore invited the 'democratic forces in Egypt' to debate the country's most pressing problems and collectively to seek the most appropriate solutions.⁹⁴ Within the framework of this enterprise, three committees were set up, supposed to discuss political, societal and economic questions respectively.⁹⁵

The conclusions presented in the final report, published in August 1994, which comprised the committees' recommendations, were hardly surprising. In general, they reflected the common denominator of the declarations by the participants, even where they had not actually reached a consensus. A common denominator was relatively easy to find because, at the level of discourse and especially at the level of sufficient abstraction, the goals of the NDP, the Labour Party, the Tajammu', the Nasirists and the Wafd were not too dissimilar. In theory, everyone was in favour of strengthening democratic procedures and freedom of expression, reinforcing social justice, stepping up the fight against terrorism, improving representation for women, guaranteeing social achievements and facilitating the gradual transition towards a more liberal economy, although under the continued control of the state.⁹⁶

The real problem was not so much the occasional explicit disagreement – for example, when the Tajammu' expressed dissenting views on the privatization of public-sector enterprises. Rather, it was the rhetorical consensus without actual agreement that allowed the Labour Party to condemn terrorism and the NDP to call for the reinforcement of democratic procedures. It was not difficult for the representatives of the regime or of any other party to the dialogue to subscribe to general principles and common propositions, which they could interpret in their own way. It was only a dialogue, not a negotiation or an attempt to form a government of national unity. The common positions were, in any case, never far from the positions that the regime adopted in public.

An agreement on basic principles was still easier to reach, because the National Dialogue quickly turned into a dialogue between the NDP and the NDP. The Wafd, which was sceptical from the outset,⁹⁷ withdrew after the first meeting of the preliminary committee in June 1994. In part the Wafd intended to protest against the composition of the committee, whose members were appointed by the president, who at the same time was the president of the NDP; according to the newspaper *Al-Wafd*, it was a sub-committee of the NDP to which the leaders of the opposition parties were added for the sake of convenience. More substantially, the Wafd also intended to protest against the exclusion from the agenda of the question of 'political reform' (*al-islah al-siyasi*) which, in its eyes, included major amendments to the constitution.⁹⁸

If the Wafd and the Nasirists slammed the door out of their own free will, other political forces were excluded right from the beginning. The Muslim Brotherhood was never invited to the dialogue. *A fortiori*, the armed Islamist groups were kept at arm's length, even though one of the exercise's prime objectives was allegedly to end political violence. Finally, the regime itself participated in the dialogue only through its minor characters. Given that the regime excluded not only its main adversaries, but ultimately even itself from this dialogue, the latter could hardly be interpreted as a serious offer of political participation. It was primarily designed to rally the non-Islamist opposition behind the regime in order to further isolate the Islamists, whom the regime held responsible for the political violence of the time.

Some of the proposals formulated and agreed by the participants in this dialogue were translated into practice. For instance, the socialist prosecutor lost his right to declare ineligible undesired candidates in elections such as those in professional syndicates or at trade union and municipal level. Another leftover from the period of the 'Pharao', Law No. 33 of 1978 on the protection of the interior front and social peace, was also abrogated. However, the law on the People's Assembly was not modified, and continued to require parties and candidates to subscribe 'to the principles of [this] law'.⁹⁹ At any rate, other texts and practices quickly replaced the provisions that were abrogated.

Turning to the meetings to which al-Junzuri invited the opposition parties after he became prime minister, even the representatives from the opposition parties readily admitted that they facilitated communication among the participants. However, the meetings were not a mechanism which compensated the opposition parties for their quasi- eviction from the People's Assembly in the 1995 elections or which permitted them to have the slightest influence on government decisions. Their representatives were invited to the meetings without being informed of the agenda. Normally, the first half of every meeting was reserved for statements by the prime minister, who then asked each participant for his opinion. The representatives were given some ten minutes to present their point of view, for which the prime minister thanked them. Particularly absurd seems to have been the meeting dedicated to the ambitious project to irrigate a large part of the New Valley, from Tushka on Lake Nasir down to the oasis of Kharja (Kharga), and to reclaim vast areas of agricultural land, ultimately equalling or exceeding the surface of the Nile Valley. The project poses enormous technical challenges and, if successful, will radically change the map of Egypt, with major repercussions for the country's main settlement area in the Nile Valley. When it was discussed, the opposition representatives had not been able to study it beforehand, had not been informed of its details and implications, and had had no chance to get it assessed by their own experts. Prime minister al-Junzuri's meetings with the press, including the opposition press, were conducted in much the same fashion.¹⁰⁰

Positive Liberties in the Wider Sense: Representation and Participation Elsewhere

The erosion of positive liberties in the central institutions of the state was accompanied by new restrictions on representation and participation at lower levels of the state apparatus. In two areas, the mechanisms of representation were quite simply replaced with the appointment of incumbents by the central authorities. At the same time, new restrictions further reduced equal opportunities of representation and participation in the trade unions, professional syndicates and student federations, which although not directly part of the state were regulated by it.

The Lower Levels of the State Apparatus

Municipal and Local Government

At the level of the territorial subdivisions of the country,¹ the governorates (*muha-faza*, pl. *muhafazat*), the districts (*markaz*, pl. *marakiz*), the towns (*madina*, pl. *mudun*) and their neighbourhoods (*hay*, pl. *ahya*), and the villages (*qariya*, pl. *qurun*),² formal opportunities for representation by and large followed the trend set by parliamentary elections, at least in regard to the ‘popular councils’ (*al-majalis al-sha’biyya*) that existed in each administrative unit. For the same constitutional reasons as in parliamentary elections the electoral system was changed, abolishing party lists – which in fact were ‘complete lists’ – in favour of majority vote for individual candidates. The changes occurred in two stages: first, an attempt to combine the two systems, then, replacement of the old system with the new. However, this liberalization of sorts was quickly neutralized by new ways of manipulating and managing the elections similar to the tactics used in parliamentary elections.

There were also changes to the election of village chiefs (*‘umda*, pl. *‘umad*), often euphemistically described as village mayors, and the selection of the foremen (*shaykh*, pl.: *shuyukh*) of village neighbourhoods (*hissa*, pl. *hisas*), which were administrative units without a popular council. The old system, already heavily dominated by the executive, was abolished and replaced with the executive appointment of incumbents. This ended a democratic anomaly which had distinguished the villages and their districts from other territorial communities, whose governors and mayors had always been appointed by the central government.

ELECTIONS TO THE POPULAR COUNCILS

Until 1988, the elections to popular councils were governed by Law No. 50 of 1981, which imposed the complete list system. In 1988, Law No.145 modified the system to the extent that it allowed for one independent candidate, whose name did not appear on a party list, to be elected to any one council. All remaining seats continued to go to the list that obtained most votes.³

This concession was granted only because it appeared unavoidable. The regime feared that the law, in force since 1981, would be declared unconstitutional after the Supreme Constitutional Court (SCC) had abrogated the provisions requiring elections to the People's Assembly to be run on the basis of party lists. Indeed, it seemed more and more likely that a request for the judicial review of this law, lodged with the SCC in 1986, would be upheld. In June 1988, a few months before the elections to the popular councils, the regime therefore amended the 1981 law along the lines it had chosen in 1987 for the elections to the People's Assembly. Not long afterwards, in spring 1989, the court did indeed declare unconstitutional the previous system of elections to popular councils. This happened on the same day that it also declared unconstitutional similar provisions that had governed elections to the Consultative Council.⁴

However, the concession on individual candidates was more than compensated for by new provisions which abolished the right of popular councils to question and censure state officials whose decisions affected them.⁵ Besides the 1988 elections to the popular councils, Law No. 145 also governed the 1992 council elections.

The results of these elections reflected the impact of lists, which like in parliamentary elections favoured the NDP. In 1988, the opposition parties boycotted the elections for precisely that reason. In 1992, most opposition parties participated, but the NDP lists were unopposed in 85 per cent of councils. In these they were declared victorious *bi al-tazkiyya*, that is, automatically, because of the lack of opposition. The NDP won about 90 per cent of all seats on councils.⁶

After a new ruling by the SCC in 1996, which, like its earlier rulings on the Consultative Council and the People's Assembly, left no doubt that all elections based on lists were unconstitutional,⁷ the elections to popular councils were entirely based on majority vote for individual candidates. Under Law No. 84 of 1996 every candidate was technically an independent, even though, as in parliamentary elections, the candidate might be officially supported by a party.⁸

Postponed for a year to take account of the ruling, elections to the popular councils were held in early April 1997. Between 40 and 50 per cent of all seats on the various types of councils went to NDP candidates who stood unopposed. According to the minister for local administration, Mahmud Sharif, 22,912 out of the 47,382 seats were thus attributed *bi al-tazkiyya*. Altogether, NDP candidates won 45,308 seats – that is, more than 95 per cent of the seats,⁹ an even better result than it had obtained in the elections to the People's Assembly in 1995. Opposition candidates collectively won only some 86 to 200 seats, depending on sources. The remainder, some 1,000 seats, went to independent candidates.¹⁰

The elections to the popular councils did not mobilize candidates, as can be seen from the numerous victories *bi al-tazkiyya*. Nor did they mobilize voters, as may be

gauged from the turnout, which, according to constituencies, varied between 4 per cent and 20 per cent.¹¹ In part, these figures probably reflected how little was at stake. The councils were crushed by the weight and supervisory control of the upper layers of the state pyramid, and had hardly any freedom of action. Even the executive authorities responsible for the various territorial subdivisions of the country and their administrations were not accountable to the respective popular councils.¹² Unlike a seat in the People's Assembly, a seat on a popular council hardly promised important financial rewards. However, none of this was new in 1997.

The NDP's victory was also due to the general advantages it enjoyed and to the pressures and interventions in its favour. Sometimes the lack of opposition was due simply to such pressures, sometimes it was imposed more openly by the authorities' refusal to register certain candidates.¹³ Like the parliamentary elections, those to the popular councils were preceded by the arrest of Muslim Brothers and other Islamists. In 1997, for instance, several journalists, two of whom wrote for *Al-Sha'b*, were arrested, as was a prominent Islamist lawyer and several dozen – perhaps hundreds – of militants, both candidates and their supporters.¹⁴ The message once again was that voters had better vote for the 'right' candidates if they wanted their votes to be counted. As in elections to the Consultative Assembly, the introduction of majority voting seems to have reinforced fraud and interference, and thus to have helped create majorities that remained almost as large as under the complete list system.

THE VILLAGE CHIEFS AND FOREMEN OF NEIGHBOURHOODS

In April 1994, the People's Assembly passed Law No. 26 of 1994, under which the village chiefs and the foremen of village neighbourhoods were no longer elected by the voters of the local administrative units, but appointed by the minister of the interior.¹⁵ Under the old law, chiefs and foremen could be dismissed by the minister, who was also able to query and contest the results of their election.¹⁶ Similarly, all candidates were already screened by a commission, the vast majority of whose members belonged to the regime's security agencies. Under Law No. 26, the commission continued to examine the candidacies, but the minister or his representatives selected the incumbents. Although the voters no longer had any influence over the choice of their *'umda*, the commission was purged of all members who were not part of the security forces; as if the judgment of the minister himself were not to be trusted, the commission thenceforth consisted of the assistant director of security, his director of criminal affairs, the inspector of State Security (Amn al-Dawla) in charge of the village concerned and a judge from the area.¹⁷

The new law increased the minimum monthly income required of every candidate for the position of *'umda* from £E40 to £E300. Taking inflation into account, the new amount was probably no higher than the former in real terms and, as the old law already stipulated, it applied only to candidates who owned less than 5 feddan of land (1 feddan = 1.038 acres). Nevertheless, these conditions indicated that the position was not open to every villager. The average proprietor owned 2.7 feddan, and sharecroppers mostly owned none at all.¹⁸ The new law was quickly put into practice and Hasan

al-Alfi, the energetic minister of the interior of the time, appointed hundreds of new village chiefs in several successive 'waves'.¹⁹

The Selection of Deans in University Faculties

The new law on the the election of 'umdas was quickly followed by another which ended university professors' participation in selecting the deans of faculties.²⁰ The faculties, each of which combined a certain number of related disciplines, found themselves without any elected representatives. Some professors continued to sit on faculty boards but they did not have a majority there and alternated by rotation; moreover, the role of faculty boards was far less important than that of deans.²¹

In the past, the minister of education had to choose the dean from among the three professors who had obtained the highest number of votes from their colleagues, but Law No. 142, passed in May 1994, added the selection of deans to the prerogatives of university presidents, who themselves continued to be appointed by the president of the republic, on the recommendation of the minister. As in local administration, the one remaining weak link had been taken out of the authoritarian chain of command and control. Consequently, university councils – comprised of the president and vice-presidents of the university, several 'experts' chosen by the minister, and the deans – were henceforth made up entirely of appointed members. All budgetary, educational and scientific decisions were therefore taken without any participation from 'below'.²²

Finally, the new law also affected the composition of the Higher Council of Universities (Al-Majlis al-A'la li al-Jami'at), which, in spite of the far-reaching powers of the minister of education and the government, played a role in the elaboration and implementation of relevant public policies. Henceforth, the council comprised only presidents of universities and a small number of 'experts' appointed by the minister; deans were no longer represented, whereas previously each university council had appointed one dean to sit on the council. In a sense, the change was only logical as the deans' only distinctive feature was that they were chosen from below; once they were appointed by the university presidents they became redundant in a council where everybody else was also appointed from above. Even if their absence was not significant in itself, it was to the extent that it was not compensated for by the presence of other elected members. Like the university councils, the Higher Council of Universities had become an assembly entirely appointed by its hierarchical superiors.²³

As with other restrictive and repressive laws, the provisions of the law of 1994 were amply used. Deans elected before the promulgation of the law could finish the term for which they were elected. However, their successors were appointed by the university presidents who, according to circumstances, either did or did not replace the outgoing deans.

Besides the erosion of positive liberties, the abolition of participation from below in the selection of deans and of village chiefs also reflected the growth of discretionary powers of those who controlled the state apparatus. The general scope of this dialectic of losses and gains will be discussed below, but it is important to look at one of its corollaries – the streamlining of the administrative apparatus, its growing insulation from lateral or bottom-up influences, and therefore its growing domination by the hierarchy.

From this point of view, the selection of deans and village chiefs bore certain similarities to the reform of police careers which became law at the end of March 1998, and which reinforced the minister of the interior's discretionary powers over the careers of the highest-ranking police officers. While appointment to the rank of general had hitherto been governed by seniority, it now depended on the minister's decision. As we have seen, it was only because of widespread discontent within the NDP parliamentary group – a group not always entirely obedient to the regime – that promotion to the rank of colonel continued to be governed by seniority.²⁴

State-Regulated Organizations

Trade Union Elections

Twice during the 1990s, in 1991 and in 1996, the members of trade unions that were part of the General Federation of Trade Unions (Al-Ittihad al-‘Amm li-Niqabat al-‘Ummal Misr), the GFTU, were invited to elect their delegates to the representative structures of their unions and, in the public sector, to the boards of the companies in which they worked.²⁵

Traditionally and by priority intended to organize ordinary workers and employees, the trade unions were also up to a point open to higher-ranking employees. Although distinguishing between different categories of workers and employees, the law on trade unions applied in principle to all ‘those working’ (*al-‘amilin*), a notion that included but was not restricted to workers. For the sake of simplicity, I shall speak of ‘workers’, but assume that this comprised all those covered by the Egyptian notion of *al-‘amilin*.

The overwhelming majority of trade-union members were employed in state administrations and state-owned companies where traditionally almost all workers, in spite of a certain erosion of unionization during the 1990s, continued to be union members. In this context it is important to note that members of the armed forces, the police and other security forces, whether they be officers or not, could not form or join unions – with the exception of workers in military industries. According to GFTU statistics, 75 per cent of its members were employed in state administration or in publicly owned enterprises, while 25 per cent were employed by the private sector. The latter figure included numerous independent workers such as taxi drivers who, by law, needed to be union members. Altogether some four million Egyptians, about one quarter of the labour force, were trade union members.²⁶

The notion of publicly owned or state enterprises included ‘public entities’ (*hay’at and mu’assasat ‘amma*) such as the railways or the Suez Canal, other companies in the ‘public sector’ (*al-qita‘ al-‘amm*) and the roughly 300 companies which, since the promulgation of Law No. 203 of 1991, constituted the ‘public business sector’ (*al-qita‘ al-‘amm li al-‘amal*). This last was the principal area affected by public-sector reforms and the privatization programme of the 1990s. In publicly owned enterprises, workers were generally unionized ‘*ex officio*’, since membership contributions were automatically deducted from salaries. Nonetheless, in both the public sector and the public business sector this practice was increasingly called into question. It seemed to apply less and less to workers with temporary contracts, particularly in companies

affected by Law No. 203. After 1985, most workers newly employed in publicly owned enterprises were employed on temporary contracts, so it is possible that up to 30 per cent of workers in these industries were not union members.²⁷ However, the privatization of companies in the public business sector did not seem to entail additional deunionization.

Elsewhere in the private sector, however, most workers were not unionized. In many cases, employers even resorted to open threats to discourage their workers from joining unions. In the new towns such as Madinat 10 Ramadan or Madinat Sadat, which were important industrial centres, it was common practice to ask workers to sign a letter of resignation at the same time that they signed their contracts; these undated resignation letters could be dated by the employer whenever he pleased, including, of course, in case of unwelcome salary demands and attempts to unionize.²⁸ Inquiries show that in some new towns there was no union presence in any company.²⁹

Finally, a decree issued by the Federation in 1993 raised the minimum number of workers required to establish new union sections on the shop floor (what in Britain would be called 'branches') from 50 to 250;³⁰ in practice this meant that the majority of workers in the private sector were deprived of any union membership and representation. This sector consisted largely of small to medium-sized companies. According to statistics that are difficult to verify, 98 per cent of all private-sector enterprises, including those in the informal sector, employed fewer than 15 workers each. Their small size did not, however, prevent them from accounting for about three-quarters of all workers employed in the private sector,³¹ which in 1991–92 employed around 67 per cent of all workers in the country and 36 per cent of all workers outside the agricultural sector.³² Under these circumstances it is not surprising that unionization in the private sector did not exceed 10 per cent; because of the small size of agricultural enterprises it was close to zero in that sector.

The obstacles to union activities in the private sector took on particular importance as official policies increasingly aimed at the growth of this sector. It is certainly necessary to distinguish official rhetoric from actual policies and from the actual growth of this sector, which, contrary to common belief, still created fewer jobs than the public sector.³³ However, even if the extent of privatizations remained relatively modest,³⁴ the private sector was growing and was supposed to grow further in both absolute and relative terms.

The unions' internal organization and activities were governed by Law No. 35 of 1976, which was partly modified by Law No. 1 of 1981 (which I shall call the 'old law') and substantially modified by Law No. 12 of 1995 (which I shall call the 'new law').³⁵ However, the overall structure of the union apparatus remained unchanged. The 23 branch unions, each representing the workers of certain industries (banking, transport, military production, etc.), constituted the GFTU, whose leaders were recruited from the leaders of the branch unions; collectively they defined overall union policies and controlled the various branch unions. The 1995 law certainly abrogated the provisions preventing the establishment of new unions outside the existing framework and, in theory, permitted the coexistence of several unions entirely unconnected to one another. However, it contained no reference to the conditions or modalities that

should govern the creation of new unions. Without these, it was impossible in practice to create new unions, and none had emerged by the year 2000.

Nor did the new law weaken the extremely close links between the unions and the regime. It was true that several responsibilities of the Ministry of Employment were delegated to union authorities, probably to bring legislation into line with international criteria defined by the International Labour Office (ILO). However, this partial delegation of powers, which was part of the institutional separation between the unions and the state initiated in the second half of the 1970s, appeared to be offset by other rules and practices that ensured a continued symbiosis between the regime and the unions.

In 1991, as in 1996, unionized workers elected two, or in some cases four, representatives to the boards of their companies, if the latter were publicly owned, and all members of the 'administration council' of their union section (*majlis idara li al-lajna al-niqabiyya*). The members of these councils at company level then delegated some of their members to the general assembly (*al-jam'iyya al-'umumiyya*) of the branch union (*al-niqaba al-'amma*) to which they were affiliated. In a third step, the general assembly of the branch union elected the president and the administration council (*majlis idara*) of the branch union. Fourthly, the administrative council of each branch union delegated two of its members to the general assembly of the GFTU, which in a final step elected its own administration council and president.³⁶ At every stage, the majority of those keeping an eye on the ballot boxes and counting ballot papers were all in one way or another dependent on the employer or on the union leadership. The judges supposed to supervise the union elections were appointed by the minister of justice.³⁷

If union leaders continued to be elected in an indirect manner, the amendments of 1995 nonetheless brought substantial modifications. They extended the term of office of the various union councils from four to five years, a change which was even retroactively applied to the councils elected in 1991. But the 1995 amendments went further, redefining the conditions that governed the right to vote as well as eligibility for union elections. The new law further opened up union membership to high-ranking executives hitherto excluded, with the exception of chief executives, who exercised the powers of employers (*al-waza'if al-'ulya*). By joining a union, these high-ranking executives automatically had the right to vote in union elections, even though they were not always eligible. By contrast, workers employed on the basis of temporary contracts were no longer eligible at all.³⁸

In light of the new ineligibility of workers employed on fixed term contracts, the extension of the right to vote to the upper echelons cannot be regarded as heralding greater democratization of the trade unions. Rather, it illustrates a redefinition of the boundaries of representation at union level, incorporating the docile and excluding potential rebels. Workers with fixed-term contracts were indeed the first to be affected by redundancies resulting from the public-sector reform and privatization that were taking place.

Although far from being in league with the regime, the SCC contributed to redefining the boundaries of representation within the unions. Inspired by the same concern to abolish all discrimination in electoral matters as had been evident in its

rulings on party lists in parliamentary and local elections, its judgment of 1993 declared unconstitutional the ceiling of 20 per cent on 'professionals' (*mühniin*) among candidates in union elections.³⁹ This judgment, which was incorporated into the new law, also tended to increase the number of those elected who were politically compliant. Being graduates and white collar workers, the 'professionals,' who included engineers and technicians, for example, were often keen to distance themselves from ordinary workers.

Finally, although it retained the pyramid structure of the union apparatus, the 1995 law substantially reinforced the independence of the hierarchy vis-à-vis the rank and file. Already sizeable on paper and in practice before 1995, this independence was now strengthened by a new provision which allowed outgoing union leaders to be re-elected much more easily. In fact, the 1995 amendments put an end to the principle by which any candidate for election to a higher union council had first, in the same year, to be elected to the council at the level below. In other words, the members of the council of the Federation simultaneously had to be members of the council of a branch union, who themselves had to be members of a council at company level.

Under the terms of the 1995 law, it was enough for candidates seeking election to the councils of branch unions and to that of the Federation to have been, at least once, a member of a council at a lower level than that for which they were standing.⁴⁰ The outgoing leaders could thus stand again without having to be re-elected at company or, if applicable, branch level. Hence it was far easier than before to guarantee continuity of the leading personnel. Such continuity was further enhanced by the fact that the new law allowed union officials to stay in office under conditions which previously would have disqualified them. They no longer had to resign if, before the end of their mandate, they were made chief executives or reached retirement age. The provision that, after retiring, they could stand for election if they found a new job agreed by their union, further favoured continuity.⁴¹ Some of these provisions seemed to be tailored for a group of union officials whom the regime wished to be re-elected.

Finally, the return of previous union leaders was also facilitated by the decree issued by the Federation, under the terms of which the papers of every candidate in union elections, even at company level, had to be signed in person by the president of the branch union concerned.⁴² By referring to the union hierarchy the control over candidacies previously exercised by the socialist prosecutor, this last provision did certainly not enhance the position and chances of ordinary union members. In the past, the socialist prosecutor had by and large only rejected candidates who were held to be politically dangerous. One may surmise that the president of the union also targeted his competitors.

The legal framework in which the 1996 union elections took place was only one of the elements that strongly influenced results in favour of the candidates close to the regime. Like their counterparts in the parliamentary elections, regime candidates enjoyed the advantage of better material conditions and publicity. They also benefited from the tendency of many voters to support candidates close to the regime. Last but not least, the many cases of official and semi-official interference reinforced the

inequality of opportunity that resulted from all these factors. Like parliamentary elections, fraud was certainly not the sole preserve of forces close to the regime. However, as usual, associates of the regime were generally in a better position to interfere and get away with it.⁴³

Interference was more marked in the 1996 elections than in those of 1991 and, according to some observers, even more serious than in the 1987 elections. It was most visible at company level, where the 1991 elections were often considered more honest than those before. In 1996, union members and lawyers defending the cause of unlucky candidates unanimously pointed to the increased constraints on representation at company level.⁴⁴ In most cases, those constraints seemed to be caused by obstacles that candidates had to overcome prior to the ballot itself, obstacles which could not be explained only by the new powers given to the presidents of branch unions.⁴⁵ Nonetheless, even representatives of opposition parties agreed that the candidates or groups with a strong local base were able to win in their respective companies. At the upper levels of representation in the union apparatus, the extent and importance of interference hardly increased in 1996, and indeed seems to have remained rather stable during recent union history. This, of course, does not mean that access to councils and positions at the level of branch unions and of the Federation did not overwhelmingly remain the privilege of regime candidates. It may be worthwhile to add that even if the interference in the 1996 union elections was worse than in 1991, it was far more limited than in the legislative elections of 1995.

The actual management of union elections consisted of many practices which have been described above in the context of parliamentary elections. While legal provisions were applied enthusiastically when they were favourable to regime candidates, their application strayed from the rules when these favoured independent or opposition candidates, so that practice oscillated between legalism and fraud depending on an individual case.

Nevertheless, on the ground, the practices of the agents and agencies of the regime were not uniformly restrictive and were sometimes even contradictory. At company level, those managing and manipulating the elections for the regime tended to back-track if they encountered serious opposition. In the companies at Kafr al-Dawwar, for example, nearly all seats in 1996 were won by Islamist candidates, most of whom belong to the Muslim Brotherhood.⁴⁶ At company level, different attitudes of different agencies of the regime could be observed. For instance, in 1996 the Ministry of Employment, which was traditionally responsible for interfering in union elections, seemed to adopt a more discreet attitude, while the Ministry of the Public Business Sector intervened forcibly in favour of regime candidates. Throughout the campaign, the latter ministry was accused of issuing directives requesting company directors to watch closely, and if necessary neutralize, undesirable candidates.⁴⁷

In the run-up to the ballot, one of the most widespread management techniques was the active discouragement of unwanted candidates, often by threats.⁴⁸ Thus in 1996, a dozen or so Islamist candidates were arrested before the elections, recalling the arrests of Muslim Brothers before the parliamentary elections of 1995. Another tactic was to divide companies into several constituencies where this favoured candidates

close to the regime. By transforming a company from a single union section (known as a *lajna maftuha* or 'open committee') into several sections (each called a *lajna mughlaqa*, or 'closed committee') candidates working in certain departments or factories could be deprived of the votes of colleagues working in other parts of the company. Once the preserve of the Ministry of Employment, after 1995 the privilege of gerrymandering fell to the leaders of the branch unions.⁴⁹

Subsequently, various state and union agencies could intervene in and put up obstacles to the complex procedures that candidates had to go through in order to be officially recognized. The requirement to obtain the signature of the president of the relevant branch union was only the latest such obstacle to be devised. The company where the candidate worked, and the local directorate of the workforce (*mudiriyyat al-quwa al-‘amila*), which was run by the Ministry of Employment,⁵⁰ also needed to deliver various certificates. One of the most frequent hindrances created by the local directorate was to claim that a candidate did not know how to read and write, a deficiency which made him ineligible under the law; even the possession of a university degree or exercising 'literate' duties within the company did not necessarily protect against this ruse.⁵¹ As for the presidents of the branch unions, they were often unavailable during the period in which candidates had to register. Consequently, candidates had to wait for hours, even days, often in vain, in front of the headquarters of their union in order to obtain the indispensable signature.⁵²

Certainly a relatively low number of candidates was officially discarded by the agencies in question; for example, the workers' secretariat of the Tajammu' Party confirmed that only five of its candidates, all in the Halwan steel factory, were rejected because the president of the branch union refused to endorse their papers.⁵³ However, many potential candidates had neither the time nor the opportunity to spend whole days on the streets and on public transport to get their papers in order. For many workers it was impossible to leave their workplace and undertake all the steps necessary. Candidates discouraged by the complex procedures were undoubtedly more in number than the 135 who sought the support of the Center for Human Rights Legal Aid (CHRLA) in Cairo because at some stage their efforts to stand were frustrated by some regime agency.⁵⁴ Even discounting those who withdrew, leaving no trace, this figure indicated an important development since 1991. While the socialist prosecutor was still empowered to discard candidates in that year, there is no indication that he used this right, which he had heavily relied on in 1987.⁵⁵

One of the potential, yet not unambiguous, indicators of intimidation, discouragement and elimination was the large number of union councils at company level, which, like so many popular councils, were elected or re-elected without competition. When the deadline for candidates to register passed, the relevant authorities simply stated that the number of candidates corresponded precisely to the number of seats to be filled. Thus the candidates elected *bi al-tazkiyya* could be declared elected even before the day of the ballot. At the news magazine *Ruz al-Yusuf*, which at the time of the 1996 elections had consistently spoken out in favour of liberties and democracy, the chair of the outgoing council, who was also president of the branch union of press workers (Niqabat al-‘Amilin bi al-Sahafa),⁵⁶ sought re-election. Under the pretext of non-payment of

membership dues, he engineered the expulsion from the union of 24 workers whom he did not want to stand against him and his friends. Once expelled from the union they could not, of course, stand for election. They went to court in order to prove that they had paid their dues, but the hearing could not take place before the elections and a verdict handed down after the elections could not affect their validity.⁵⁷

The election *bi al-tazkiyya* of union councils at company level was more or less the rule in companies where the branch union presidents stood for election. Although in 1996 they no longer needed this victory to be re-elected as presidents, they often sought some kind of legitimation from below. However, elections *bi al-tazkiyya* were a more widespread phenomenon, considering that up to 30 per cent of all union councils at company level were elected or re-elected without a vote.⁵⁸

Nonetheless, the small number of opposition candidates was also the result of the structural weakness of their parties and movements in a political system biased entirely in favour of perpetuating existing majorities. The Tajammu' Party which analysed its own weaknesses in detail in a report published after the 1996 trade union elections presented only 360 candidates for both union councils at company level and worker representation on company boards; the number of candidates from the Labour Party and other Islamist groups did not exceed 400.⁵⁹ These figures were more than modest, compared to the overall number of candidates. In spite of the deterrents and harassment in the run up to the 1996 ballot, the total number of candidates surged to around 150–200,000 for the 30,000 or so seats to be filled in union councils at company level and on company boards.⁶⁰

Although an election campaign did take place in most companies, it was invariably extremely short. Candidates could register only during a period of three days; complaints and appeals could be lodged only on the day following the official publication of the names of the candidates, which itself took place on the day after the deadline for registration. The ballot itself was held two days after appeals could be lodged, and these were accepted or rejected on the spot.

The ballot itself and the counting of the votes seemed less marked by official and semi-official interference than the campaign and candidate registration. Thanks to the combination of restrictive legal provisions, the structural advantages of candidates close to the regime, and the different techniques to manage and manipulate results prior to the ballot, interference on voting day was largely superfluous. As we have seen, candidates competing against regime candidates could win where they had a strong foothold. While accusing the agencies of the regime of 'fiddling' the vote (*tala'ub*), representatives of the Tajammu' conceded that not all companies were concerned.⁶¹ The satisfaction expressed at the end of the ballot by representatives of the Labour Party was a further confirmation that intervention did not exceed certain limits.⁶² However, the election of only 250 candidates of the Tajammu' was impressive only if measured in relation to the 360 candidates fielded by the party. In total, candidates belonging to the opposition forces won no more than 400 seats, 50 of which went to Nasirists and 92 to Labour Party members.⁶³

Of the administrative councils of the branch unions, less than one half were genuinely elected; all others were constituted by *tazkiyya*.⁶⁴ In 1991, as well as in 1996, the

absence of competitors was largely due to the indirect way in which these councils were elected. Sometimes the absence of competition was more directly the result of manipulation by outgoing union leaders. In 1996, the president of one of the branch unions was said to have 'fled' from his office in order not to have to sign the papers of his competitors.⁶⁵ If at company level 45 per cent to 90 per cent of the members of union councils were replaced in every election,⁶⁶ no more than 30 per cent were replaced at branch level and only 5 per cent at the level of the Federation. In the latter case, changes were entirely due to voluntary departures or the death of council members.⁶⁷ In actual fact, the continuity of membership and composition of these councils was not significantly affected by the new legal provisions of 1995. Rather, it seemed that the new law prevented the erosion of existing majorities which could hardly be increased any further.

Even the 'Tajammu', which in 1991 and in 1996 was the opposition party with the strongest representation on union councils at company level, each time managed to have only some ten of its candidates elected to union councils at branch level. If it fared better than all other opposition forces put together, the 'Tajammu' was no more successful than they in obtaining the presidency of a branch union or a seat on the Federation council. The 23 branch unions and the Federation remained presided over by regime loyalists. In the councils of the branch unions, which together comprised some 400 seats, the few opposition figures were of little weight or influence. The candidates of the 'Tajammu' were slightly more successful in the elections for the chairs and officers of the union councils at company level. In 1991 and in 1996 they obtained some 20 chairs and as many deputy chairs and secretaries; this was more than twice the number of independents or members of other opposition parties elected to these posts.⁶⁸ Nevertheless, this victory was small compared to the results achieved by candidates close to the regime, who occupied these positions in the 'remaining' 1,500 to 2,500 companies.⁶⁹

If during the 1990s the possibilities of representation did not further decrease at upper levels of the trade union apparatus, this was no doubt due to the heavy restrictions already in place. At company level, however, the new provisions introduced in 1995 and the various practices which, in the run-up to the ballot itself, weeded out potential candidates, did reduce the ability of workers to defend their interests through unions.

Bringing the Professional Syndicates into Line

As in the 1980s and before, the professional syndicates (*al-niqabat al-mihniyya*) continued to define and organize certain professions. Expected to defend the interests of their members and to regulate some of their professional activities, they offered them pension schemes, insurance services and low interest loans, established certain quality standards and monitored observance of professional codes of ethics. However, as we have seen, from the second half of the 1980s onwards, elections in several larger syndicates resulted in victories for Islamists, mainly the Muslim Brothers and their sympathisers, who were less than popular with the regime. Islamists won a majority in the elections to the board of the doctors' syndicate in 1986, the board of the engineers'

syndicate in 1987, the pharmacists' syndicate in 1990 and, finally, the lawyers' syndicate in 1992; in the latter they had to, or decided to, share responsibilities with a president (*naqib*) who was not one of theirs.

Confronted by the election victories of its opponents, the regime first had the People's Assembly vote a law to put syndicate elections under the supervision of judges, as was already the case in other elections.⁷⁰ In itself, this law certainly did not reduce liberties, given that syndicate elections were no less marked by interferences and fraud than elections elsewhere. Nevertheless, in retrospect it marked the beginning of a more sustained attempt to bring the syndicates back into line and to unseat the opposition forces within them.

The linchpin of this attempt was Law No. 100 of 1993 'guaranteeing democracy in professional syndicates' (*bishan damanat dimuqratiyya al-tanzimat al-niqabiyya al-mihniyya*). Passed by the People's Assembly in February 1993, after less than three days of debate, the new law no longer permitted the election of the president and of the board of a syndicate by simple majority of votes cast.

A turnout of at least 50 per cent of the members of the general assembly (*al-jam'iyya al-'umumiyya*, comprising all members of the syndicate) was required for the election of the president and the board to be valid (the same provision applied to the election of the regional boards and officers of the syndicates). If this turnout was not achieved, there would be a second round in which only one-third of the members of the *jam'iyya 'umumiyya* was required to vote. If this quorum was again not reached, the outgoing board and president stayed in office for a period of no more than three months, during which they had to organize a third round of elections. In case the third round failed because of a turnout below one-third, the syndicate temporarily passed under the control of a panel composed mainly of judges, who were again requested to organize new elections. The law certainly avoided the direct administration of the syndicates by nominees of the regime by stipulating that the judges exercising one or other of these functions were the most senior in the local courts. However, it did not make it easy for the quorums to be reached since it explicitly ruled out that the *jam'iyya 'umumiyya* could meet on Friday, the weekly day of rest in Egypt, or on official holidays.

A new amendment passed in February 1995⁷² put an end to the financial sanctions which the 1993 law had imposed on syndicate members who failed to vote. At the same time, the amendment of 1995 explicitly assigned other tasks to the judges in charge of supervising the elections, such as the revision of the electoral registers and the choice of election dates. In other words, the position of those who were the potential caretakers was strengthened at the same time that the abrogation of an apparently restrictive measure could further reduce the turnout in the elections and therefore precipitate the arrival of these very caretakers.

At first glance, even Law No. 100 of 1993 did not necessarily restrict or reduce liberties. Far from preventing the members of the professional syndicates from electing their representatives, the law, by defining quorums for the turnout, in a sense forced them to do so and could therefore be regarded as reinforcing participation at syndicate level. It thus tended to prevent well-organized minorities from imposing themselves on

the professional syndicates. The Islamist-dominated boards, whom the law undoubtedly targeted, could not necessarily be said to have been elected by a majority of members of the respective syndicates. In September 1992, for example, Islamist candidates had won 18 out of the 24 seats on the board of the lawyers' syndicate in an election in which only about one-tenth of the 150,000 registered members had cast their vote.⁷³

However, when imposed, the administration of a syndicate by external caretakers effectively deprived those of its members who, even if in a minority, were ready to participate in running its affairs, of any such possibility. This was all the more so as the periods of temporary administration by caretakers could in reality last for years. It should be noted that the turnout in many of the syndicates had been quite low for a long time. Among lawyers and agronomists, for example, turnout never exceeded 10 per cent, while among doctors and engineers it rarely reached 25 per cent.⁷⁴ The official argument of having to fight against vociferous minorities rang particularly hollow in a country where the actual – and sometimes official – turnout for parliamentary elections and presidential referendums was lower than the quotas fixed for the elections in professional syndicates.

While Law No. 100 deprived the Islamists of election victories obtained only through low turnouts, it also deprived them of their last legal platform in Egyptian politics. The over-representation of Islamists in certain professional syndicates was now replaced by their under-representation, or complete non-representation, throughout the entire political system, a process which had begun with their growing exclusion from parliamentary life.

In most cases, Law No. 100 of 1993 did not have the devastating effects it could have had. In most syndicate elections that year it did not prevent the election of the boards, presidents and officers of the organizations concerned. The turnout amounted to 85 per cent in the elections in the journalists' syndicate in March 1993, 70 per cent in the theatre actors' syndicate in April 1993, 35 per cent (in the second round) in the technicians' syndicate in May 1993, 55 per cent in the movie directors' syndicate in July 1993, more than 50 percent in the syndicates of sociologists and musicians in December 1993, and 75 percent in the teachers' syndicate in the same month. Even in the lawyers' syndicate, the turnout was sufficient to guarantee the election of the regional boards in the various governorates. In fact, in all professional syndicates whose representatives were up for election in 1993 the necessary quorum was attained and the elections were valid.⁷⁵ Later, in March 1995, the turnout required by law was again reached without difficulty in the journalists' syndicate, who now elected their new president as well as the other half of the board members. The same applied to subsequent elections in this syndicate. However, although unconnected to Law No. 100, the creation of a 'parallel' syndicate of journalists was thwarted by the regime.⁷⁶

None the less, in the professional syndicates dominated by Islamists, the laws of 1993 and 1995 soon helped make it easier for the regime to bring them into line. The opposition of the Islamists to these laws took forms which exacerbated their conflict with the non-Islamist forces in the syndicates and with the regime. Consequently, the

regime, and in particular the minister of the interior, became increasingly determined to deprive the Islamists of their last political bastion. In February 1995, the engineers' syndicate was placed under the supervision of a committee of judges. The action was not taken on the basis of Law no 100, but following a court case about financial irregularities in the syndicate. The police and the prosecutors soon found reason to arrest numerous Islamist militants in the syndicates, for example in the doctors' syndicate in 1995.⁷⁷ In January 1996, it was the turn of the lawyers' syndicate. Again following the discovery of financial irregularities by a Cairo court, the syndicate was placed under the supervision of government-appointed caretakers.⁷⁸ Several times, as in spring 1993 and autumn 1999, elections seemed possible but never took place. It is only the elections in syndicates previously dominated by Islamists that will allow the effects of Law No. 100 to be assessed.

Elections to Student Federations

At least in the latter half of the 1990s, the elections to the Student Federations (Al-Ittihadat al-Tulabiyya), the representative bodies of university students, did not escape the trend towards additional restrictions on positive liberties. This tendency is clearly suggested by the available yet incomplete information. Unlike elections in trade unions or professional syndicates, no systematic reports prepared by participants or observers are available. Nor are there secondary sources as authoritative as some of those covering less recent periods of the student movement in Egypt.⁷⁹ Finally, I was not myself in a position to systematically follow and analyse the elections held every autumn in all Egyptian universities.

In 1992, the authorities of the different universities turned down the candidacies of around 6,000 students, fully using and often exceeding their powers of control. Elections to the student federations were not supervised by judges. Administrative decisions could, however, be invalidated by the administrative courts. In 1993, the number of candidates rejected by the university authorities amounted to 5,000, which corresponded to roughly 35 per cent of all candidates.⁸⁰ At the university of 'Ain Shams in Cairo, two-thirds of the candidates were rejected.⁸¹

In the universities of Cairo, 'Ayn Shams and Alexandria, which were the largest in the country, many candidates were again turned down in 1994. At the University of Cairo alone, 725 candidates were rejected. Many seats on the boards of the student federations were filled *bi al-tazkiyya* and went to candidates close to the regime. It was therefore no surprise that the Islamists lost both votes and seats.⁸² The exclusion of the undesirables continued visibly in the 1995 elections, when the University of Cairo officially announced that it had rejected 55 per cent of all candidates; other universities did not publish such figures.⁸³

Rejected candidates were usually suspected of Islamist or left-wing sympathies. Those not rejected at the beginning could still be deselected later, using procedures familiar from other elections – tampering with ballot boxes, miscounting of votes, arrest of candidates, etc. And as elsewhere, these interferences often led to violence. The vast majority of seats on the boards went to members of Hurus (Horus) and Tulab al-Nashat (Students of Action), organizations which were appendages of the Higher

Council of Youth and Sports and the NDP respectively. The student elections were thus reduced to competition between two organizations affiliated to the regime.

In the 1996 elections, the number of rejected candidates seemed to fall for the first time. However, this might have reflected merely a drop in the number of candidates. Once again, it was the candidates close to the regime who obtained most of the seats, thanks to the usual interventions from above, but these were aided by the crisis that increasingly gripped Islamist groups: in that year the latter lost their last strongholds in faculties such as Dar al-‘Ulum at Cairo University.⁸⁴

Elections Elsewhere

Numerous other bodies and associations had administrative councils or boards whose members were, at least in principle, elected. This was the case, for instance, in agricultural co-operatives and in sports clubs. Chaired by officials from the Ministry of Agriculture, the Co-operative Councils (Al-Jam‘iyyat al-Ta‘awuniyya al-Zira‘iyya) were permitted to make decisions only in narrowly defined areas, which were shrinking as the agricultural sector was increasingly exposed to economic liberalization. While reducing the importance of the co-operatives, these changes had not, however, reduced the traditionally strong representation of the wealthier peasants on their councils nor their pervasive influence over these councils.⁸⁵ The results of the council elections in 1991 confirmed, at least, the general crisis affecting representation in that decade. In these elections, 85 per cent of the boards were constituted by *tazkiyya*.⁸⁶

Finally, elections in the sports clubs were sometimes eventful, if not turbulent. They could help candidates to improve their standing on the local scene and their hopes of higher office later on. Even when this was not the case, elections contributed to the redistribution of material and symbolic resources at club level or in the local community. It is not surprising, then, that the regime reserved the right to dismiss administration councils and officers even of sports clubs. During 1996, for example, the president of the Higher Council of Youth and Sports, appointed temporary administrators in two large clubs in Cairo, Nadi Zamalik and Nadi Jazira (Nadi Gezira).⁸⁷ The temporary administrator of Nadi Jazira was none other than the former prime minister, ‘Atif Sidqi. Generally presented as a response to the incompetence and corruption of those previously in charge, these measures were often motivated by less noble intentions. However, as in the case of the agricultural co-operatives, systematic inquiry has yet to be undertaken.⁸⁸ This applies equally to elections in the many private voluntary associations, even though these associations have otherwise given rise to a substantial literature.

Negative Liberties: The State against Individual Liberties and Groups

In the 1990s, the additional restrictions on negative liberties were no less significant than those on positive liberties. Again, this trend appeared not only at the level of legislation or texts but also in action and practice. And again the new restrictions were generally not offset by the lifting of existing restrictions, such as those inherent in the laws on the protection of the interior front and the protection of values against shame.

The State of Emergency

Throughout the 1990s the state of emergency continued to be renewed every year for a further twelve months. In 1994 it was even extended for three years, a decision that was repeated in 1997 and again in 2000.¹ In the 1990s, the prorogation of the edict was officially justified by the political violence which increased substantially from late 1991, when the conflicts between the regime and its Islamist opponents intensified. According to the regime, responsibility for these activities, the importance and impact of which are discussed below, lay not only with the armed Islamist groups such as the Jama'a Islamiyya (often translated as Islamic Group) but also with the Muslim Brothers, whom it described as the Jama'a's political arm.

In 1997, the prorogation of the state of emergency followed an armed assault on a Coptic church in Abu Qirqas to the south of Minya, which left 12 people dead. Nevertheless, the decision was made at a time when the number of such incidents had fallen. Official explanations took this into account in their own way when they put less emphasis on incidents that had actually taken place than on those that might yet happen. Allegedly, the aim of the armed groups was now to sabotage economic recovery and development and thus prevent the country from reaping the benefits of the economic reforms undertaken since 1991.

In particular, the armed groups were accused of seeking to damage the investment climate, which, the regime claimed, had substantially improved since the MENA conference in Cairo in Autumn 1996.² This was the third in a series of annual conferences organized since 1994 by the World Economic Forum to foster economic ties between countries in the Middle East, in particular between Israel and the Arab states. The event was indeed partly redefined by the Egyptian authorities to attract foreign

investment, though with extremely limited success – a situation which parts of the opposition blamed precisely on the state of emergency.³

However, more than the prorogation of the state of emergency, the increasingly frequent recourse to its provisions illustrated the growing erosion of liberties. In particular, the recourse to administrative detention (*al-i'tiqal al-idari*) without any effective judicial control increased exponentially. Although it infringed other liberties such as freedom of expression, the state of emergency primarily limited personal freedom by conferring discretionary and arbitrary powers of detention on the executive.

Concerning freedom of assembly, the changes were less important because the relevant provisions of the state of emergency had already been rigorously implemented before the 1990s. Assemblies and demonstrations in public places remained illegal; they could take place legally only in locations officially considered *not* public, such as buildings and premises belonging to political parties or professional syndicates. However, even these spaces did not enjoy complete immunity, as was demonstrated, for instance, by the police raid on a solidarity meeting with Iraq in the Alexandria offices of the Tajammu' Party in September 1996.⁴

Outside these places, meetings and demonstrations occurred only in very exceptional circumstances, even though from time to time they were tolerated, or perhaps even authorized, by the regime. Any such gathering was, however, conditional on well-defined circumstances, limited to certain venues and mostly restricted to certain types of people. In almost all cases, these extremely rare events coincided with moments of nationalist fervour, directed generally against Israel or the United States. Apart from the policies of these foreign powers, only acts of political violence perpetrated by armed Islamists gave rise to a few public gatherings or demonstrations.

Nationalist demonstrations and, in 1999, those in support of the Albanians of Kosovo – mostly seen as Muslim victims of Serbian aggression – were normally the prerogative of students and could take place only on university campuses which, because of their restricted access, could not be regarded as genuine public spaces. One of the few exceptions was the small protest march by a handful of opposition politicians and journalists in February 1998, from the mosque of 'Umar Makram to the US Embassy, condemning American military pressure on Iraq, whose rulers continued to put obstacles in the way of United Nations (UN) disarmament inspectors. Closely watched by police, the demonstrators were able to march the few hundred metres between the mosque off Tahrir Square and the embassy in Amrika Latiniyya street in Garden City, and hand over a petition allegedly signed by two million Egyptians. Described as 'symbolic' (*ramzi*) by even the opposition paper *Al-Sha'b*,⁵ the demonstration could not be publicized in advance and therefore only the few who were in the know participated. The exceptional nature of this demonstration was underlined by the rapid dispersal the following day of a small anti-American meeting outside the headquarters of the Nasirist party.⁶ As a matter of course, there was no lack of anti-imperialist and anti-Zionist meetings organized by the professional syndicates, but they never took place outside their own premises. The political or semi-political *iftars*⁷ organized by parties, syndicates, associations and other groups during the month of

Ramadan were also held in places that were not public in the legal sense, such as hotels, restaurants, syndicate headquarters and the like.

On university campuses too, meetings and marches were restricted to moments of international crisis. The police then allowed more or less spontaneous gatherings to last somewhat longer than usual, even though such tolerance did not always prevent them from later arresting organizers and demonstrators. It even allowed meetings organized by opposition forces at particular moments of nationalist emotion, when such events mobilized tens of thousands of people. Sometimes these were organized or supported by student organizations of the regime or by the universities themselves, who thus sought to channel and manage student discontent, frustration and anger. At the University of 'Ayn Shams on 22 February 1998, for instance, some 10,000 students protested against American policies towards Iraq, shouting Islamist slogans such as 'We have always said that this war is against Islam'; however, they also shouted slogans such as 'No love for Saddam, but compassion for the children of Iraq', which were not too different from the regime's official line.⁸

Any attempt by demonstrators to leave the campus was stopped by force. In 1996, after the death of many civilians in the bombing of a school by the Israeli air force in Qana, in southern Lebanon, and then after the discovery of a tunnel dug by Israelis under the Haram al-Sharif (Temple Mount) in Jerusalem, students were allowed to chant anti-Israeli slogans within the confines of the University of Cairo and to burn the Israeli flag under the eyes of professors and deans, but were firmly pushed back as soon as they tried to march on the nearby Israeli Embassy.⁹

Only one major act of political violence, the assassination in June 1992 of the anti-Islamist writer and polemicist Faraj Fuda (Farag Foda), resulted in a larger public demonstration that was tolerated, even supported, by the authorities. It took place in front of the mosque of 'Umar Makram, which was used for funeral ceremonies of loyal servants to whom the regime wanted to pay its last respects. Often considered a mischief-maker during his lifetime, Fuda received these official honours largely because his death supported the regime's case against its Islamist opponents. At the end of the ceremony a thousand people, mostly intellectuals and artists who had gathered by word of mouth, chanted anti-Islamist slogans in front of the mosque for almost an hour. However, their action was endorsed by the presence of several representatives of the state, such as the minister of foreign affairs, 'Amru Musa, and the then mufti of the republic, Shaykh Tantawi.¹⁰

Other social groups did not enjoy the same privileges as students, intellectuals, artists and, on yet more exceptional occasions, representatives of legalized parties, unions and syndicates. The demonstration of lawyers who, in May 1994, protested against the violent death of their colleague 'Abd al-Hadith Madani, was not authorized by the regime. Madani, the legal adviser of suspected members of the Jama'a Islamiyya, was arrested at the end of April without the police being accompanied by a state prosecutor and a representative of the lawyers' syndicate as required under the law. Shortly afterwards he died in detention. His friends claimed he had been tortured. Anti-riot police surrounded the headquarters of the lawyers' syndicate on Ramsis street in Cairo, from where the demonstration was supposed to depart.

Numerous lawyers were prevented from approaching the building or even the area. Many of those coming from outside Cairo were prevented from entering the city. Those gathering on the syndicate's premises attempted to form a march. The police shot rubber bullets and tear gas grenades to disperse them. Several dozen lawyers were arrested on the spot or later in the day.¹¹ In subsequent years, whenever the regime tolerated small assemblies in front of a syndicate protesting against the suspension of its board and its administration by caretakers, the presence of riot police was always impressive.¹²

The freedom of assembly of workers and peasants was no less restricted, in spite of the special place reserved for them in the constitution. This was particularly evident in the spring of 1997, a few months before Law No. 96 of 1992 governing the relations between owners and tenants of agricultural land came into force (voted in 1992, the law included a period of grace of five years). This law, which may be seen as part of the programme of economic liberalization, empowered the owners of agricultural land to increase the rent of such land significantly and even to terminate contracts with their tenants. By raising the rent from four to 22 times the ground rent, the law allowed owners to impose immediate increases of up to 315 per cent.¹³ When at the end of April 1997 the Tajammu' Party called for a demonstration on Tahrir Square in Cairo against the new law, numerous suspected protesters were arrested or prevented from entering the capital. In order to escape police repression, the party speaker on the square began his speech ahead of schedule.¹⁴ Manual workers, on the other hand, tended to express their demands during strikes or other forms of industrial action, usually inside the companies concerned. Such gatherings were lower profile and could escape immediate repression. However, they generally finished with the end of the strike, which could involve considerable police violence.

It is at the level of personal freedom that the application of the state of emergency differed most from the 1980s. The recourse to administrative detention on the order of the president or his representative, usually the minister of the interior, broke all records in the 1990s. Governed by the law on the state of emergency, this measure allowed the regime to arrest anybody for up to 90 days, and with various ruses this could be extended indefinitely. The figures on detention provided by human rights organizations are neither the same nor sufficiently detailed to allow a clear distinction between the overall number of political detainees and the specific number of administrative detainees. While these figures first of all confirm the general erosion of personal freedom, the trend appears to owe much to the widespread use of administrative detention.¹⁵

In part, the differences between the figures and their reliability need to be seen in the context of insufficient information. Often the arrest or disappearance of a person was more widely reported than his or her reappearance or release. Sometimes the authorities themselves published the number, but not the names, of people they released. Friends and families of detainees often had to wait years before they could pay visits to certain prisons, such as the one at Fayyum. The Ministry of the Interior itself sometimes had difficulty finding prisoners who had been transferred from one prison to another, and although they were never

formally published, the ministry's own figures appear to be contradictory.¹⁶ Contradictions between figures may also reflect the variety of procedures for arrest and detention. Apart from administrative detention these included police custody, provisional detention decreed by a court and detention following a court sentence. Of these, only administrative detention was directly linked to the state of emergency. Finally, certain figures reflect the number of arrests in a given year, others the number of people in detention at a particular moment in the same year, and yet others conflate the two.

According to figures published by the Ibn Khaldun Center in Cairo, the number of people 'arrested' for political reasons grew from around 8,000 in 1992 to 17,191 in 1993, before falling to 6,251 in 1994 and 3,630 in 1995, and then increasing slightly to 3,993 in 1996.¹⁷ In accounting for the number of arrests (but not of detainees) under all the various procedures, these figures appear to be based on press reports, which are at best approximate.

Figures released by the Egyptian Organization for Human Rights (EOHR) indicate that the number of individuals detained (not the number of arrests) for political reasons grew from around 5,000 in 1990 to more than 10,000 in 1992 and about 16,000 in 1995. By 1996, their number amounted to 16,708. At the beginning of 1998, representatives of the EOHR estimated that the number of political detainees amounted to 15–20,000 persons.¹⁸

The EOHR figures do not seem to be exaggerated, given that the interior minister of the time, Hasan al-Alfi, stated in July 1994 that the number of persons detained for political 'crimes' did 'not exceed 10,000'.¹⁹ Nor do these figures contradict earlier information from the Ministry of the Interior, which for 1992 showed a total prison population of 35,321 persons. Without distinguishing between political and non-political cases, this figure comprised detainees sentenced to prison terms, those awaiting trial and those subject to an inquiry without having been formally charged.²⁰

It should be acknowledged that the administrative detention policy was partially revised after November 1997, when Hasan al-Alfi was replaced by Habib al-'Adli as minister of the interior. Far more than his predecessor, 'Adli was ready to release not only the *ripeniti* but also individuals detained only because they roughly corresponded to the 'terrorist' profile.²¹

Many people arrested under the state of emergency remained in prison for years, not knowing when they would be released.²² Of course, they could demand that their case be examined by the relevant Supreme State Security Court, but in practice this changed nothing. First, the prison administration discouraged them from making such requests by threatening to transfer them to prisons more distant from their homes, friends and families. Second, even favourable decisions by these courts could be easily by-passed by the executive.²³

The security forces often also took hostage the family members of wanted individuals. Starting in the early 1990s, this practice continued over the years. At the same time, there was growing suspicion that dozens of armed Islamists were killed when they could have been arrested.²⁴ Meanwhile, torture was endemic and in common use in police stations, interrogation centres and prisons.²⁵

The Amendment of the Penal Code and the Extended Jurisdiction of the Supreme State Security Courts in 1992

The amendments to the penal code and to the law governing the State and Supreme State Security Courts of 1980 contained in Law No. 97,²⁶ passed in July 1992, further restricted personal freedom in that many criminal offences received tougher sentences, new criminal offences were created and the jurisdiction of the courts in question was extended. The new law introduced into the penal code the notion of ‘terrorism’ (*irhab*) and stiffer sentences for any act that could be defined as ‘terrorist’. An act was considered to be terrorist when ‘the use of force’ (*istikhdam li al-quwa*) or a ‘threat’ of use of force was aimed at violating ‘public order’ (*al-nizam al-amm*) or at ‘endangering the peace and security of society’ (*ta’rid salamat al-mujtama’ wa amnuhu li al-khatr*). In concrete terms, this applied to acts that ‘cause harm to persons ... put their lives, their freedom or their security in danger’, that entailed damage to ‘the environment, transport, communications, finance, buildings, public and private property’, including its ‘occupation’ (*ihtilaluhu*), as well as any act which ‘prevents parts and agencies of the state, places of worship or scientific institutions from functioning normally’ or which prevented ‘the application of the constitution, the law and its decrees of application’. As amended by Law No. 97, the penal code also punished more generally all collective attempts to prevent the application of the texts in force and any attack on national unity and social peace, be it ‘terrorist’ or not.²⁷

Vague terms such as ‘the use of force’ allowed anything to be interpreted as terrorist, from an attack on a passenger train to the occupation of a factory by striking workers or a road block set up by peasants who had been forced from their land. The fact that there had to be proof of an intention to harm did not limit the range of what could be considered terrorist, because intention could easily be claimed and constructed by the prosecution or the court. This became all the easier as the jurisdiction of the Supreme State Security Courts established under the 1980 law was extended to numerous matters that they had not previously been concerned with.²⁸ From 1992, they alone heard all charges relating to acts against public security, whether these were ‘terrorist’ or not, provided the president of the republic did not refer the cases to military tribunals, or ways were found to involve the State and Supreme State Security Courts established under the state of emergency. These matters included the new criminal offence of membership in organizations or groups whose aim was held to be subversion of the constitutional order, the law, social peace or national unity.²⁹

The tougher penalties for offences brought before the Supreme State Security Courts, and in particular the court in Cairo, included an increase in cases where the death penalty or hard labour could be imposed. Members of the aforementioned organizations and groups could be sentenced to death or hard labour for life if ‘terrorism [was] among the means employed’. The same sentences were applicable to other offences such as kidnapping, the illegal confinement of a person, or terrorist collaboration of groups or individuals with foreign parties. Anyone who, under a new offence invented in 1992, orally or in writing supported attacks on the constitutional or legal order, social peace or national unity, incurred a five-year sentence, extended to

ten years if the group to which the person belonged employed terrorist means. Persons in possession of such writings or recordings incurred the same penalty. As with the definition of terrorist acts, the law's lack of precision was flagrant. Any second fiddle could be sentenced to death without ever having held a weapon, and any journalist could find himself in prison for contextualizing or explaining the actions of the groups in question. At the same time, in cases heard by the Supreme State Security Courts, the powers of the prosecution were reinforced at the expense of those of the defence. If it considered that such a crime had been committed, the prosecution could immediately arrest the person concerned for seven days. Neither at this time, nor during the prolonged provisional detention that could follow, were the decisions of the prosecution subject to the scrutiny of an investigating magistrate. As the law stated, in crimes heard before the Supreme State Security Courts, the prosecution itself assumed the duties and prerogatives of the investigating magistrate.³⁰

The Recourse to Military Courts from 1992

In reality, many of the cases that should have been heard before the State Security Courts came before military courts whose composition and procedures were yet more biased against the defence. Indeed, the legal basis for these courts to judge civilians is about to be examined by the Supreme Constitutional Court. During the decade following the trial of Sadat's assassins in the early 1980s, military courts were hardly used to try civilians, but from December 1992 they emerged as the special courts *par excellence*.

The recourse to military courts seems to be closely linked to the setback the regime experienced at the time in the trial of the suspected assassins of the former president of the People's Assembly, Rif'at Mahjub. Rather than act like a special court and toe the regime line, the Supreme State Security Court, which heard the cases, acceded to numerous requests by the defence and accepted that the confessions of several of the accused were extracted under torture. After a two-and-a-half-year trial, the accused were acquitted.

From December 1992, President Mubarak referred the vast majority of civilians accused of terrorist acts, anti-constitutional activities or membership in illegal political groups to military courts. The number of civilians tried by military courts amounted to 48 in 1992, 312 in 1993, 65 in 1994, 143 in 1995, 80 in 1996, 214 in 1997 and at least 65 by April 1998. Out of these, 85 were sentenced to death and 71 were executed. Fewer than 290 were acquitted.³¹ Among those referred to military courts was Rida' 'Abd al-Rahman, a deputy to the People's Assembly, deprived by his colleagues of his parliamentary immunity and sentenced in 1996 to a prison term by officer judges.³²

As the president himself put it, the military courts had the advantage of handing down their verdicts more quickly than ordinary courts. And, of course, they were also 'safer' than even the Supreme State Security Courts.

Repression in Practice

In practice, these legal instruments were aimed primarily against the Islamist opposition groups and factions. While the regime mercilessly targeted the real or suspected

members of the armed groups, it did not spare the militants and officials of the Muslim Brotherhood who were never implicated in any sort of political violence. Their crime was often nothing worse than discussing or preparing strategies for parliamentary or syndicate elections in which they could not officially stand as Muslim Brothers. Repression also extended to Islamists who belonged to, or had sympathies for, legalized political parties. In October 1993, for instance, Hilmi Murad, vice-president of the Labour Party, 'Adil Husayn, its general secretary, and two journalists of the party's newspaper, *Al-Sha'b*, were temporarily detained and interrogated. According to the prosecutor's own statements, he sought to establish whether through their words and writings they took the side of the armed Islamist groups and therefore infringed the relevant provision introduced into the penal code in 1992.³³ In December 1994, 'Adil Husayn was again arrested. This time he was interrogated for a month about his links with armed Islamist groups. Allegedly, pamphlets published by some of the groups were found on his seat on the plane that took him back to Egypt after a visit abroad.³⁴

In the spring of 1997 the amendments to the penal code passed in 1992 were used against individuals who had hitherto not been targeted by these changes. At this time the law on relations between owners and tenants of agricultural land, also passed in 1992, was about to come into effect. In several governorates, violent incidents occurred between owners and tenants, who were mostly sharecroppers. The incidents often led to police intervention and the arrest of hundreds of tenants.³⁵ When several militants of the Tajammu' and Labour Parties openly supported the tenants, they too were arrested and charged under the terms of the new Articles 86, 86a and 86b, which punished the obstruction of the application of the law and the use of terrorist means.³⁶ That autumn, other supporters of the tenants were indicted for the same reasons. In one case, the charge was based on the single fact that the text of a communiqué criticising the new law was found in the office of the accused.³⁷ Later that year they were all released on bail, but the charges against them were not dropped.³⁸ This sort of solution enabled the regime to quietly bury difficult cases; however, it also enabled it to dig them out at any time and use them against opponents if they continued to make trouble.

The Harassment of Human Rights Groups

In the late 1990s the regime also launched a campaign of denigration and harassment against the associations and organizations that defended human rights in Egypt. Hasan al-Alfi, minister of the interior until November 1997, accused them on several occasions of publishing 'false' reports, working for foreign interests, being 'instruments in the hands of the terrorists', and even of conniving with the latter. Sometimes these accusations turned into full-scale campaigns, as, for example, in February and March 1995.³⁹

In particular, life for the organizations in question was made more difficult when they convened symposia or courses or published their reports. Pressure and bans were imposed on even the most innocent activities, such as a course organized in May 1995 by the Ibn Khaldun Center for participants in the UN conference on the status of

women, held in Beijing. In the same month, a course on the use of video techniques, organized by a group of lawyers interested in human rights, was likewise banned. In July that year, an EOHR lawyer who investigated cases in Upper Egypt was arrested and interrogated, while notes and documents in his possession were confiscated.⁴⁰ Also in July 1995, the Ministry of the Interior prevented the Center for Human Rights Legal Aid (CHRLA) from organizing a seminar on the importance of international law for the defence of human rights in Egypt. Not content with the assurances of the convenors to postpone the seminar to a 'more opportune' moment, the ministry sent out anti-riot police to the organization's offices, which at the time were located in the Cairo district of Muhandisin.⁴¹

After a period of relative calm, relations between the regime and human rights organizations began to deteriorate again in 1998. The amendments to the company law passed in January 1998 now prevented companies from pursuing activities similar to those of private voluntary associations (for the other repercussions of this law, see below).⁴² Incidentally, the President of the People's Assembly, Fathi Surur, had declared the amendment voted even though it had been rejected by the few deputies left in the Assembly.

The problem was that human rights and other political activists often did not succeed in getting their fledgling associations recognized by the authorities. As mentioned above, the EOHR never obtained official recognition under the 1964 law. For several of these groups, the only possibility of operating was to establish themselves in the form of a company. This, for instance, was the case with CHRLA and the Ibn Khaldun Center. The new law on private voluntary associations passed in 1999, which is discussed in more detail below, modified the conditions under which such associations could be set up. However, it was declared unconstitutional in June 2000 and new arrangements need to be devised.

At the beginning of the parliamentary session of 1998–99, during which the new law was to be passed, the regime launched another wave of attacks against human rights organizations. This new campaign culminated on the eve of the 50th anniversary of the Declaration of Human Rights with the arrest for several days of the Secretary General of the EOHR, Hafiz Abu Sa'ada. He was investigated for having accepted without authorization funds from abroad for his organization, even though he had already returned this money. While the regime disliked foreign funds flowing anywhere other than into its own coffers, the main reason for Abu Sa'ada's arrest was probably the publication, by his organization, of a report on unprecedented police brutality against hundreds of Copts in the Upper Egyptian village of al-Kushah shortly before.⁴³ Abu Sa'ada was formally charged in February 2000 before the Cairo Supreme State Security Court established under the state of emergency. The charges were based on a 1992 decree issued under the state of emergency (decree No. 4/1992) regarding the receipt of donations and funds from abroad. They were dropped six weeks later only after much adverse publicity abroad and a meeting between the chief public prosecutor and representatives of Middle East Watch. The prosecutor then even brought charges against more than a hundred individuals allegedly involved in the violence and murders that led to police action in al-Kushah.

From the 1995 ‘Law to Assassinate the Press’ to the New Press Law in 1996

A new series of amendments to the penal code and to various other laws, passed at the end of May 1995, limited the freedom of the press and therefore the freedom of expression to the point where the provisions of the constitution, which in theory guaranteed these freedoms, were stripped of all meaning.⁴⁴ Often incorrectly referred to as a new ‘press law’, Law No. 93 of 1995, which contained these amendments to various existing laws, was soon nicknamed the ‘law to assassinate the press’ (*qanun ighthial al-sahafa*).⁴⁵ Tabled and voted in a matter of hours at the end of a long day in the People’s Assembly, in the presence of only 45 of the 454 deputies, it was immediately promulgated by President Mubarak.⁴⁶ After an unprecedented mobilization of journalists – partly through their professional syndicate, then chaired by the chairman of the governmental press conglomerate Al-Ahram, Ibrahim Nafi – and of human rights organizations and opposition forces, the amendments were abrogated a year later, something unheard of in recent Egyptian history. To this day, Law No. 93 remains the only repressive measure introduced in the 1990s that was subsequently abandoned.

The amendments in question greatly strengthened the means of control and repression already available to the regime under the terms of the 1980 press law, or in its capacity as the owner of most of the media. The 1995 amendments imposed draconian penalties on ‘crimes of publication’ and devised new such offences.

According to the new provisions, any person spreading ‘false’ or ‘defamatory’ information through the media, via communiqués or in the form of rumours, or publishing fake documents or documents falsely attributed to someone else, was liable to a prison sentence of up to three years (*habs*). This was automatically accompanied by a fine of £E5,000–10,000 if such an act threatened public order, brought into disrepute the institutions of the state or its representatives, or ‘create[d] panic among the people’. In cases where such information, rumours and other assertions were published with the aim of damaging the national economy or national interest, the maximum sentence was increased to five years in prison and a fine of £E20,000; in this case, however, it was possible for the court to use the fine and prison term as alternative forms of punishment.

Of all these acts, the previous law had punished only the publication of false information and documents that were falsified or falsely attributed to someone else, if such publications undermined public order or the public good, and only if the accused could not prove his good intentions. At the same time, punishment was far less severe. Prison terms were generally limited to one year and could only be doubled in a few well-defined cases. In all cases they could be replaced by fines not exceeding £E500.

Under the new provisions even ‘insults’ were punishable by a fine of £E5,000–£E10,000, a year in prison, or both. Insulting a representative of the state who was performing his official duties could incur a prison term of between two and five years, a fine of £E10,000–20,000, or both. Previously, the fine could not exceed the ceiling of £E500.⁴⁷

While inflation had reduced the deterrent effect of the old fines for some, the new amounts often exceeded the annual salary of most journalists, which rarely exceeded a few thousand pounds. In penalizing the ‘spreading’ of ‘false’ information, the sentences applied not only to the authors of the incriminating notes and articles, but also to the directors of the publications concerned.

Finally, Law No. 93 abrogated the provision of the code of criminal procedures and the law on the journalists’ syndicate which prevented the provisional detention (*al-habs al-ihitiati*) of journalists.⁴⁸ Limited to officially recognized journalists – that is, those fulfilling the requirements for membership in the syndicate – this guarantee against provisional detention was obviously at the same time an important guarantee of freedom of the press.

Publicly defended by President Mubarak, the new provisions did not remain *lettre morte*. Less than ten months after coming into force, more than 40 people had been interrogated, many of them charged and then convicted by lower courts whose judgments, however, were open to appeal.⁴⁹ By the first anniversary of the law, nearly a hundred contributors, journalists, editors-in-chief and directors of publications had been interrogated in connection with ‘crimes of publication’; 33 of them were formally charged.⁵⁰ If the majority of proceedings started as prescribed with a complaint lodged by the person who considered him or herself the victim of the media, the prosecution hardly filtered these complaints as it was legally empowered to do. Proceedings were not only initiated against journalists who wrote for opposition papers, such as Jamal Badawi, editor-in-chief of *Al-Wafiq*, and Majdi Husayn, editor-in-chief of *Al-Sha’b*, the mouthpiece of the Labour Party. Husayn, it could be said, asked for trouble when he took a rather close interest in various corruption cases which, according to his research, directly involved the then minister of the interior, Hasan al-Alfi, and his sons.⁵¹ Proceedings were also initiated against journalists from *Ruz al-Yusuf*, *Sabah al-Khayr*, *Al-Jumhuriyya* and other titles controlled by the press conglomerates of the public sector. An inquiry was even launched against Ibrahim Nafi’, then president of the journalists’ syndicate and chairman of the Al-Ahram group.⁵²

To be fair, it is important to note that it was easier to demonstrate the *intention* to reinforce repression than the *actual* reinforcement of repression. Given that the defenders of freedom of expression started collecting relevant details only when the law was voted, there is not enough information covering the period prior to the law to enable a systematic comparison of the number of proceedings initiated against journalists and their outcomes.

Immediately after the promulgation of Law No. 93, journalists rallied to fight the new threats facing them. The journalists’ syndicate and its board held countless meetings and extraordinary general assemblies, organized symbolic strikes and made representations to the regime. They formulated nine concrete demands, including the abolition of Law No. 93 and the press law of 1980, as well as of any prison sentence for ‘crimes of publication’. Many journalists were involved in drafting a bill to replace the two laws in question, and which would guarantee the freedom of the press. Pressures from below were such that the president of the syndicate, even before being investigated himself, felt obliged to defend his colleagues against a regime whose merits he

praised daily in his editorial in *Al-Ahram*. Right from the beginning, the journalists also obtained the support of human rights organizations and all opposition parties.⁵³

Confronted with this situation, the regime made several attempts to divide the journalists. At one stage it promised that the law would only be applied in certain cases, but conspicuously failed to redraft it accordingly. On another occasion it proposed that the law would not be applied until a solution acceptable to all had been found. Later, it attempted to weaken the revolt by announcing a new press bill, which, while responding to several of the journalists' demands, also contained provisions that were more restrictive than the existing press law; it went without saying that this bill was not supposed to abrogate Law No. 93.⁵⁴

Following a surprising about-face by President Mubarak, the most repressive amendments to the penal code brought in by Law No. 93 were finally repealed at the end of June 1996,⁵⁵ 13 months after their promulgation. Courts could once again choose between prison sentences and fines in all cases. The length of prison terms returned to their pre-1995 level; for some offences they were reduced even further. Some fines remained at the level set by the 1995 law, while others were halved. The description of criminal offences also more or less returned to what it had been – for the spreading of 'false information' or malicious rumours to constitute a crime, it had to be motivated by hostile intentions, and alleged lies and fake documents were no longer punishable if they expressed disrespect for the institutions of the state or damaged the national economy or national interest.⁵⁶

It is undisputed that Law No. 93 would not have been repealed if it had not provoked such wide-scale protests. However, the almost total mobilization of journalists, human rights activists and opposition forces was victorious only because of particular conditions and circumstances. First, the new provisions could have threatened not only the opposition press but also the official press, where numerous journalists and officials were in trouble. Second, because of their unique role, journalists, more than any other social or professional group, were able to generate considerable publicity for their movement and to mobilize support both inside and outside the country. Third, the provisions introduced by Law No. 93 were far from being the only ones allowing the media to be controlled; in a more discreet way, the press law and, in the media belonging to the public sector, the rights of ownership, could be used for the same purposes.

Passed on the same day on which Law No. 93 was abrogated, the redrafted press law was only marginally more liberal than the 1980 law it replaced. Promised during the conflict surrounding Law No. 93 in order to reassure a fairly disillusioned profession, Law No. 96 of 1996 did not waive the constraints under which the printed press operated. While paying lip service to the grand principles that guided the journalists' protests, it failed to give the concrete guarantees they had demanded in the bill which some of them had prepared during the crisis in conjunction with lawyers and human rights activists.⁵⁷

Neither the new press law, nor the law that abrogated Law No. 93, abolished the numerous 'crimes of publication' identified in the penal code before 1995. Nor did the press law restrict the right of certain agencies of the state, and thus of the regime – in particular the public prosecutor – to prevent the publication of information deemed to

be too politically sensitive. Just over a year after the abrogation of Law No. 93, the newspaper *Al-Sha'b* experienced both these limitations. In summer 1997 its editor-in-chief, Majdi Husayn, was once again charged with publication crimes after he printed a new series of articles accusing the minister of the interior of corruption and of links with drug traffickers. At the same time, the public prosecutor issued a writ depriving the press of the right to publish any information on the case. When *Al-Sha'b* continued to report on the affair, the prosecution banned it for a week and a half.⁵⁸

In other respects as well, the law did nothing to increase the freedom of the press. To a large extent, it was a replica of the 1980 law which it replaced. Naturally, perhaps, it accepted and reproduced the limits imposed by the constitution on this freedom. Thus, in its preamble, the new law not only defined the press as a 'popular power' (*sulta sha'biyya*) which fulfilled its mission with 'responsible freedom', but it also placed the press at the 'service of society' and required it to operate within the framework of the 'basic elements of society', of the law and of the constitution. If the formula was slightly tautological (as the constitution only guaranteed the freedom of the press within the strict limits of these 'basic elements'), it remained that anything contradicting these elements could not be covered by the freedom of expression. As we have seen, these elements were defined by the same constitution as respect for the family, homeland, 'morals' (*al-akhlāq*), and 'genuine Egyptian traditions' (*al-taqalid al-misriyya al-asila*).⁵⁹ Like the constitution, the new law outlawed censorship in principle, yet authorized it under certain conditions, including under the state of emergency. Finally, it differed from the previous law in that it granted journalists – that is, those officially recognized as such – the right to inform themselves through all legal means. It also prevented them from being held in provisional detention if accused of publication crimes. This, however, was not new, as prior to Law No. 93 a similar guarantee had been given by another law.

Like its predecessor, the new law restricted freedom of expression through the media more narrowly than did the constitution. Journalists were required to respect the 'charter of honour' which was drafted not by them but by the Higher Press Council. The latter remained a regulatory body with as much power as before. It continued to authorize or prevent the publication of new titles, except for those put out by political parties, trade unions and professional syndicates, which were exempt from such authorization. Decisions of the Higher Press Council could still be challenged in the administrative courts, but the law added a further constraint for the founders of periodicals. Henceforth, only companies whose capital equalled or exceeded £E1 million could apply for authorization to publish a daily; for the publication of a weekly only £E250,000 was required. No single person could own more than 10 per cent of any such company. Finally, the council continued to produce periodical reports on the press, to demand respect for the 'charter of honour' by journalists, and observance of the 'morals of the profession' (*adab al-mihna*). However, in contrast to the earlier draft law that the regime had circulated during the crisis prompted by Law No. 93, the text adopted in June 1996 left disciplinary powers in the hands of the journalists' syndicate.

The council continued to be chaired by the president of the Consultative Assembly and to have a majority of members whose loyalty to the regime was beyond doubt.

Apart from a representative from each political party which owned a periodical, it included two representatives of each conglomerate of the 'national press' (*al-sahafa al-qawmiyya*) – a euphemism for the public-sector and therefore the government press – and individuals elected by the Consultative Assembly, whose number was equal to that of all other members. The regime thus had an inbuilt majority. Neither here nor elsewhere did the new law offer additional guarantees of press freedom.

De Facto Restrictions on the Press

It is too early to judge the activity of the Higher Press Council under the 1996 law, compared to its activity under the 1980 law. However, several episodes indicated that its practices were hardly more liberal. In June 1997, for instance, the council rejected the application for authorization presented by the owners of the weekly *Al-Dustur* – hitherto published in Cyprus – who were close to one of the factions of the Wafd Party. This paper, which was somewhat sensationalist and very critical of the Gulf States, also took rather too close an interest in corruption in Egypt.⁶⁰ Similarly, in March 1998 the council continued to prevent the publication of the Coptic periodical *Watani*, even though the latter had been authorized in 1995; the only problem was technical, that the name of one of the founders of the periodical, who had died in the meantime, needed to be replaced on the application form by that of his son. According to information circulating among journalists in April 1998, the council had rejected some 30 applications for the publication of new periodicals since 1996. In the same period it only issued three authorizations; by February 1999 this number had risen to four.⁶¹

In any case, the misfortunes of *Al-Sha'b* with the minister of the interior show that freedom of the press continued to be restricted by the ability to invoke other legal provisions, often extremely vague, which had not been superseded by the 1996 law.

It is just as difficult to give an overall assessment of the practices that affected the freedom of the press during the period concerned. The ways in which the regime was able to interfere were too numerous, too varied and often too invisible to be considered systematically in the present context. Too many individuals and periodicals could be subjected to informal pressures ranging from open threats to more subtle dissuasion, promises of favourable treatment or, in the official press, the simple elimination of articles or sentences by the government-appointed editor-in-chief.⁶²

The number of newspapers and periodicals published in Egypt would seem to indicate a relative freedom of the press. However, many of these publications were controlled by the handful of public-sector press conglomerates, which, in turn, were controlled by the regime. These publications often failed to cover aspects of life or to print stories which in some way contradicted the image of the country that the regime or its administrators of truth wanted to portray. Fortunately, this image depended in part on the target audience, so that periodicals published in foreign languages – including those of the public-sector conglomerates – could pay more attention to the less glorious aspects of political life or life in general.⁶³ However, in the periodicals that these same conglomerates published in Arabic, one often searched in vain for information on events such as the positions taken by opposition parties, charges brought under Law No. 93, or the reports of the Court of Cassation, which recommended that the

election of nearly half the deputies of the 1995 People's Assembly should be invalidated.

Of course, the periodicals published by the public sector or other state and regime agencies enjoyed a certain room for manoeuvre which in some ways clearly distinguished them one from another. To a certain extent, their identity was built around the weekly columns and commentaries by writers who had no administrative responsibility and no power within the paper concerned, but who could express original, unconventional or provocative points of view. In *Al-Ahram*, for example, the contributions by Lufti al-Khuli and Mohammad Sid Ahmad contrasted with the usual 'boycottist' nationalism which over the previous 50 years had dominated the coverage of relations with Israel. At the same time, the identity of various publications was built around the personality of the editor-in-chief, whose editorials reflected different attitudes to key issues of the 1990s such as the respect of values alleged to be religious. Until its shake-up, the weekly *Ruz al-Yusuf* specialised in exposing moral and corruption scandals that led to the downfall of a number of officials and public figures.

However, as with differences in opinion that did not question a certain basic consensus, the revelation of scandals and the more severe criticisms usually stopped short of implicating the highest representatives of the state and the regime. The fundamental direction of regime policies, Egypt's regional ambitions, its honour or that of its armed forces, the 'national interest', 'national unity', 'social peace' or the fight against Islamist opposition forces were never questioned in periodicals published by the public sector or other regime agencies. More important, the president was never attacked or criticized. One of the few exceptions was 'Adil Hammuda, deputy editor-in-chief of *Ruz al-Yusuf*, who did not hesitate to launch a campaign against Prime Minister Kamal al-Junzuri. However, in due course the appropriate pretexts were found to relieve Hammuda from his post and transfer him to one where his nuisance capacity was highly restricted.

Only the opposition press breached some of these limits. For example, *Al-Sha'b* defended the unarmed Islamist groups against accusations of terrorism, and the Sudanese government against charges of supporting Islamist terrorism in Egypt. And, as we have seen, it did not hesitate to accuse the minister of the interior and his sons of being involved in large-scale corruption. However, as much as these accusations could signify press freedom, legal action initiated against their authors highlighted the limits of this freedom. In February 1998, for example, the condemnation of Majdi Husayn in one of the cases pitting him against members of the Alfi family was confirmed on appeal. Husayn was considered guilty of having slandered 'Ala' al-Alfi, one of the sons of the unfortunate minister who was dismissed after the Luxor massacre in November 1997. However, the length of the prison sentence was reduced from the three years he received in 1996 to one year, which was the maximum following the abrogation of Law No. 93.⁶⁴ While it is possible that the defence was unable to convince the court, it is also possible that the honour of a former minister and his family were considered sufficiently important to tamper with the independence of the judiciary. The verdict in this relatively minor affair did not put an end to the remaining legal disputes between Husayn and the Alfis. Later on, however, an amicable settlement was found that

covered all quarrels between the two parties. Favouring Majdi Husayn, it was considered by some observers to confirm the final disgrace of the former minister. Others even claimed that the campaign against Alfi would not have been possible without the tacit accord of the president. As in 1999, when *Al-Sha'b* launched a campaign against the minister of agriculture, Yusuf Wali, there was, however, no proof of such connivance.⁶⁵

Nevertheless, even the opposition press avoided a direct challenge to the decisions, opinions and behaviour of the president and his family. It was not an opposition paper, but *Al-Sharq al-awsat*, a Saudi daily published in London, which in May 1997 seemed to insinuate that the president's two sons, 'Ala' and Jamal (Gamal) Mubarak, found fortune in ways that were morally and legally questionable. While not itself accusing them of any wrongdoing, the paper published an advertisement from another Arab periodical which accused the Mubarak sons of corruption and trading favours in several cases – including the acquisition of aircraft by the state-owned airline Egypt Air. The Mubarak sons considered the matter serious enough to take the Saudi journal to court. Several journalists and executives of the journal were duly convicted, some of them *in absentia*. Only during the appeal did the two parties agree to an out-of-court settlement.⁶⁶

On some occasions, the freedom of the press was affected by less official means. Shortly after the abrogation of Law No. 93, two well-known journalists writing for opposition papers were assaulted in down-town Cairo. At the beginning of July 1996, before losing his appeal, Majdi Husayn was attacked and beaten up in the street.⁶⁷ A little later, at the beginning of August, history repeated itself when Jamal (Gamal) Badawi, then still editor-in-chief of *Al-Wafd*, was also attacked and beaten.⁶⁸ In both cases the attackers managed to run away, and official inquiries led nowhere. Although impossible to prove, the timing of the attacks and the identity of the victims suggested in the eyes of many the involvement of individuals associated with the regime.

Controlling Religious Discourse, Act I: The Clampdown on Independent Mosques from 1996

Only six months after the abrogation of Law No. 93 of 1995, a bill was enacted to limit the freedom of expression in an area that was no less important than the press. Voted in December 1996 and promulgated in January 1997, Law No. 238 of 1996 sought to police the *imams* of the 'free' mosques – that is, the mosques that were not established, funded and maintained by the Ministry of Religious Affairs (Wizarat al-Awqaf) but by individuals or private voluntary associations.⁶⁹ The law reinforced the policy of control and censorship which had inspired administrative decrees taken by the ministry as early as 1993.⁷⁰ Unlike the 'official' mosques administered by the ministry, the tens of thousands of 'free' mosques, which were often just prayer rooms in a garage or a basement, had been largely able to escape state control. They could be operated by anyone who wanted to teach the Koran or preach on Fridays, including individuals not in possession of the diplomas required in official mosques. Under the new law, anybody wishing to preach or to teach in any mosque had to be in possession not only of certain formal qualifications, but also of the authorization (*tarkhis*) granted by the Ministry of

Religious Affairs. This was given only to individuals who were able to prove their religious knowledge, and could be withdrawn on the recommendation of inspectors who visited the mosques and the *imams*.⁷¹ According to its own statements, the ministry sought to bring under its control an additional 30,000 mosques within five years.⁷² While it is probably true that many of the *imams* in these mosques had neither any formal qualification nor much other acquired knowledge, the regime was primarily concerned with sympathy for opposition Islamist groups on the part of many of these self-styled '*ulamas* of the private sector.

Early Measures against Egyptian Periodicals Registered Abroad, 1997

At the end of October 1997, the minister of information decided to end the distribution of 41 Egyptian periodicals whose head offices were located outside Egypt.⁷³ Taking advantage of a law from the time of the monarchy which had never been repealed, many Egyptian periodicals had been registered abroad in order to bypass the extremely restrictive domestic legislation which enabled the regime to withhold authorization to publish. Hardly used until about 1990, when Egypt counted no more than a dozen periodicals registered abroad, in following years this legal loophole greatly contributed to the rise of a parallel press which increasingly moved out of the shadow of the locally published media. Foreign registration did not prevent a periodical from having offices in Egypt or from being printed there, in particular in the free zones. Because of its geographical proximity and liberal legislation, Cyprus became the chief location of this press, playing host to publications as diverse as the 'liberal' weekly *Al-Dustur*, which was distributed all over Egypt, and the small local paper, *Sawt Halwan*, whose readers lived mainly in the industrial town of Halwan, south of Cairo. Certainly, the decision by the minister also concerned a number of publications which, he claimed, were published at irregular intervals and thus did not qualify as periodicals, as well as others that were involved in unorthodox financial practices. The decision did not yet include *Al-Dustur*, which was affected only later by a similar decree in February 1998. It was, however, applied to *Sawt Halwan*, whose only fault was to be run by Mahmud Bakri, the brother of Mustafa Bakri, an opposition candidate for Halwan in the parliamentary elections of 1995 and editor of the opposition newspaper *Al-Ahwar*, put out by the Liberal Party.

Restrictions on the Creation of New Media, January 1998

New restrictions on the creation of new media companies and the broadcasting of satellite television programmes were introduced in January 1998. Once again, the regime took everyone by surprise when these were voted by the People's Assembly late one evening, just before the end of the day's sitting. More subtly than in 1995, when an entire law was stream-rolled through the People's Assembly under such conditions, the new provisions were not part of a bill focusing on the issue at stake; instead, they were introduced as a last-minute amendment to a bill changing company law, which was then enacted as Law No. 3 of 1998.

Long awaited, Law No. 3 facilitated the founding of new private sector companies. However, its provisions concerning the media stipulated that the creation of any company publishing a periodical or broadcasting satellite television programmes had

to be endorsed by the Council of Ministers, thus depriving the Higher Press Council of some of its powers.⁷⁴

One of the first victims of the new provisions was the weekly *Al-Dustur*. Even before the regime suspended the distribution of *al-Dustur* in February 1998, its owners had applied for authorization to register it as an Egyptian paper. When examining the Higher Press Council's refusal to grant this, the administrative tribunal could not overturn the decision because the paper had not obtained the newly required endorsement of the Council of Ministers.⁷⁵ The paper could not appear as a publication registered in Egypt after it had been banned as a publication registered abroad.

Further Measures against Periodicals Registered Abroad

The campaign against Egyptian papers registered abroad continued early in 1998. On 26 February, the regime moved against *Al-Dustur*, which quickly resulted in the paper's closure. The measure followed the publication of a document attributed to the Jama'at Islamiyya, containing death threats against three wealthy Coptic businessmen. However, there were doubts about the authenticity of this document, which may have been fabricated as part of a strategy of unfair competition.⁷⁶ While it is not known whether the document's publication was associated with the paper's interest in corruption scandals, it is likely that this interest was more of an issue for the regime than its expressed concern about 'national unity and social peace'.

Not long afterwards, the regime decided to prevent printers in the free zones from printing periodicals registered abroad. Allegedly 'technical' in nature, the decision was taken by the investment agency – the governmental agency responsible for the free zones. Among the 60 or so periodicals concerned were not only more political ones such as the *Cairo Times*, but also bodybuilding and gardening magazines. The decision was reversed at the end of May by an obscure decree issued by the prime minister, which was formulated in such a way as to ensure that the legal situation remained in doubt for a few more weeks. However, another decree was soon issued allowing the government to stop the distribution of periodicals registered abroad, and was even endorsed by the State Council.⁷⁷

Simultaneous Pressures on the Press Registered in Egypt

The measures against the press registered abroad were but one aspect of a more general policy directed at the press at large. When 'Adil Hammuda, the maverick deputy editor-in-chief of *Ruz al-Yusuf*, reprinted the document that led to the closure of *Al-Dustur*, he was transferred to *Al-Ahram*, where he became a simple columnist. His transfer was followed by other changes at *Ruz al-Yusuf*, which were intended to bring the magazine back into line, and indeed succeeded.⁷⁸

On 7 March, a few days after the disappearance of *Al-Dustur*, President Mubarak, at the first meeting of the recently reshuffled Higher Press Council, chastised journalists for going too far, in his opinion, and confusing freedom of expression with lack of responsibility. Even the minister of information, Safwat Sharif, was publicly rebuked when the president abandoned his prepared speech and accused him of neglecting his supervisory role. Mubarak's intervention was immediately followed by a

series of decisions by the council. It cancelled the authorization to publish of several periodicals which had failed to appear within the period fixed by the law. It also set up a committee whose brief was to examine thoroughly the professional code of ethics of the journalists – the famous ‘charter of honour’ – which had been drafted by their syndicate. Together with Jamal Badawi of the paper *Al-Wafd*, who oscillated between opposition and support for the regime, the media owned by the regime now launched their campaign against the ‘yellow press’, which, like its namesake in the United States, was accused of living on scandal-mongering.⁷⁹

At the same time it was announced that prosecutors had decided to indict at least six journalists for various ‘crimes of publication’. Among them were journalists writing for the periodical *Misr al-Fatat*, published by the fascist-inspired party of the same name, who had some nasty things to say about the minister of finance. Also included was the editor-in-chief of *Al-Naba’*, who claimed that the wife of the minister of religious affairs was Jewish and that her husband was only the implementer of her sinister schemes. Finally, Muhammad ‘Abd al-‘Aal, president of the obscure Party of Social Justice and editor-in-chief of its mouthpiece, *Al-Watan al-‘arabi*, was accused of having ‘sold’ the periodical to a businessman who, through advertisements and other funding, allegedly used it to slander one of his competitors. The latter quickly responded in kind, publishing his story in the weekly *Al-Ushbu’*. In order to start legal proceedings, ‘Abd al-‘Aal was stripped of the parliamentary immunity he had enjoyed as a member of the Consultative Council.⁸⁰

A few weeks later, at the beginning of April, the president of the journalists’ syndicate stated that some 50 journalists were awaiting trial for publication crimes. At the same time, other members of the syndicate’s board indicated that the public prosecutor was investigating 166 journalists, who could be indicted any day. By then, two journalists were already serving prison sentences confirmed on appeal – the first prison sentences for slander and defamation handed down against journalists since 1952 that had been enforced. In mid-March, Majdi Husayn, editor-in-chief of *Al-Sha‘b*, and the cartoonist Muhammad Hilal, who had been condemned in February for slandering ‘Ala’ al-Alfi, were united behind bars with Jamal Fahmy, one of the former key figures of *Al-Dustur*, who, some years earlier, had strongly attacked Tharwat Abaza, a journalist close to the regime. Two months later a fourth journalist, ‘Amr Nasif, of the weekly *Al-Ushbu’* was imprisoned, also for having slandered Tharwat Abaza.⁸¹ Even after the abrogation of Law No. 93, the penal code enabled judges to punish certain ‘crimes of publication’ with prison sentences, although these were no longer mandatory. Husayn and Hilal were released at the beginning of July after the Court of Cassation found important procedural irregularities in the prosecution’s investigation and during the trial itself – irregularities that could well confirm the political nature of the earlier condemnation.⁸²

Although numerous and sometimes impressive, the measures intended to restrict the freedom of the press did not necessarily restrict it in practice. The situation could well have been different had Law No. 93 remained in force. However, after its abrogation numerous journalists held that while they needed to respect certain invisible red lines, the freedom that these delineated was not necessarily shrinking. In periodicals

owned by the regime and its agencies, the internal censorship exercised by hierarchical superiors possibly became more lenient. The periodicals published by opposition parties became – depending on the issues concerned – less exposed to the various agencies which, like the ordinary public prosecutor, socialist prosecutor, disciplinary committee of the journalists' syndicate or Ministry of Information, exercised censorship powers *ex post*. In other words, it became easier to address issues, raise questions and propose answers which had been taboo some eight or ten years earlier. What was impossible to publish in the 1990s could often not have been published before then either, while much of what was impossible to publish before could be published in the 1990s.⁸³ In the domain of press freedom, a certain hiatus emerged between the restrictions on this freedom and the effects of these restrictions, a hiatus that I will return to below.

Keeping Professional Secrets: The 1998 Amendment to the Police Law

Also in March 1998, the regime decided to prevent members of the police from expressing their views in public. An amendment to the police law increased penalties for policemen and officers who failed to keep confidential information to which they had access in the course of their duties. Fines of £E5,000–£E10,000 were thenceforth accompanied by mandatory prison sentences.⁸⁴ These amendments followed on the heels of the publication, first in *Ruz al-Yusuf*, then in book form, of the *Diary of an Officer in the Countryside (Yawmiyyat dabit fi al-aryaf)*. Written by Hamdi Batran, a police officer, the diary described the failures and excesses of the fight against terrorism, and the harassment and maltreatment of ordinary people by ill-trained, incompetent or aggressive police.⁸⁵ In July 1998 Batran was charged under the amended police law.⁸⁶ There is no indication that the monarchy had ever initiated similar proceedings against Tawfiq al-Hakim, when he published his famous *Diary of a Prosecutor in the Countryside (Yawmiyyat na'ib fi al-aryaf)*.

More of the Same

Measures against the press remained a constant feature of political life in Egypt. In February 1999, for instance, four journalists were temporarily arrested while under investigation for publishing 'false information' and for slander. The arrests were decreed even though the new press law prevented journalists from being taken into provisional detention.⁸⁷ At the end of the same month the Higher Press Council withdrew from the periodical *Sawt al-Umma* its authorization to print, which had been granted some time previously. The paper had, in fact been bought by the 'trouble-makers' 'Isam Isma'il Fahmy and Ibrahim 'Isa, who used to run *Al-Dustur*, and 'Adil Hammuda, the former deputy editor-in-chief of *Ruz al-Yusuf*.⁸⁸ In August 1999 the press campaign by *Al-Sha'b* against Yusuf Wali, the minister of agriculture, and his alleged links with Israel ended in a Cairo court with heavy fines and prison sentences against four of its journalists, including Majdi Husayn.⁸⁹

Censorship Outside the Media

Richard Jacquemond, one of the two authors whose work inspires the following pages on censorship outside the media considers that in contemporary Egypt restrictions to

the freedom of expression decreased in proportion to the size of the public before whom this freedom was exercised. Identifying such a 'law of decreasing liberties'⁹⁰ does not preclude that the 1990s had their *causes célèbres* in regard to censorship. However, instances of censorship were not necessarily more frequent or flagrant than those in earlier periods.⁹¹ If certain themes of religion and morality were more easily subject to sanctions and taboos in the 1990s than in the past, it does not follow that the situation became generally more inhospitable to the freedom of expression. Rather than an increase in taboos, one is probably confronted with their displacement, which, depending on the moment in time, allowed certain subjects to be more or less readily addressed and certain opinions more or less freely expressed.

As with the press, a historical comparison is complicated not only by the difficulty of comparing the writings concerned but also by sheer lack of information. Reports produced by observers of the freedom of expression such as *Index on Censorship*, were almost necessarily incomplete and sometimes even superficial, and go back no further than the 1980s.⁹² At the same time, the censors more often than not operated in the wings, discreetly and avoiding controversy. Finally, censorship was generally even less visible when it concerned books, sound recordings or moving pictures. The disappearance of a periodical from news-stands was far more visible than that of a book, often with an extremely small print run, from the few bookshops where it was on sale.

The other author whose work inspired these pages, Yves Gonzalez-Quijano, has argued that the sensitivity of religious and moral issues which accounted for much of the change over time affecting censorship of books and audio-visual material began to grow at the end of the 1980s – especially around 1988.⁹³ In fact, these changes began to take shape earlier than the other repressive and restrictive policies discussed in the present volume; they also obeyed a different logic, in which the role and motivations of the regime were more difficult to determine.

The new restrictions that characterized this period were manifested first of all – if not only – in new practices which often consisted of a more repressive or exaggerated implementation of existing laws and regulations, and sometimes in the suspension or de facto suppression of the guarantees they offered. No new piece of legislation was added to those already in force, the most important of which were the law on publications (No. 20) of 1936 and the law on the state of emergency (No. 162) of 1958. These texts were complemented by several provisions of the penal code which protected the three revealed religions and 'morality' or penalized the propagation of 'extremist ideas'. They were further complemented by Law No. 103 of 1961, which invested the Academy of Islamic Research at Al-Azhar, officially known as the Office of Research, Translation and Publication (*Idarat al-Buhuth wa al-Tarjama wa al-Ta'lif wa al-Nashr*), with the right, even the duty, to 'follow' publications concerning 'Islam and its heritage'.⁹⁴ Formulated in rather vague terms, this task was interpreted in quite different ways over time. However, under the terms of the law it did not in any circumstances extend to the right to confiscate incriminated publications; the Academy could only recommend their seizure to the relevant state authorities.⁹⁵

From 1988, there were an increasing number of instances in which the Academy of Islamic Research, or certain judges, used existing legislation in order to prevent the

distribution of print, sound and visual materials that they considered immoral or contrary to the teachings of Islam. Transgressing the legal boundaries on its activities, the Academy took the liberty of confiscating such books and materials, for instance at the Cairo book fair in 1992. On that occasion it removed from stands at the fair and from bookshop shelves a dozen publications discussing religious issues, including several writings by the thinker and former senior judge Sa'īd 'Ashmawī. While the latter, thanks to his social status, prevailed by writing to President Mubarak, the other publications remained de facto banned, even though the move by the Academy was never formally endorsed by the relevant state authorities.⁹⁶

The role played by part of the judiciary in this erosion of freedom of expression may be illustrated by the judgment in the case of 'Ala' Hamid in 1992. Accused of having attacked Islam in a book published in 1988, the author and his publisher, Madbuli, were each sentenced to eight years in prison. However, the sentence, which was handed down by the Cairo Supreme State Security Court established under the state of emergency, needed to be endorsed by the president of the republic. It never was.⁹⁷ Thus everybody was a winner: the accusers won a victory in public and the accused, although convicted, escaped execution of the sentence. Obviously, what looked like a contribution by the judiciary to the erosion of the freedom of expression perhaps hid a more complex arrangement, in which the case was skilfully referred to a court whose judgments required regime endorsement.

Although the president, as supreme representative of the regime, opposed the worst excesses, the freedom to express certain points of view became more precarious at this time. More often than not the regime showed little zeal in containing that development – for example, by reining in the Academy of Islamic Research, which, like Al-Azhar in general, was ultimately dependent on the state. Instead, it allowed the situation to deteriorate and avoided any action or decision that might upset the moralisers and Islamisers. It was due to this attitude that the project to publish for the first time the controversial novel, *The Children of Gebelawi* (*Awlad Haratna*) by Najib (Naguib) Mahfuz, was abandoned. Later, the reprint of the works of Faraj Fuda, prepared after his assassination, was withdrawn from bookshops for the same reasons.⁹⁸

There is considerable evidence that the regime's attitude began to change, at least in part, around 1992, when the exacerbation of its conflict with the Islamists demonstrated the failure of its former policies towards them. Often described as a strategy of appeasement, this policy might also have reflected the Islamist attitudes of various constituencies or representatives of the regime itself. Be this as it may, from about 1992 the regime, without necessarily repealing restrictive decisions of the past, attempted to contain the trend towards further restrictions, if only to find allies in its fight against Islamist opponents who were becoming too dangerous.⁹⁹

Even then, however, the regime sometimes continued to sail close to the wind, as was demonstrated by the case of Nasr Hamid Abu Zayd. In 1993, this assistant professor at the University of Cairo was accused of apostasy in his writings on religion. Utilizing the notion of *hisba*, which enjoins believers to strive for good and combat evil, a team of lawyers asked a Cairo court to divorce Abu Zayd from his wife on the grounds that a Muslim woman cannot be married to a non-Muslim man – an apostate

being by definition non-Muslim. After the case was thrown out by the court of first instance, the team of lawyers prevailed in the Cairo Court of Appeal, whose ruling was confirmed in August 1996 by the Court of Cassation.¹⁰⁰ Only just before the latter's ruling, and probably to influence it, the regime passed a law denying individuals the right to start proceedings against others on the basis of *hisba*; henceforth, the public prosecutor, who was hierarchically subordinate to the regime, had to decide whether or not these cases should actually go to court. While trial judges at the Court of Cassation were unwilling to apply the new law retroactively, its judge of execution was more amenable to the logic of Abu Zayd's defenders. Although unable to reverse the judgment of his own court, he suspended its execution.

On other occasions, however, official decisions squarely continued to accommodate the moral majority. When in May 1998 Salah Muntasar, alerted by a few alumni of the American University in Cairo (AUC), used his column in *Al-Ahram* to violently attack a teacher at the AUC for using in his course Maxime Rodinson's book *Muhammed*, the minister of higher education, Mufid Shihab, intervened immediately – allegedly on the orders of the president – and banned the book from university curricula. Of little importance were the pro-Arab stances of the author or the official honours he had received in the past from the Egyptian state. Nor did the regime take into account that the teacher had asked his students to discuss, not to endorse, the author's views, or that the book had passed all censorship tests and had been legally imported for years. It listened even less to the protests of some of the students, who defended their teacher.¹⁰¹

The withdrawal of Rodinson's book from reading lists and the AUC library marked the beginning of more stringent censorship within the university. Up to April 1999 about 70 books had been withdrawn from the shelves, including *Islamic Political Thought*, by Montgomery Watt, *Political Islam*, edited by Joel Beinin and Joe Stork, and *Egypt under Mubarak*, edited by Charles Tripp and Roger Owen. The purge targeted everything that could challenge certain interpretations of Islam, dominant concepts of morality or the regime of President Mubarak. In most cases the books disappeared quietly, although there were a few other *causes célèbres* such as that of the novel *Al-Khubz al-hafi*, by the Moroccan author Muhammad Shukri, which erupted early in 1999. Considered by some students as immoral and even pornographic, the book, which was used in a course on contemporary Arabic literature, rapidly shared the fate of Rodinson's study. Again public accusations ensued, and again the minister of higher education, the same Shihab, intervened. In March 1999 he banned the use of the book in university courses.¹⁰²

Without seeking to exculpate the regime, it is of course essential to note that in the case of the books by Shukri and Rodinson the commotion started from 'below', from among students and their families. Only subsequently did it rise to the top, from where repressive measures were more or less quickly decreed. Similarly, it is worth noting that the presidency of AUC was only too ready to accept these measures and be even more popish than the pope. Some of the volumes it was ready to withdraw were in fact easily accessible in the libraries of Cairo University, of which Shihab had been president before he was appointed minister. In part, the misfortunes of AUC

reflected its unique role and situation. Highly regarded for its ‘modernity’, the alleged quality of its teaching and the doors that its degrees would hopefully open to its students locally and internationally, AUC was simultaneously considered as an island of the privileged, the wealthy and the debauched, whose values differed from those of the majority. Yet, to complicate matters further, the values defended by many of its students and their families reflected more and more the values of that majority – whether in religion, morality or nationalism. Finally, the respect of these values by the university was directly linked to its funding, which depended in part on student fees. As these values became more fashionable or widespread in society, including among its wealthier members, they needed to be accommodated in order to attract both students and fees.

The fate of the books by Rodinson and Shukri recalled at least two similar acts of censorship. In July 1996, the Academy of Islamic Research at Al-Azhar had confiscated copies of a book by ‘Abdallah Kamal, which proposed a psychoanalytic analysis of the lives of the prophets of Islam.¹⁰³ In January 1998, the Academy confiscated two books by the leftist *imam* Khalil ‘Abd al-Karim, which focused on the sociology of Yathrib (Medina) and on social life at the time of Muhammad and his companions. An attempt in May 2000 to censor a novel by the Syrian writer, Haydar Haydar, finally led to widespread protest by intellectuals.¹⁰⁴

Deplorable as they may have been, the measures of censorship against print, sound or visual materials did not reflect an overall restriction of freedom of expression. First of all, such materials were not systematically censored or disappearing. Second, there were many signs that the delegitimation of certain types of discourse was accompanied by the legitimation of others, which could then express themselves more easily. Without claiming that this was a zero-sum game, those respecting certain values defined as religious may have gained, while those defending other such values or defending secularism may have lost. Thus, the propagation of certain Islamist publications whose claims and ideas one is not compelled to share may have become easier in the periods characterized by the hunt for atheistic and immoral witches.¹⁰⁵

In any case, the muffled conflict, which in 1994 pitted the Ministry of Culture against the Academy of Islamic Research at Al-Azhar,¹⁰⁶ is a reminder that the defenders of Islam, whether Islamist or not, were not alone in defending censorship when it suited them. At the time, each institution claimed to be the supreme censor of sound and audiovisual materials,¹⁰⁷ the ministry by defending certain liberal values, and the Academy by defending a certain interpretation of Islam and a particular morality. While the Academy sought to censor works that it considered libertine or atheistic, the ‘liberals’ in the ministry hunted down tapes recorded by Islamist preachers. The successes of one or the other depended on numerous factors, including the fluctuating balance of power between them. Projected into history, the episode suggests that, on the whole, freedom of expression as such was not necessarily better guaranteed in the periods when the Islamists were less influential.

To the extent that freedom of expression was eroded in the 1990s, the causes may in part have to be sought in a war of censors in which some banned materials were tolerated or advocated by others. The participants in this war were all representatives

of various agencies of the state, but this did not mean that they pursued and implemented a coherent strategy developed by the state or by the regime that controlled it. The regime's decision to suppress points of view that were too controversial or irreconcilable is only one possible explanation for this war. Another, which stresses the relative autonomy of the various agencies, and does not exclude that they could be occupied or colonized by certain interest groups or ideological trends, is no less valid; it would, in any case, have the merit of taking into account the numerous Migdalian aspects of the Egyptian Leviathan.

The role of actors outside the regime was equally important in issues that did not pertain to religion. It appeared every time a decision needed to be reached on what could or could not be said about moral values or national myths, be they Egyptian or Arab. This was as clearly illustrated by the misfortunes of the film, *Marriage Egyptian Style*, as it was by the conference on minorities in the Arab world initially scheduled to take place in Cairo in May 1994. Relating the story of a woman abandoned by her husband, *Marriage Egyptian Style* showed things the way they were, not the way they should have been. When the film was shown at the documentary film festival at Isma'iliyya in April 1992, most critics were scandalized and called on the censors to uphold the honour of Egyptian women and of Egypt. In a curious reversal of roles, the censor defended the film.¹⁰⁸

The conference on minorities was the subject of a vehement press campaign initiated by the political writer Muhammad Hasanayn Haykal. The conference convenors, the sociologist Sa'd al-Din (Saad Eddin) Ibrahim, director of the Ibn Khaldun Center, and the Minority Rights Group in London, were finally forced to move the venue from Cairo to Cyprus. It was unacceptable to their opponents that the unity of the Arab world be questioned by recognizing minorities within it. It was even less acceptable, in their eyes, to question the national unity of Egypt by envisaging that the Copts could constitute a minority.

Certainly different from *Marriage Egyptian Style*, whose repercussions were after all limited, the regime seemed to intervene at a certain moment and to inform the convenors that it was far from insisting that the conference should be held in Egypt. However, the regime was not at the origin of the turn taken by the affair and was even less so as, prior to the press campaign, the participation of the foreign minister and of one of the advisers to President Mubarak had seemed to be granted.¹⁰⁹

Controlling Religious Discourse, Act II: Reducing the Opposition within Al-Azhar

In June 1998, the Shaykh al-Azhar, who was rector of the institution of the same name, put an end to the activities of an association of *'ulamas* which had criticized, often vehemently, his positions and policies. Since his appointment by President Mubarak in March 1998, relations between Muhammad Sayyid Tantawi and the Front of the 'Ulamas of al-Azhar (Jabhat 'Ulama al-Azhar) had been conflict-ridden. The Front had been established in 1946 in order to oppose attempts by Taha Husayn, then minister of education, to abolish the autonomy of Al-Azhar as an educational institution, and technically speaking was a private voluntary association under Law

No. 32 of 1964. It represented neither al-Azhar as an institution, nor the majority of the *‘ulamas* employed there. Over the years it had become a bastion of conservative, then Islamist, opinion within Al-Azhar. More recently, it had taken sides against Nasr Hamid Abu Zayd and later against the philosopher Hasan Hanafi, also accused of being an apostate. Likewise, the Front was among the most outspoken critics of the UN conference on population issues which had taken place in Cairo in 1994 and which it considered to be a threat to the Muslim community (*umma*) at large.¹¹⁰

It is not therefore surprising that the Front did not follow Tantawi when, while still mufti of the republic, he claimed that nothing in Islam prevented banks from charging interest on loans. It attacked Tantawi virulently when he received one of the grand rabbis of Israel in November 1997. It also attacked the reform of the curricula governing education in the schools dependent on Al-Azhar, which constituted a network of secondary schools parallel to that controlled by the Ministry of Education. Officially intended to align the curriculum of the Azhari schools with that of state schools, the reform, which sought to reduce schooling by one year, entailed radical cuts in religious education. It was both sought by the regime and supported by Tantawi, and was voted by the People’s Assembly and promulgated in June 1998. In fact – beyond the activities of the Front – the appointment of Tantawi as successor to the conservative Jad (Gad) al-Haqq ‘Ali Jad (Gad) al-Haqq, who had died some months earlier, appears to have been an attempt to rein in an institution that was not sufficiently in line with various policy choices of the regime.

At the beginning of May 1998, relations between Tantawi and the Front entered a new phase, largely due to the victory of candidates close to the Muslim Brothers in the elections to the Front’s board. Tension grew until, in June, Tantawi asked the Ministry of Social Affairs to examine the Front’s activities. The exercise resulted in the dissolution of the organization’s board and the appointment of a temporary board close to Tantawi. While these decisions weakened, at least temporarily, actors whom one could hardly describe as ‘liberal’, they were not themselves evidence of liberal attitudes. Although possibly legal under the law on associations, this was just another authoritarian intervention, which by restricting the freedom of association also restricted freedom of expression.¹¹¹

Freedom of Expression in a Wider Sense

New restrictions to freedom of expression appeared not only in regard to speech, writing, or sound and visual materials. They were also repeatedly applied to physical appearance, dress, and other manifestations of the self.

The most salient example was the ‘battle of the veil’, which became an important focus of attention in 1994 when the minister of education, Husayn Kamal Baha’ al-Din, issued a decree concerning the uniforms of pupils in state schools.¹¹² It deemed that the *niqab*, the veil that covers the face entirely with the exception of the eyes, could no longer be worn by pupils. Girls were still allowed to wear the *hijab*, the veil that covers the hair but not the face, provided their fathers or legal guardians (*wali al-amr*) gave written consent.¹¹³ Almost immediately, the parents of two girls barred from entering their school because they wore the *niqab* lodged a complaint that was upheld

by the administrative court of Alexandria. However, the minister appealed, and the judges submitted the case to the Supreme Constitutional Court, which ruled that the ministerial decree was constitutional.¹¹⁴

The decree marked only the beginning of this 'battle', which brought into the open long-standing divisions between advocates and opponents of the veil. On both sides, parents and the wider public were supported by teachers and headmasters of the schools concerned, some of them being accused of forcing girls under the veil, others of intimidating those who wore it.¹¹⁵ The battle of the veil was also part of a wider conflict over dress and physical appearance and, ultimately, over modes of life. In some, even vast, parts of the country explicit or 'moral' pressures forced women to wear the veil and men to grow beards. Conversely, on state television, speakers, except for guests not employed by the company, could not wear veils or grow beards. In some areas, police stopped and searched or even arrested young people with beards more readily than those without. If in this context the decree defended the freedom of some, it restricted that of others. It defended the freedom of fathers against the lobby of the veil, but restricted the freedom of those girls who preferred to veil themselves.

Another episode which captured the attention of all newspaper readers for several months was the discovery and arrest of the 'slaves of Satan' (*'abid al-shaytan*). At the beginning of 1997 the public prosecutor in Cairo, either alerted by the press or using it to publicize its own discovery, ordered the arrest of about 70 young people, mostly secondary school and university students, whom he accused of practising obscure and 'devilish' rites that were contrary to established moral and religious standards. During nightly meetings in abandoned buildings, such as the former palace of Baron Empain in Heliopolis, the neo-khmer features of which permitted all kinds of associations with unorthodox forces, the 'perverts' allegedly celebrated the Devil by drinking the blood of rats and engaging in sexual practices that were never described in precise terms, but always as deviant. Rapidly, the press discovered links between the slaves of Satan and Israelis. No less quickly, several state officials and the religious authorities condemned the individuals concerned, although the prosecution had not yet finished its investigation. Those arrested were even described as apostates, and the death penalty was duly discussed as a possible punishment. Nonetheless, the authorities began to move with greater caution, largely, it seems, because of the social status and influence of the parents, who were on the whole wealthy and well connected. Eventually the charges were dropped, as the prosecutor accepted that there was no tangible proof that would allow indictment and ultimate conviction of the devotees. In fact, the latter were no more than a gang of young people who dressed differently, listened to different types of music and for a few hours each night lived differently from the vast majority of Egyptians.¹¹⁶

The Scope and Limits of Deliberalization

The Semblants of Liberalization

Undeniably, some of the legislation introduced over the 1990s put an end to restrictions on liberties that had been introduced earlier. In particular, this was the case in the abrogation of the law on the protection of the internal front and social peace, the amendment to the law of shame that to all intents and purposes made it inapplicable, and the revision of the trade union law. However, as argued above, these changes remained largely meaningless either because they were compensated by new restrictions or because other existing restrictions could serve to replace them. Rather than indicators of liberalization they were semblants of it.

Contrary to some interpretations, the same is true for the more than partial modification of Law No. 32 of 1964¹ on private voluntary associations in June 1994, which did not relax any of the constraints under which these associations had to operate.² Certainly, under the revised Article 50 of the law, members of an association who were simultaneously members of popular councils or employees in state administrations to which it was answerable could no longer sit on the board of this association. However, the control of the state and the regime over these associations hardly depended on individuals who were civil servants in the morning and worked for associations in the afternoon. Far more important were the provisions forcing associations to copy the minutes of their board meetings and the names of all candidates for board elections to the Ministry of Social Affairs. These constraints were as unaffected by the amendments as was the right of the ministry to appoint up to 50 per cent of the members of association boards, as the ministry could easily appoint individuals who were not civil servants affected by the amendments.

While devoid of any liberalizing consequences, the revision to Article 50 could have brought a halt to the activities of many developmental associations dedicated to practical aspects of rural and social development, which were often created and run by civil servants and, to a certain extent, were appendages of the state.³ As to the amended text of Article 85, it simply replaced the chair of the General Federation of Private Associations and Foundations (*Al-Ittihad al-‘Amm li al-Jam‘iyyat wa al-Mu’assasat al-Khassa*), the minister of social affairs, with an appointee by the president. This again hardly amounted to any liberalization of associative life.

Two Cases Apart

I The New Law on Private Voluntary Associations in 1999

After a long period of public debate, including various representations by the forces of 'civil society' to the then minister of social affairs, Marwat (Mervat) al-Tallawi, and even face-to-face discussions between the two sides which seemed to indicate a certain openness on the part of the regime, a new law on private voluntary associations was enacted in late May 1999 and replaced Law No. 32 of 1964 (see above). However, Law No. 153 of 1999⁴ failed to take into account the concerns voiced by the representatives of numerous associations or to incorporate the demands they had formulated, partly in alternative drafts for new such legislation.⁵ In its final form, Law No. 153 did not necessarily further reduce the freedom of association but clearly failed to extend it to the degree that many Egyptians had hoped.

The new law prevented associations from pursuing activities that threatened 'national unity' (*al-wahda al-wataniyya*), were contrary to 'public order' (*al-nizam al-'amm*) or morality (*al-adab*), were 'political' (*siyasi*) in nature, belonged to the realm of political parties, trade unions or professional syndicates or were aimed primarily at economic benefit. While these restrictions were substantial, they were not too different from the old law. The major difference was that more precise exclusions such as threatening the 'welfare of the republic' (*salamat al-jumhuriyya*) or the 'form of its government' (*shakl hukumat al-jumhuriyya*) were replaced by the blanket ban of 'political activities'.⁶ In another respect, however, the new provisions were not more restrictive. The old provisions had enabled the regime, through simple administrative fiat of the minister of social affairs, to prevent the creation of any association it deemed undesirable by rejecting its application for official registration. Under the new law, an association was legalized unless the minister explicitly vetoed its creation within 60 days of the application. Moreover, under the new law the regime relinquished its powers to directly appoint members of the boards of associations, even though it could still request candidates to withdraw from board elections, provided the courts upheld its request. What remained intact was the requirement for associations to supply the ministry not only with the names of all candidates, but also with the minutes of general assemblies and board meetings.⁷ Similarly, the new law continued to prevent associations from receiving funds from abroad without the authorization of the minister of social affairs. This was now extended to Egyptians living abroad.⁸ Finally, the new law appeared to innovate by explicitly accepting the principle that all major decisions concerning the creation and survival of associations should be open to judicial review.⁹ However, in reality it only transferred to civil courts powers hitherto exercised, albeit quietly, by administrative courts. It was partly for this reason that the Supreme Constitutional Court (SCC) in June 2000 declared the law unconstitutional.¹⁰ The little that can be said about the implementation of this law in its brief life is that its restrictive provisions about foreign funds created cash-flow problems for a number of associations.¹¹

II Additional Safeguards for Women

Recent legislation on the rights and physical integrity of women may contribute to extending certain liberties. However, much will depend on the implementation of the

new provisions, including by the courts. If restrictive legislation in the Egyptian context by and large entailed actual restrictions, there is no certainty that more liberal legislation will extend liberties as readily.

One crucial area in which regime policies sought to defend women was that of female genital mutilation. Extremely widespread in Egypt, the practice of excision (*al-khitan*) was defended and advocated by numerous groups, but never openly by the regime. Its generalized continuation may of course indicate that some representatives of the regime or its constituency were not actually opposed to it. However, the opinion of the former Shaykh al-Azhar, Jad al-Haqq, as in so many other matters, did not necessarily reflect that of the regime. Official policies in this domain were certainly inadequate, undecided, even ambiguous, but all recent attempts to defend excision originated from 'society'. When a lower administrative court quashed the decree issued by the minister of health which stopped public hospitals from practising excision, the minister lodged an appeal and had his decree reinstated by the State Council.¹² How effective the decree was, and will be in practice, is another question. Similar measures in the past merely resulted in excision being practised in private medical facilities or even by individuals without any medical training.

The other significant area in which legislation sought to reinforce the position of women was that of relations between husbands and wives. Under a new law passed in January 2000, after an intense debate in the People's Assembly, Muslim women could more easily demand and obtain a divorce. While they could previously do so only in cases of the husband's gross misconduct, they could now demand a divorce on the grounds of mutual incompatibility. The new law made the divorce effective after a waiting period of no more than a few months, during which a judge would twice attempt to reconcile the couple. However, if divorced, the woman lost all material claims on her husband and even had to return presents received from him during the marriage. These material aspects will probably discourage a majority of woman who are economically dependent on their husbands. Moreover, the law failed to grant wives similar rights to those enjoyed by their husbands who, even under the new law, could simply sign a declaration of divorce in the presence of a public notary. Finally, the new law did not apply to Christians, whose personal status continued to be entirely governed by their respective church authorities.¹³

Obviously both measures concerning excision and divorce failed to establish equality between men and women, even on paper. Men continued to divorce more easily than women. Nor were they ever exposed to the equivalent of excision, as male circumcision can hardly be seen as equivalent. No less important, numerous other provisions remained in place granting greater rights and liberties to men than to women. For instance, the question of whether women may sit as judges has not yet been resolved; unlike adulterous husbands, adulterous wives may be sentenced to prison; and husbands may 'correct' their wives in various other situations.

Liberties Restricted and Liberties Lost

The largely chronological account of events and developments given so far illustrates that during the 1990s most liberties were subject to new restrictions and that all

liberties remained subject to important restrictions which had been introduced prior to 1990. Nonetheless, however numerous and substantial they may have been, the new restrictions neither affected all liberties, nor the liberties of all. Finally, in some domains existing restrictions were abandoned. The section that follows will attempt to account for these changes systematically, in order to show more clearly the extent to which restrictions translated into an actual reduction of liberties, or whether the restrictions were diluted, relativized or even compensated for by other developments.

In the domain of positive liberties, which I defined in terms of representation rather than participation, the restrictions introduced during the 1990s led beyond any doubt to the reduction of these freedoms. As a matter of course, this does not mean that the deliberalization in this domain was caused exclusively by the restrictions in question. For instance, the resources which in parliamentary elections were at the disposal of individual candidates could affect positive liberties without the regime deciding to restrict de facto eligibility to wealthy candidates.

At the level of the central institutions of the state, positive liberties were limited more and more by the advantages which, in the elections to the People's Assembly, were granted for different reasons to candidates who were members of the NDP. In order to be declared elected, it was far better to belong to the circles of the regime, even though, similar to Dante's *Inferno*, it could suffice to loiter in one of its outer ambits. The manipulation and management of the elections increasingly benefited candidates of the right political complexion, and increasingly disadvantaged others and their voters. This all the more as most existing restrictions – such as, for instance, the screening of candidates by the 'security' services – were maintained.

The effects of such election management were at best only modestly relativized by the abolition of some older restrictions. The abolition of party lists and thus of party control over the selection of candidates certainly enabled 'independent' candidates to stand for election, and this for any seat that was to be filled by election. Technically, it reduced even official party candidates to independent candidates endorsed by their respective party. However, in the end the candidates who were declared elected were almost without exception members of the NDP. The legal extension of eligibility was more than neutralized by the extra-legal management of the elections, which indeed was a perverse consequence of the former. The main difference compared to previous arrangements was that henceforth elected assemblies were more easily open to NDP members who had not been selected as official party candidates. At the same time, the abrogation of the law on the internal front and the amendment of the law of shame did not result, either at state or sub-state level, in the extension of the liberties they had curtailed. Partly, these laws had fallen into oblivion during the 1980s, partly they had always been redundant, and partly they were replaced by new restrictions introduced either before or after their abrogation.

It is true that in the Consultative Assembly and the popular councils changes introduced in the 1990s were not exactly the same in their effect on the possibilities of being represented. However, the difference was entirely due to the fact that the previous mode of election had been that of the 'complete list', which prevented the election of any candidate who was not on the victorious list. In these assemblies and councils, the

absence of a further erosion of the opportunities to be represented was thus due only to the fact that there was no more scope for additional erosion.

In the professional syndicates, Law No. 100 of 1993 linked the validity of elections to a relatively high turnout, which, in the larger syndicates, was more difficult to achieve. This tended to make it easier to deprive these syndicates of elected representatives and to place them temporarily under external administrators. Certainly, Law No. 100 prevented syndicates from being dominated by vociferous or well-organized minorities as had been the case, for instance, in the syndicate of the lawyers. However, the regime gained far more than the majority of syndicate members. If the latter had wanted, they could have changed the composition of their boards. The regime, on the other hand, granted itself the means not only to bring into line the professional syndicates, but also to seal off one of the most important remaining channels of pluralism in Egypt and to strengthen its own authoritarian rule.

The redrawing of the boundaries of participation in trade union elections under the terms of Law No. 12 of 1995, in particular the provisions that rendered workers on fixed-term contracts ineligible while facilitating the re-election of former union leaders, constituted another significant restriction of positive liberties. Other restrictions at union level included, in the 1996 elections, the need for candidates to have their applications signed by the president of their respective branch union, as well as interferences of a more practical nature in the run-up to the ballot and during the voting itself. Once again, the abrogation of old restrictions hardly compensated for the introduction of new ones. The need to obtain the signature of the president of the branch union turned out to be more onerous than the old procedure, still in place in 1991, which enabled the socialist prosecutor to reject candidates. Although actual interference during the ballot itself was not much more frequent or serious in 1996 than in 1991, the new forms of control – mostly in the run-up to the ballot – translated into an erosion of positive liberties at union level. In a period of diffuse as well as specific fears on the part of the workers, at a time which was also one of real material loss for many union members, the relative stability of results from one election to another confirmed that positive liberties were increasingly restricted. This trend was reinforced by the decree issued by the Federation raising the minimum number of founding members for new union committees in private sector enterprises from 50 to 250. In fact, workers were confronted not merely with the erosion of their union rights, but with outright denial of such rights. Further, the abrogation of the clause in the trade union law which had prevented the creation of new unions outside the Federation had no practical relevance, as there was still no legal basis and framework for the creation of such new unions.

Finally, the changes affecting the selection of deans of university faculties and of *‘umdas* in the countryside, which put an end to any participation of the professors or villagers in the processes concerned, and the manipulation of student elections, all amounted to a reduction of positive liberties.

In the domain of negative liberties, the freedom of assembly in the strict sense escaped additional restrictions, but simply because the state of emergency had already abolished this freedom long ago. It was only in moments of serious political crisis that

the regime, albeit selectively, allowed public gatherings and demonstrations which were generally limited in size and confined to certain places.

The freedom of association also remained rigorously restricted. The 1994 amendments to Law No. 32 of 1964 did not in any way improve the possibilities of establishing new associations or the prospects for existing ones to act more freely. In particular, the amendments did not reduce the vast powers of the state, and through it of the regime, to appoint its own representatives to the boards of the associations, to have access to the minutes of their meetings and to check their accounts. Similarly, the amendments did not affect the state's powers of authorization and dissolution vis-à-vis the associations. Law No. 153 of 1999 introduced some changes which, if translated into practice, could possibly have extended the freedom of association to a degree. However, it maintained large state powers of control and interference which would have allowed the regime to continue to restrict the freedom of association. It remains to be seen how the regime will react to the abrogation of the law by the SCC. In the meantime, the application of the provisions of Law No. 3 of 1998 preventing companies from pursuing activities similar to those exercised by associations could even further reduce the freedom of association.

In practice, some associations like the Egyptian Organization for Human Rights (EOHR), which from the regime's point of view were of a disturbing kind, continued to function in the 1990s without official authorization. Thanks to the weight of its uninterrupted existence for more than a decade and its reputation abroad, the EOHR could hardly be closed down or seriously damaged. Similar to other organizations which, like the Ibn Khaldun Center or the Center for Human Rights Legal Aid, were constituted as companies, these associations even managed to assert themselves during the 1990s. In a sense, the restriction of liberties that occurred in this period contributed to their sense of mission, their mobilization and their popularity, at least in some circles. Naturally the response of the regime was by and large repressive, although measured, as the campaigns of harassment and denigration illustrated. However, the de facto closure of the Ibn Khaldun Center in July 2000 and arrest of its director, Sa'd al-Din Ibrahim, and many of its staff on spurious charges may constitute a turning point.¹⁴ Without friends in the so-called 'West' whose support the regime continued to seek, the Front of the 'Ulamas of Al-Azhar was put under the control of temporary administrators as early as 1998, because its elected leaders were too outspoken against the regime and its religious administrators.

To the extent that associations, unions and syndicates were subject to restrictions in the domain of positive liberties, the restrictions also affected the negative liberties that these associations aimed to exercise or defend. The new provisions that governed elections in trade unions and professional syndicates, as well as related practices, produced or prevented certain majorities on the boards of these organizations. In practice, members of these organizations thus experienced restrictions to liberties resulting from the exercise of union rights or linked to income.

These rather indirect restrictions of the freedom to defend interests collectively were not offset by amendments to other pieces of legislation or by changes in regime practices. In the trade unions the position of union councils at company level was slightly strengthened vis-à-vis the councils at branch and Federation level, but only in

matters of secondary importance. Decisions on collective bargaining and agreements remained the prerogative of the union leaders.

The representative bodies of employers certainly escaped additional restrictions of positive liberties. However, even from the regime's point of view there was hardly any need for such legislation. Chambers of Commerce and the Federation of Egyptian Industries (FEI) already had an impressive array of state representatives on their boards who, together with the representatives of the public sector, easily formed a majority. The associations of businessmen and -women established more recently were governed by the successive laws on private voluntary associations and were thus also subject to state intervention and control. The lack of independence of the FEI appeared clearly in September 1997 when its chairman, Muhammad Farid Khamis, was replaced only a few months after trying to push the regime into new measures of economic liberalization.¹⁵

Concerning the freedom of expression, the most visible and important restrictions were those applied to the media. The amendments of 1992 to the penal code created the new offence of defending, in speech or in writing, acts and activities that threatened the constitutional or legal order, social peace or national unity. Persons accused of this crime were tried by the Supreme State Security Courts and incurred heavy penalties. For more than a year, the new amendments to the penal code introduced by Law No. 93 of 1995 threatened journalists and editors, and indeed everybody, with much harsher punishment than previously if they committed 'crimes of publication'. Neither the amendments of 1992 nor those of 1995 remained *lettre morte*. Those of 1995 were abrogated only after unprecedented protests by journalists and their supporters. Periodicals registered abroad were targeted by two successive waves of bans in 1997 and in 1998. The amendment to company law in 1998 made the creation of any new media company subject to authorization by the Council of Ministers.

These new measures came on top of numerous restrictive texts and practices already in force and which continued to affect the freedom of expression. The Higher Press Council remained as reluctant as ever to authorize new periodicals. Even before the enactment of Law No. 93, and after its abrogation, the regime and its representatives and clients did not hesitate to initiate lawsuits against journalists, to manipulate these proceedings or to censure journalists through administrative means. At the same time, the new press law of 1996 contained no new firm guarantee for the freedom of the press. The right granted to journalists to inform themselves remained abstract, and like the removal of the threat of remand, benefited only officially recognized journalists.

Nonetheless, Law No. 93 was abrogated, and later so were some of the measures taken against the periodicals registered abroad. The abrogation of the law on the internal front and the amendment of the law of shame meant that the socialist prosecutor was no longer empowered to cite political reasons to prevent individuals from working as journalists or from occupying positions of responsibility in the media. Putting the authorization of new media into the hands of the Council of Ministers did not necessarily reinforce existing powers exercised by the Higher Press Council. More generally, the limits of what could be said became more generous in practice, as numerous journalists claimed, even in the official press and, to a lesser degree, on radio

and television. Finally, attempts to censor books, films, recordings, plays and other performances were frequent, but even if there were a number of *causes célèbres* it is not certain that these were more frequent than in the past or more successful. Thus the introduction of new restrictions and the survival of older ones did not *ipso facto* reduce the freedom of the press. At the same time, however, two other pieces of legislation restricted the freedom of expression of the *imams* of ‘independent’ mosques, and members of the police force, far more than before. Under Law No. 238 of 1996, the preachers and teachers in ‘independent’ mosques and prayer rooms needed the sanction of the Ministry of Religious Affairs. Under Law No. 20 of 1998, an amendment to the police law, members of the force incurred far stiffer penalties than before if they divulged information to which they had access in their professional capacity.

Apart from positive liberties, it was without doubt personal freedom that was most affected by the new restrictions of the 1990s. First of all, personal freedom was further restricted by legal changes in and after 1992. The amendments to the penal code introduced in that year provided for prison sentences where none had existed and, in other cases, for heavier prison sentences than before. At the same time, the extension of the jurisdiction of the Supreme State Security Courts to cases previously heard by other courts deprived increasing numbers of people of the guarantees associated with the concept of ‘fair trial’. Personal freedom was further restricted by the more repressive interpretation of existing legislation and by the extra-legal activities of the security forces. This was shown as much by the numerous trials of civilians in military courts after 1992 as it was by the increased recourse to administrative detention under the state of emergency.

Two general trends emerge from this overview. First, most liberties were subject to additional restrictions. The two that escaped this trend were the freedom of assembly and the freedom of association; the former, however, only because it was already highly regimented, and the latter because it is too early as yet to assess the effects of developments. Some gender-biased infringements on liberties of women were the only existing restrictions that official policy more clearly sought to relax or alleviate. Second, in the areas targeted by the new restrictions the latter mostly entailed a reduction of the liberties concerned. The exception is the freedom of the press, where various new restrictions were either compensated for or overtaken by other developments and measures. However, in the domain of positive liberties and in that of personal freedom, new restrictions clearly translated into a significant net loss of liberties.

The Judiciary between Independence and Marginalization

As one may see from the increasing number of cases tried by Supreme State Security Courts and military tribunals, the erosion of liberties coincided in part with the marginalizing of ordinary courts. The latter were sidelined because of the continuous application of the state of emergency, the amendments to the law on State Security Courts and the recourse to military courts to try civilians. In other cases, ordinary courts could pass judgment but their rulings were not implemented by the executive. Nothing revealed this state of affairs better than the systematic refusal of the People’s Assembly, repeated after every election, to seriously consider recommendations by the

Court of Cassation and to rerun elections in those constituencies where the court found evidence of serious fraud. In many other cases as well, ordinary courts were unable to protect liberties, be they positive or negative.

Numerous judges and ordinary courts continued as in the past to assert their independence. As far as formal arrangements were concerned, relevant legal provisions and institutions such the Higher Council of the Judiciary remained in place and continued to guarantee a good deal of independence to ordinary courts and their judges, provided, of course, they used and defended it. While courts could rule in favour of the government, the regime or their associates, they could also rule against them if the law was not on their side.

This independence appeared more precarious, though, where the personal probity of representatives of the regime was in question, as, for instance, when Hasan al-Alfi and his sons sued journalists who accused them of corruption. Mostly, the threats to the independence of the courts lay not in any sort of institutional dependency, which in a strict sense did not exist, but in the ever more frequent attempts by the executive to pervert the course of justice. The minister of justice resorted more and more to his discretionary powers in order to increase or reduce the various supplements that amounted to an important part of the overall treatment of the judges. Thus 'good' judges were rewarded, while less docile ones were penalized. It was widely held among judges that this practice had been generalized and developed to a new degree of perfection under Faruq Mahmud Sayf al-Nasr, who once presided over the SCC. Moreover, as courts with the exception of the SCC did not have proper budgets, even the marginal improvement of the working conditions – for instance, through an additional typewriter or secretary – needed ministerial approval. Such favours attracted favours in return.¹⁶

Nevertheless, the independence of the judiciary did exist. It is illustrated, for example, in the rulings of the administrative courts and in the recommendations of the Court of Cassation, which after every election invalidated or recommended the invalidation of the results in many constituencies. It also appears in numerous other judgments including that of the Court of Cassation holding the government responsible for any act of torture or maltreatment inflicted by its agents.¹⁷ Equally noteworthy were the decisions of the Court of Appeal and the Court of Cassation in the case of Nasr Hamid Abu Zayd, even though they were not altogether to the liking of those who normally defend the independence of the judiciary.

For good or bad, these examples not only illustrate the independence of ordinary courts vis-à-vis the regime, but the independence of the regime vis-à-vis these courts. During the parliamentary elections, the minister of the interior quite simply ignored the rulings of the administrative courts that threatened the victories of NDP candidates. Similarly, when Supreme State Security Courts established under the state of emergency decided to release administrative detainees, the regime, which under the law was unable to appeal against these decisions, quite simply rearrested these persons at the prison gate or, more recently, filled in the necessary forms to maintain the fiction of release and rearrest. Over the years thousands of people were illegally detained in this way.¹⁸ Only the decisions of the SCC escaped this policy of selective execution or non-execution of court rulings, at least until 1998.

However, at the end of 1997 an NDP deputy in the People's Assembly, known more for his investments in tourism than for his competence in constitutional law, introduced a bill that sought to restrict the powers of the SCC. Hamid al-Shinnawi, member for Port-Sa'id, proposed that the rulings of the court should be deprived of any immediate effect on the laws declared unconstitutional. The laws concerned should remain in force until amended or replaced by the People's Assembly which would even have power to ignore the court's rulings and to maintain the laws as they were.¹⁹

When the bill was referred to the relevant committees, it was greeted by the wrath of opposition deputies and the indignation of almost all experts in constitutional law. Embarrassed, the committees of both houses rejected the bill. Although not convinced of a conspiracy, the country's constitutional lawyers wondered whose straw man Shinnawi could have been.

While its jurisprudence repeatedly validated measures of economic reform and liberalization taken by the regime, the court also reminded the latter and its parliamentary majority of the guarantees in the constitution for political freedom and human rights.²⁰ The regime hardly welcomed the invalidation of provisions governing elections to the People's Assembly, or the court's decision to examine whether the trial of civilians by military courts was constitutional.²¹ Out of the 105 legal provisions that it effectively examined between 1992 and 1997, the court invalidated 90 and validated only 15.²² Seen from this perspective, it would not be surprising if Shinnawi had indeed been a straw man.

Slightly more ambiguous were the amendments to the law on the SCC, which President Mubarak decreed in July 1998 under the powers conferred on him by the constitution for periods when parliament was not in session. Endorsed by the People's Assembly after its recess in autumn 1998, the amendments deprived the court's rulings of the automatically retroactive effects which had characterized them so far. Egyptian legislation thus departed from the accepted standards of constitutional law according to which laws declared unconstitutional were so from the moment of their enactment. Henceforth, the court had to specify the date on which each of its rulings was to come into force. Generally, this date could still coincide with the publication of the law in the official gazette, with the notable exception of rulings concerning tax laws which could no longer be applied retroactively.²³

These amendments, which sought to contain the potential financial consequences of some expected court rulings, did not affect the court's independence in the narrow sense, only the consequences of its rulings. In practical terms, one may wonder whether one of the unintended consequences of the amendments was to reinforce the court's liberty of action. Independent according to the constitution, but operating in an authoritarian political system, the SCC has often been forced to take into account the constraints imposed by that system, a fact that the judges themselves readily admitted. Under these circumstances, judgments concerned with liberties have always been sensitive matters. By limiting their effects to the future, such judgments could be less damaging to the regime's legitimacy, more acceptable to it and thus easier for the court to issue. From that perspective, the decision on the constitutionality of referring

civilians to military courts, which has been pending for years, may now be reached more easily. If not applied retroactively, a decision stating that these trials were unconstitutional would not destroy any of the basis on which the regime fought its Islamist opponents; but would nonetheless prevent civilians from being tried by military courts in future.

While the effects of the amendments may be ambiguous, it is obvious that the procedure chosen by Mubarak to enact them was hardly compatible with principles of democratic government and was possibly itself unconstitutional. Limited by the constitution to urgent matters,²⁴ the right to legislate by decree and to have these decrees ratified by the People's Assembly *ex post* was clearly abused in this case. Nothing would have prevented the president from introducing this bill before the Assembly adjourned for its summer recess.

The Beneficiaries of Restrictions

Restricting the liberties of some, even if legally this appeared to apply to all, did not necessarily restrict the liberties of others and sometimes even extended them. While this was not necessarily a zero-sum game, the restrictions to liberties introduced in the 1990s also had their beneficiaries. These were primarily the authors of the restrictions who, by restricting others, sometimes extended their own liberties or those of third parties, particularly their own friends, cronies and constituencies.

For example, the replacement in the selection of deans of faculties and *'umdas* of participatory procedures by simple appointment of the incumbents not only deprived the professors and the villagers of certain liberties, it also transferred these liberties to the relevant ministers or, rather, to those who in turn had power to appoint and dismiss these ministers.

As with the restriction of liberties, so their extension could occur by way of texts whose application was guaranteed, at least in regard to certain types of actors, by way of concrete actions that had no basis in the texts or even contradicted them, or by way of a series of such actions whose repetition was ensured and which corresponded to what are commonly called practices. For example, the liberty to choose the deans and the *'umdas* fell into the hands of the regime by way of texts that were certain to be implemented and which therefore created new selection practices. Similarly, the consent of the Council of Ministers, which after 1998 was indispensable for the creation of any new media company, could be given more easily to the friends than to the opponents of the regime. The law concerned did not prevent the discretionary favouritism of officials operating in a political system where the rules were set by those who applied them and where the legislature was no more than an extension of the executive. On the other hand, the liberty to have its own cronies elected to the various 'elected' assemblies in the country was not given to the regime under any of the texts in force. It was exercised purely through actions or practices, even though these may have been facilitated by texts which favoured without actually legalizing them.

Looked at systematically, the restrictions to liberties described in previous chapters tended to benefit, or at least to spare, three types of actors: the restricters themselves, namely the regime, the latter's agents and its allies. Among the most favoured and

spared allies were some owners of capital, who were the most direct beneficiaries of economic reforms and of economic liberalization.

Through the restrictions that it imposed on positive liberties the regime at least avoided losing some of its own liberties; in the case of the deans and *'umdas* it even acquired new liberties. By rigging the elections to the People's Assembly, the restrictions that it applied enabled it to maintain safe majorities of two-thirds or more of the seats. In the trade unions, the restrictions enabled the regime to preserve overwhelming majorities, which, because of the material losses experienced by many workers, would otherwise have been in danger of crumbling. In the professional syndicates, restrictions such as Law No. 100 of 1993 certainly did not on their own enable the regime's allies to win the next elections; however, they prevented the victory of its most feared adversaries, disempowered the syndicates and led to the de facto closure of some of the most effective platforms for alternative political projects.

In the domain of negative liberties, the absence of major changes affecting the freedom of assembly or the freedom of association outside unions and syndicates limited the gains to the regime. As for the freedom of expression in the press and in the mosques, the restrictions did not necessarily enable the regime to completely replace unwelcome discourses with its own discourse, but at least limited the influence of the former. As with positive liberties, the restrictions on negative liberties often did not bring a corresponding extension of the regime's liberties; they contributed only to maintaining the status quo under different conditions or to preventing its erosion.

Sometimes, the restrictions seemed to benefit the regime's agents and allies rather than the regime itself. For example, the restriction of positive liberties enabled members of the NDP to be elected more easily to the People's Assembly. The majority of more than 94 per cent of seats obtained by members of the NDP in the 1995 elections benefited the regime only because the change in the mode of election made majorities less secure and no longer allowed a nominal majority of two-thirds to be considered as an effective majority of that size. Conversely, the NDP member who became a deputy benefited very directly from elevation to this status. He was not, of course, able to influence big politics, but he could more easily develop his own network of patronage and get access to resources distributed by the regime. More worrying for him than his distancing from big politics was the dependent nature of his new liberties, which were only granted liberties, discretionary and revocable.

Concerning more particularly the owners of capital, they gained through measures such as the de facto ban on the creation of new shop floor committees in most private sector enterprises. Some also gained from the privileged role they were supposed to play in the new economic policies and their privileged access to the regime. Finally, they gained from developments such as the growing importance of money in parliamentary elections and other ballots, which was simply the corollary of the unfolding economic transformations.

Because of their allotted role, some owners of capital were increasingly able to represent their own interests. The most fortunate among them sat with regime representatives in joint committees or associations of various kinds, some newly created,

some longstanding, but now more listened to even though they legally had no influence over public policies. The FEI emancipated itself in this sense in 1993, when Farid Khamis became the first private sector representative for years to take its chair. The Egyptian-American Presidential Council was the most prominent of these structures. Established in 1995 within the framework of the Egyptian–American partnership for growth, it was composed of representatives from the private sectors of the two countries. Set up to advise the Egyptian president and the American vice-president on the development of bilateral relations, it met during official visits paid by the one or the other to the partner country. The council had overall responsibility for four specialized committees whose brief was to produce proposals on economic policy, new investment opportunities, marketing and human resources.

Other organizations reserved for business people such as the investors' associations in the new towns or the American Chamber of Commerce in Egypt were frequently consulted by the regime or set up for this purpose, especially during the 1990s. Finally, the personal relations that business leaders enjoyed with members and officials of the regime contributed probably even more to the successful representation of their interests. If the growing importance of these organizations and relationships was closely linked to a type of economic reform which contributed to the restriction of other liberties such as trade union rights, it was however not a simple corollary of these restrictions.

Last, but not least, owners of capital played an increasing role in the NDP. After more and more businessmen stood for the NDP in parliamentary elections, some major entrepreneurs entered the party leadership in 2000. They included Ibrahim Kamel, Ahmad 'Izz and Jamal (Gamal) Mubarak, one of the president's sons, who had been rumoured to be trying to create a new pro-business party.²⁵

In the domain of negative liberties, the owners of capital were able to influence public opinion precisely because they owned capital. This had been possible for some time, given that the registration of periodicals abroad was governed by a law from the days of the monarchy. However, it was much easier in an era of economic liberalization to find the resources to take advantage of this law. More indirectly, they could also try to – and did – influence the editorial line of periodicals through advertising or other subsidies.

Nevertheless, the new liberties enjoyed by owners of capital, like those enjoyed by deputies, were often under surveillance, liberties bestowed on rather than taken by them, and sometimes subject to restrictions. As we saw earlier, the regime did not hesitate to act against privately owned media. Similarly, President Mubarak, in a meeting with a group of prominent businessmen in 1998, did not hesitate to criticize their lack of civic duty and social responsibility, indicating that social mobility could work 'both ways'.²⁶ A year earlier he had shown his unhappiness with some businessmen who accompanied him during his visit to the United States in March 1997. Those who spoke of future privatizations in Egypt as if they had a say in those matters were soon unpleasantly surprised. As early as May, Shafiq Jabr (Gabr) was replaced by Ahmad Shawqi as chair of the American Chamber of Commerce. The committee of nominations had simply proposed the latter as the only candidate.²⁷ Others lost their

seats in the periodic reshuffle of the Presidential Council which took place in August, when its new spokesperson became Jamal (Gamal) Mubarak.²⁸ Although close to Mubarak, at least until then, Farid Khamis was replaced at the head of the FEI, allegedly for not respecting certain rules concerning loans from public sector banks. He was replaced by ‘Abd al-Min‘im Sa‘udi, another private-sector representative, but the regime had nonetheless clearly shown its displeasure and that its own votes on the board of the Federation counted.²⁹ In short, the wheel of fortune could turn quickly and the representation of interest often remained simply that, dependent on the willingness of the regime to listen.

Certainly, relations between the regime and the owners of capital was not always a one-way street. The biggest fish, like Ahmad ‘Izz or the Mansur, Nusayr, Sawiris, ‘Uthman (Osman) and Shata families, hardly lacked leverage. Their influence was particularly strong when they provided vital services to the regime, as did the Sawiris, whose companies played a key role in the construction of military installations and in imports for the armed forces.³⁰ However, the examples given above show that it would be unwise to conclude too rapidly that the regime completely merged with the class of capital owners as such.

Despite all the advantages that they won over the years, it would be superficial to consider some recent legislation as inspired primarily by the interests of the owners of capital at large. The law on guarantees for investment passed in 1997, for example, far from satisfied even important industries such as tourism. In the film industry, fiscal exemptions were granted only to very large companies, of which there were two, one controlled by the state, and the other, called ‘Renaissance’, controlled by the Sawaris family.³¹

Ultimately, only a limited number of owners of capital saw their liberties extended and their positions reinforced, sometimes to the point of being able to deal with the regime on an equal footing or even to impose conditions. In the debate on the regime’s identity and composition, it is difficult to see how the regime could do without them and not co-opt them in one way or another. Nevertheless, the sources of political and economic power were not necessarily the same, and under changing circumstances their alliance could be put to the test.

The Logics of Deliberalization

To the limited extent to which the erosion of liberties characterizing Egyptian politics in the 1990s has been analysed, it has been explained as a consequence of *the* ever more violent conflict between the regime and Islamist groups who opposed it. However, the recognition that liberties in general were increasingly subject to restrictions and that repression was growing did not uproot the rhetoric of transition to democracy so adroitly cultivated by the rulers of Egypt and other authoritarian regimes. Nearly everyone considered the erosion of liberties to be a temporary phenomenon which would be reversed once the Islamist challenge was overcome, either by force or compromise. The transition to democracy might be blocked, but the paradigm remained valid. Ultimately, these observers joined the camp of those who knowingly or otherwise ignored the erosion of liberties and claimed that unfolding developments could be understood without any caveat or reservation through categories such as democracy and democratization.

In many respects I disagree with this interpretation of Egypt's recent political history. The highly conflictual relations between the regime and various Islamist groups are not on their own able to explain the restriction and contraction of liberties. At the same time, taking into account additional factors calls into question the interpretation of these developments in terms of democratization or of blocked democratization. While conflict between the regime and its Islamist opponents was undoubtedly at the origin of certain restrictions to liberties, it was irrelevant to other restrictions. Altogether, the erosion of liberties in Egypt in the 1990s was a process at the confluence of several factors which sometimes added to or reinforced one another, but cannot be reduced to one or the other.

In concrete terms, the restrictions to liberties and, indeed, deliberalization, were not only the consequence of the exacerbation of conflict between the regime and its Islamist opponents but also of the change to majority vote in parliamentary elections and of the economic crisis and associated reforms that started in the mid-1980s. To a lesser extent, they were influenced as well by the illiberal attitudes permeating society and, of course, the state and the regime, and by the attempts of the latter to streamline the state apparatus and transform it into a more compliant and efficient instrument. Finally, it cannot be excluded that restrictions to liberties were facilitated by the longevity of the regime.

The Conflicts between the Regime and its Islamist Opponents

Discussing the dominant explanation of the restrictions to liberties in contemporary Egypt requires some preliminary clarification. First, it is important to note that, as far as Islamists are concerned, not all of them, although perhaps an important segment, were in conflict with the regime. Far from being a bastion of secularism, the regime had no difficulty housing and accommodating Islamists in its own constituencies and possibly even in its own ranks, if Islamists are defined as the advocates of change inspired by values and norms they considered Islamic. Examples included Sufi Abu Talib, a former president of the People's Assembly, and Muhammad 'Ali Mahjub (Mahgub), minister of religious affairs in the 1990s. Depending on situations and occasions, even the representatives and supporters of the regime who did not normally emphasize religious convictions might defend Islamist positions, either because they believed in them or because they sought to outflank their political competitors. Although a complex phenomenon, censorship in Egypt provided numerous instances of this occasional Islamism on the part of the regime. The famous law that prevented not Muslims but Egyptians from drinking alcoholic beverages during Ramadan was another example: the Saudi tourist escaped the law, but the Egyptian Copt did not. The periodical *Al-Liwa al-islami*, published by the NDP, confirmed without ambiguity the presence of Islamists among the followers and possibly the representatives of the regime, as illustrated by its articles during the campaign against Nasr Hamid Abu Zayd. Indeed, those who were in conflict often engaged in it not for ideological reasons but because they belonged to different networks and factions which, on a less-than-level playing field, competed for slices of the cake and for power. In ideological terms, these networks could be extremely complex and heterogeneous.

Second, it is equally important to emphasize the pluralism which characterized the Islamist groups and currents that were in conflict with the regime. There is no reason to believe that these groups formed a common and united front. The similarities in their discourse could not prove such a united front any more than they indicated competition for the allegiance of a shared constituency. It is true that, especially on the margins, the boundaries between these groups and organizations were sometimes blurred. However, this did not mean that the leaders or majority of members and sympathisers of one group pursued their objectives by the same means as another group. The objectives themselves were not necessarily identical, even though, by and large, they involved the implementation of partly converging, partly diverging interpretations of *shari'a*. In other words, nothing proves that the majority of members of the Muslim Brotherhood, itself composed of various tendencies, was in league with the Islamic Jihad (Al-Jihad al-Islami) or the Al-Jama'a Islamiyya (Islamic Group) and therefore advocated or endorsed political violence.¹

In the light of such diversity across the Islamist opposition, it is incorrect to talk about one single conflict setting these groups against the regime and vice versa. If official statements claimed that whatever appeared as diversity concealed a division of labour within an essentially united movement,² their authors may well have lumped together the Muslim Brothers with the Islamic Jihad and the Islamic Group simply in order to discredit a political competitor who, while not necessarily representing the

majority of Egyptians, enjoyed significant popular support. Such accusations did not prevent those who made them from treating the Muslim Brothers with greater leniency when they appeared to be useful in containing the armed groups. The conflict between the regime and the Brothers was not identical with those between the regime and the Jama'at Islamiyya or the Islamic Jihad.

Considering the variety of Islamist actors in and outside the regime, it may be useful to stress that nothing prevents divergent or opposing interests from being justified in relation to the same values or norms. Nor does their mobilization as part of social protest exclude their simultaneous mobilization for the repression of this very protest. The same applies to symbols, if one prefers to displace the argument in this direction. More than an agreement on content, the reference to the same referents may reflect the strength or weight of a system of references – that is, of an idiom which, for whatever reason, imposes itself on those who communicate.³ The latter, so to speak, are obliged, or feel obliged to, use this idiom, and to combine in their discourse what Michel Foucault, following M. Canguilhem, referred to as being 'true' (*vrai*) and as being 'in the true' (*dans le vrai*). In more Saussurian terms, this implies a disconnection between signifier and signified, each of the former being able to point to a multitude of the latter.⁴

Third, any reference made in the present context to the conflict between the regime and its Islamist opponents is, at least in principle, neutral concerning the responsibilities of one or other side in this conflict. I will avoid entering this debate as much as possible, as it goes way beyond the scope of this present study. In Western Europe and North America, the conflict between the regime and the armed groups was viewed mainly as the fault of the Islamists, who were generally regarded as having resorted to violence first. Diametrically opposed to this interpretation – which, as a matter of course, is shared by the Egyptian regime – is another, which suggests an attempted *reconquista* on the part of the regime. According to this version, the regime from 1991 and 1992 increased its efforts to impose itself on the geographical and metaphorical terrain which, over the years, it had abandoned to other parties and forces, including its opponents, and which in some cases it had never really controlled. The retreat of the state from health services and the provision of infrastructure had been compensated by the dispensaries, associations and other initiatives run or launched by Islamists. In geographical terms, the process had resulted in the absence or withdrawal of the state from entire villages and neighbourhoods. Islamists imposed their law in Upper and Central Egypt in particular, but also in the popular district of Imbaba in Cairo which some called the 'republic', the 'Islamic republic' or the 'emirate' (*imara*) of Imbaba, the emirs being the local Islamist leaders. From this point of view, the quasi-military reconquest of the district by police forces in December 1992⁵ was but one aspect of a wider (re)conquest by the regime of physical spaces and spheres of activity that it had abandoned or failed to occupy in the past.⁶

If we now turn to the impact of these conflicts on the erosion of liberties, there is no doubt that they were the dominant reason for several restrictions. Nonetheless, they contributed little or nothing to the understanding of other such measures.

The conflict between the regime and those among its Islamist opponents who were prepared to resort to arms was clearly the driving force behind the amendments

introduced to the penal code and the law on State Security Courts by Law No. 97 of July 1992. The amendments, including those defining terrorist crimes, extending the application of the death penalty and the jurisdiction of the State Security Courts, were enacted after the proliferation of assassinations, armed attacks and bombings involving armed Islamist groups. They followed closely the exacerbation of political violence in 1991 and particularly from February 1992, when armed confrontations in Imbaba, leading to its reconquest a few months later, were followed by similar incidents in Dayrut, near Asyut, in February and March, in Bani Suwayf (Beni Suef) in April, and in Cairo, Dayrut and Sanabu (also in the Asyut area) in May and June. Also in June the writer and intellectual Faraj Fuda (Farag Foda) was assassinated in Cairo.⁷

Nevertheless, the text of the amendments, in particular their catch-all definition of terrorism, and their timing, may suggest that the regime seized the opportunity to grant itself the means to confront other challenges as well.

The ever more frequent trials of civilians in military courts from December 1992, the severity of sentences handed down by these courts as well as by the Supreme State Security Courts, including the banalization of the death penalty, the blanket recourse to administrative detention under the state of emergency, and the multiplication of other measures restricting personal freedom and infringing personal dignity were also primarily a response to the increased recourse to arms by certain Islamist groups.

The majority of individuals who received the *lettres de cachet* issued by the minister of the interior, and the majority of civilians tried by military courts, were accused of links of one kind or another with groups considered to be responsible for this violence. Similarly, the death sentences pronounced by the military courts and Supreme State Security Courts solely concerned alleged members of these groups.

While in numerous cases one wonders how well founded the accusations were, most were levelled in the context of the struggle against the armed groups. In other words, the accusations may often have reflected the paranoia of the regime or of a policy that preferred to repress too much rather than not enough, but it was relatively rare that they concealed other motives. Nonetheless, this policy clearly and, one may add, intentionally, contributed to the intimidation of Islamists who did not resort to armed struggle, such as the majority of the Muslim Brothers. Also, in a country where the security forces were insufficiently accountable, and where they could easily serve individual and group interests, the struggle against Islamist groups easily became a cover for settling accounts with personal or family enemies.⁸

Like the more repressive amendment of existing texts, the increasingly repressive nature of regime practices also followed the rise in political violence and then continued to accompany it. This even though, considering the political stakes, the figures on political violence were probably among the most manipulated statistical materials.

According to the figures published by the Ibn Khaldun Center, political violence resulted in the death of 30 persons in 1991 alone, and thus in one year claimed as many lives as within the ten years from 1981 to 1990. The number of victims grew rapidly over the following years. It amounted to 93 deaths in 1992, 266 deaths in 1993, 304 in 1994, 415 in 1995 and finally decreased to 187 in 1996. The same source states

that the number of injured during the first year amounted to more than twice the number of deaths, before decreasing significantly from 1994.⁹ Although not identical, the figures published by the Egyptian Organization for Human Rights (EOHR) reflected the same trend: 93 deaths in 1992, 207 in 1993, 279 in 1994, 373 in 1995 (including 51 people who died as a result of violence during the elections and six Egyptian diplomats killed abroad), 174 in 1996, 193 in 1997 and 39 in 1998.¹⁰

The vast majority of bombings, ambushes, assassinations and other armed incidents took place in the governorates of Upper and Central Egypt – in other words, Asyut, Minya, Suhaj (Sohag) and Qina (Qena). However, inhabitants of the capital were also among the victims, and not only when they travelled to the provinces most affected. Besides Imbaba, other districts such as Bulaq al-Daqrur, al-Haram, Shubra, Duqqi (Dokki) and Muhandisin were also affected. Bombs were discovered before they went off in downtown Cairo; others exploded, in a café on Tahrir Square and in front of the Egyptian–American Bank. The assassins also targeted representatives of the regime. The then minister of the interior, Hasan al-Alfi, was injured in an attempt on his life in August 1993, when he was leaving his office in Shaykh Riham street in central Cairo. The then prime minister, ‘Atif Sidqi, escaped an assassination attempt in November the same year. Representative not of the regime, but of secularism and tolerance, the writer and Nobel Prize winner Najib Mahfuz (Naguib Mahfuz) was injured in a knife attack in October 1994, which has since prevented him from writing.¹¹

The identity of the victims also preoccupied the regime. The total figures not only included many alleged terrorists killed by the police, but at least as many, if not more, ordinary Egyptians and policemen, some of high rank, killed by the armed Islamists. Several attacks specifically targeted Copts, but some of these were motivated by family disputes rather than religious differences. Other actions were directed against foreign tourists, considered by the armed Islamist groups to be the corrupters of the country par excellence. Targets included the train taking tourists from Cairo to Upper Egypt, a cruise ship on the Nile, tourist coaches or foreigners simply taking a stroll.¹²

In 1992, the number of victims who were members and sympathisers of the armed groups was, depending on sources, about the same or lower than the number of ordinary citizens; in any case, it was much lower than the combined number of citizens and policemen. In 1993, members of the armed groups represented, again depending on sources, one-quarter to one-third of the victims of acts of political violence and armed encounters. More than a third of the victims were policemen; most of the others were ordinary Egyptians. In 1994, ‘terrorists’ accounted for half the victims, and police one-third. In 1995, members of the armed groups again represented about half of those killed, while the other half was shared more or less equally between the police and ordinary Egyptians. In 1996, the number of ‘terrorists’ fell, while the figures for ordinary people and police rose to 35 per cent and 25 per cent respectively. Among the ordinary people, there were at least 18 Copts killed in 1992, 6 in 1993, 16 in 1994, 17 in 1996 and 22 in 1997. The number of tourists killed also increased, rising from 1 in 1992 to 6 in 1993, 5 in 1994, 18 in 1996 and 76 in 1997.¹³

Without denying that a regime elected by itself may nevertheless be concerned for the security of its ‘citizens’, it is likely to be particularly sensitive to the high number of

police among the victims. No less disturbing than the attrition of one of the pillars of the regime was the future of relations between Muslims and Copts. Here there were dangers not only to the much conjured-up national unity, but for the continuation of American aid, which the US Congress liked to link to the absence of religious persecution.¹⁴ Finally there was the fear of foreign tourists deserting the country, a fear that was realized for several months after the Luxor massacre in autumn 1997 when 62 people, among them 58 tourists, were killed.

Tourism had always been a major sector of the Egyptian economy and had always been seen by the regime as a major source of future economic growth. In the 1990s it was one of the five key sources of revenue in the current account. In 1991–92, and in 1992–93, it constituted, according to official Egyptian statistics, the third most important source of such revenue, after remittances by Egyptians working abroad and the export of commodities; it rose to second place, if exports of commodities were divided into petroleum and gas and other products. In 1993–94 tourism, according to the same sources, came fourth, after remittances, exports of commodities, and royalties from the Suez Canal.¹⁵ Even if one accepted other calculations, which for the year 1992–93 relegated tourism to fifth place, it still represented around 8.6 per cent of total current account revenue.¹⁶

Already important at the beginning of the 1990s, the contribution of tourism to economic growth was expected to rise in coming years. The fifth five-year plan, covering 1992–97, in preparation at the time when political violence was on the increase, anticipated a growth rate of 11.4 per cent a year in tourist-related revenues. Indeed, tourism was the only field of activity in which growth was expected to exceed the threshold of 10 per cent. In comparison, growth in manufacturing industries was supposed to grow only by 7.4 per cent annually.¹⁷

Apart from the acts of violence themselves, their destabilizing effects over time could easily push the Egyptian regime to restrict liberties whose exercise appeared in its eyes to be incompatible with the struggle against its opponents. Without defending such a point of view either morally or politically, it is understandable in that it is common to most regimes confronted with the same or similar challenges. Ultimately, the German and Italian states did not react any differently when confronted by the Red Army Faction or the Red Brigades. The British government adopted the same approach in its fight against the Irish Republican Army. Like their Egyptian counterparts, the leaders of these European countries partly imposed, and partly envisaged, serious restrictions to liberties – in particular, personal freedom. In Egypt, considerations of internal security were the main, sometimes only, cause of restrictions to personal freedom, including the regular prorogation of the state of emergency. For the regime the issue was not to quash *Islamist* armed groups, but armed groups which, be they Islamist or not, were competitors, damaged its interests and in the long term could affect its survival. Only the decision taken in 1997, and again in 2000, to prorogue the state of emergency for three years in a row seems difficult to explain in this way. Contrary to 1994, when the state of emergency was for the first time renewed for three consecutive years, the number of victims of political violence declined significantly prior to the 1997 decision, which was taken several months before the Luxor massacre.

From the standpoint of the advocates of repression against Islamist opponents, the situation may have justified the prorogation, but not for more than the usual period of one year. Other factors need to be taken into account.

The conflict setting the regime against the Muslim Brothers was the second factor accounting for restrictions of personal freedom. It contributed to the increasingly frequent use of texts that authorized or seemed to authorize administrative detention and the trial of civilians in military courts. With few exceptions, all civilians tried by military courts who were not accused of belonging to armed Islamist groups, belonged to the Muslim Brothers or were close to them. Although the misfortunes of these people may be explained by a division of labour between them and the armed groups, other possible explanations seem more convincing.

Indeed, it seems rather that the conflict with the armed groups provided the regime with a welcome pretext to harden its position vis-à-vis its unarmed Islamist opponents. It was easy to lump them together because they shared certain features of vocabulary and religious references. Once again, the state of affairs was reminiscent of that in European countries where it was common practice to accuse parties on the left of supporting or endorsing terrorist groups that also claimed to be on the left. The unarmed Islamist opponents to the regime may have shared a rhetorical and referential repertoire with the armed groups, but such similarities and loyalties are also constructed by observers or participants in the historical process. In the Egyptian case, such a construction served to delegitimize what was the strongest opposition force at the time.

The arrest of 'Adil Husayn in December 1994 and his incarceration for a month were officially part of an investigation into his alleged links with armed Islamist groups. In reality, the arrest targeted the unarmed Islamists, whether, like 'Adil Husayn, they belonged to the Labour Party, or whether they belonged to the Muslim Brothers, whose candidates performed strongly in the elections in various professional syndicates, including those of doctors, chemists, engineers and lawyers from the mid-1980s onwards.

Once again, the real problem for the regime was not the Islamist character of the Muslim Brothers. It was rather their popularity, even though they could only operate semi-clandestinely, and of their relative strength, which at some stage could call into question the distribution of power and material resources in the country. This was particularly obvious in the case of the Muslim Brothers arrested at the end of the summer of 1995, their referral to a military court and their condemnation by it. Rather than punishing membership in an illegal organization, which at any rate was quietly tolerated, the aim was to minimize their and the Brotherhood's chances in the forthcoming parliamentary elections. In other words, restricting their personal freedom was aimed at restricting their and their supporters' positive liberties. Similar reasons obviously governed the mass arrests of members or of sympathisers with the Brotherhood closer to the same elections and at the time of preceding and subsequent elections. The individuals concerned were taken into administrative detention during the campaign or on the day of the ballot, so that they were unable to stick up bills or act as the delegates of candidates during the vote-counting. In one way or another, most of the

roughly one hundred Muslim Brothers who were formally indicted and tried between 1990 and summer 1998 paid for the disturbing popularity of their organization. Certainly, the arrests and other forms of harassment did not affect this popularity, but they did affect the efficiency and workings of the organization and prevented it from establishing an ongoing infrastructure. Similarly, the arrest of key figures of the computing company Salsabil, and its closure, had far more to do with this type of concern than with their alleged role in a plot against the state.

The declining representativeness of results in elections to the People's Assembly should not, however, be reduced to the regime's intention to deprive the Muslim Brothers of any representation. This could hardly explain the fact that candidates belonging to the NDP occupied more than 94 per cent of seats in the 1995 People's Assembly, where the crucial threshold remained that of a two-thirds majority. Nor does it explain why the Muslim Brothers managed to get elected only one of their members, who in fact stood as an 'independent' candidate; he was elected in the constituency of Halwan and then joined the Labour Party to become its only deputy in this Assembly. As we have seen, the 1995 elections also resulted in a very low representation of the 'Tajammu' and of the Wafd, who were hardly more Islamist than the NDP.

It is evident that the erosion of positive liberties at the level of the People's Assembly was due primarily to the new mode of managing and manipulating the elections, which was meant to overcome the risks created by the switch from party lists to majority vote in two-member constituencies. This new hands-on approach to the management of elections and production of their results is no less central to understanding the continuous infringements on positive liberties at the level of the Consultative Assembly and in the popular councils after similar changes in their electoral systems. In the trade unions, on the other hand, the perennial nature of such infringements and their growing importance were due largely to the effects of the economic crisis and the ensuing reforms.

However, the intention to push back the influence of the Muslim Brothers was the prime motive behind Law No. 100 of 1993, which established minimum turnout levels for the elections in professional syndicates. As long as the president and the board of these syndicates were elected by a simple majority of votes cast, they could easily fall to groups such as the Islamists who were only marginally better organized than their competitors. The case in point was the election to the board of the lawyers' syndicate in September 1992, when they won 18 out of 24 seats with a turnout of just one-tenth of the roughly 150,000 members of the syndicate.¹⁸

For the Islamists, syndicate elections were all the more important as their opportunities to succeed in parliamentary elections remained more limited than those of other opposition forces. The conquest of professional syndicates turned into a replacement strategy imposed by their exclusion from the parliamentary process.¹⁹ As long as parliamentary elections were conducted on the basis of party lists, Islamists belonging to outlawed organizations such as the Muslim Brothers could stand only on lists presented by officially recognized parties. After the switch to majority vote, Islamists continued to be easy victims of the regime, be it only through arrest and detention.

Professional syndicates with their own revenues from membership fees, periodicals, offices and meeting rooms presented the only possible alternative platform. The stakes were not negligible either for the Islamist or for the regime, given that 1.5–3 million Egyptians were syndicate members.²⁰

The question remains, however, why the regime opted for a law to produce more favourable election results in the syndicates. One possible answer is that it considered the more informal methods used in the past inadequate, as, for instance, when it mobilized syndicate members such as military engineers who were simultaneously state employees. If this is the case, the switch from informal to more formal modes of control reflected the decline of regime influence among syndicate members. It could then be argued that Law No. 100 partly replaced old restrictions to positive liberties in the syndicates with new ones.

As in professional syndicates, attempts to produce ‘good’ results in the elections to the representative bodies of university students were also primarily intended to exclude oppositional Islamists from bodies which could offer them additional visibility, legitimacy and mobilizational capacity.

The conflicts between the regime and both armed and unarmed Islamist oppositional groups pushed the former to enter battles such as that over the veil and to strengthen its control over ‘independent’ mosques and the teaching of religion outside of state and Azhari schools. The preachers and teachers targeted by Law No. 238 of 1996 were often close to one or other Islamist tendency. The divide between the regime and the Islamist opposition at large appeared elsewhere as well. If the Front of the ‘Ulamas of Al-Azhar moved closer and closer to the Muslim Brothers, the dissolution of its board in 1998 probably also reflected the wider intention of the regime to fight opposition forces that expressed themselves in Islamist terms, and to reconquer and monopolize this form of discourse. The struggle against all types of Islamist opposition also contributed to the harassment of human rights organizations from the mid-1990s. However, if the defence of the most basic rights of the arrested Islamists by these organizations was the immediate cause for the regime’s wrath, campaigns against them clearly also served to delegitimize them and reduce their nuisance power more generally.

The conflicts between the regime and the various Islamist opposition groups led to yet other restrictions to the freedom of expression. This was obvious in the partial retargeting of censorship in the 1990s, when publications advocating the use of force in the name of religion or provoking religious hatred began to be watched more closely. The fate of books and other materials whose contents were considered to be atheist, agnostic or libertarian was also linked to conflicts with the Islamists. The regime repeatedly sought to prevent cultural manifestations that could be exploited by the latter. In part, of course, the misfortunes of the authors concerned also reflected the influence of Islamists close to the regime and, more generally, the influence of certain religious and moral norms on the regime and its officials themselves.

In the domain of positive liberties, the two laws passed in 1994, which put the selection of village chiefs and deans of faculties entirely into the hands of the relevant ministers and thus of the regime, may in part have reflected a policy aimed at marginalizing

Islamist opponents in general. Over the years, the number and influence of Islamists grew within various state administrations as well as within the judiciary. Public statements by officials of the Ministry of Religious Affairs revealed Islamist leanings as much as numerous rulings by the courts of law. The judgments on appeal and by the Court of Cassation in the case of Nasr Hamid Abu Zayd were only the tip of the iceberg. In the universities, the victory of increasing numbers of Islamists in senior common room elections reflected their appeal to academics. Many of these Islamists were no doubt perfectly loyal to the state and to the regime – all the more as the latter did not define itself ideologically in opposition to Islamism. Others, however, could be suspected of having sympathies for Islamist opposition groups.

Nevertheless, the two laws passed in 1994 did not seem to have been adopted primarily with this intention. In both cases, the powers of the relevant ministers had previously allowed them to avoid the appointment of unwelcome individuals. Like the amendments to the police law in 1998, the 1994 laws seem to have been inspired by the wish to promote desired candidates rather than to eliminate undesirables. The selection of the ‘best’ or most compliant incumbents was supposed to minimise any friction, resistance and incompetence in the administration which could affect the implementation of decisions made at the top. The main logic at work seemed to be that of streamlining the state apparatus and subordinating it more effectively to the interests of the regime.

The Switch from Party Lists to Majority Vote

The switch from party lists to majority vote in two-member constituencies was the point of departure for the erosion of positive liberties at the level of the People’s Assembly. As we have seen, this erosion can be traced back to the rulings of the SCC, particularly in 1990, but it should not be seen as the intended outcome of these rulings. In the Consultative Assembly and in the popular councils, the change to majority vote created dynamics similar to those in elections to the People’s Assembly, and therefore prevented the scrapping of ‘complete lists’ from extending positive liberties.

Primarily, the decreasing representativeness of the People’s Assembly was the result of measures taken by the regime to limit what it considered to be potentially dangerous effects of an electoral reform that it did not want, but could not easily avoid. Thus the erosion of positive liberties was, in a sense, the unintended and perverse consequence of a court ruling that was meant to liberalize political life. At the same time, the new electoral system was followed by, and possibly contributed to, the decline in sociological representativeness of election results.

In this context, it is important to recall that explanations based on the boycott of elections or, more generally, on the degree of competition in them, do not constitute viable alternative explanations. As we saw in the 1990 elections to the People’s Assembly, their partial boycott by opposition forces may have led to their boycott by many voters, and thus helped NDP candidates to obtain the majority of votes cast more easily. However, in theory it is no less plausible that the partial boycott by opposition candidates prevented fragmentation of the total vote cast for candidates other than NDP members, and thus strengthened the position of opposition candidates or of

independents who ignored the boycott. At first glance, the fact that the 1990 elections slightly increased the overall share of NDP deputies in the Assembly seems to confirm the first scenario. However, in elections open to interference of all kinds, it is perfectly possible that events unfolded according to the second scenario but that official results did not reflect voter choice. Doubts about the linkage between the degree of competition and the results are strengthened by the outcome of the 1995 parliamentary elections. This time, not only was the overall number of candidates the highest since 1979, but the number of opposition parties endorsing such candidates was higher than in 1990. The more lively competition did not prevent the increase, this time far more important, in the proportion of seats that went to members of the NDP.

As required by the SCC in its judgment of May 1990, the new mode of election then chosen by the regime ended the quasi-monopoly which political parties, even after the court's 1986 ruling, had continued to enjoy over the nomination of candidates. That earlier ruling, it may be recalled, had pushed the regime into the rather modest concession of reserving 48 seats for independent candidates. Definitely favouring the latter, the reform of 1990 carried significant dangers for the parties and the regime.

As far as the regime was concerned, these dangers exceeded by far those that could be remedied by tailoring to its needs the boundaries of the new constituencies, each of which was to be represented by two deputies – one at least corresponding to the legal definition of a worker or a peasant. This was true even though the regime did not neglect the issue of gerrymandering, as illustrated by Law No. 206, promulgated shortly before the 1990 elections. The end of the quasi-monopoly of parties over the selection of candidates weakened first of all party control of candidates. Second, and as a corollary, it weakened the internal coherence and solidarity of parliamentary groups and their loyalty to parties. Affecting the NDP no less than other parties, these new realities even threatened to effectively reduce the regime's majority in the Assembly.

Hitherto, party leaderships were in a position to select candidates to their taste. In spite of the numerous compromises that had to be reached between various networks and factions within individual parties, the leaders were able to select candidates whom they regarded as relatively committed to party aims and interests. Thus it was possible for leaders of the NDP, which was a highly fragmented organization, to be sure of the loyalty of the two thirds of the candidates filling the upper slots on its list and whose election was guaranteed. Therefore, the leaders of the NDP could be sure that these candidates, once transformed into deputies, would vote in ways that ensured the continuation of the regime and implementation of its policies. The 'election' of the president, the temporary delegation of legislative powers to him, and the amendment of the constitution all depended on the consent of two thirds of the People's Assembly. The loyalty of its deputies enabled the regime, if it so desired, to leave a relatively important share of the seats to opposition parties which in the 1987 Assembly amounted to more than 20 per cent.

The switch to the new electoral system radically changed this. Even though half the seats were still reserved for workers and peasants, every male and female Egyptian who had political rights could stand for election. The victorious candidates were those who

obtained an absolute majority of votes cast in the first round or a relative majority of votes in the second round. Candidates who were workers or peasants enjoyed some but minor advantages. The rules were the same for independent and party candidates, which meant that from a technical point of view the latter were independent candidates supported by a party. Because of the many and deep internal divisions of the Egyptian parties, candidates who were officially endorsed by their party were challenged not only by the officially endorsed candidates of other parties, but also by the malcontents in their own party who, failing official investiture, stood as independents.

In numerous constituencies, 'official' candidates of the NDP had to confront 'independents' of their own party. As seen in some examples mentioned above, the independents of the NDP were not necessarily at a disadvantage vis-à-vis the official candidates of their party. They had their own connections (*wasta*) not only locally but also organizationally – up to the governor or some faction in the party machine or leadership. They were often as able as their official competitors to mobilize the support of state agencies that could influence the results. Certainly, in principle the regime could have declared the official candidates of the NDP elected. However, because local divisions branched out into the higher spheres of the party and the regime such simple solutions were difficult to adopt. Even where such linkages did not exist, it was not always easy to sacrifice the candidate who was stronger on the ground. Such strength, of course, was not measured in terms of popularity and votes actually cast, but in terms of the candidate's capacity to do whatever was possible or necessary to ensure that he had more votes at the time of the count, or that the counters would add up in his favour. The internal divisions of the NDP did not call into question the party's majority because its candidates were, by and large, the only ones who had the connections to get elected. The problem was that these divisions often no longer enabled the regime to have elected those in whom it had most confidence.

Confronted with the danger of a parliamentary majority which was partly unknown and potentially unreliable, the regime had only one solution – to further increase its majority and to compensate for the lack of quality of its deputies by their quantity. Increasing the majority was possible in only two ways, either through greater popularity or through more interference and fraudulent practices. While the lack of opinion polls makes it impossible to gauge the popularity of the regime, the effects of the economic crisis of the mid-1980s and the distributive effects of the ensuing economic reforms, which I will return to below, hardly increased this popularity. Similarly, the exacerbation of the conflicts between the regime and its Islamist opponents did not seem to indicate growing popularity either, even if the variety of factors that may have contributed to this are taken into account.

Although the question of increasing the majority posed itself as early as 1990, it seems that its importance was not yet sufficiently recognized at that time or that the new mode of managing and manipulating the elections was not sufficiently developed. In terms of seats, the NDP's majority grew in 1990 by only 3 per cent compared to 1987. As argued above, the growth was not so much due to the effects of the boycott as to a growth in interference and manipulation. However, because these manipulations

were more limited than in 1995, they did not enable the regime to obtain a majority in the Assembly which, under the new conditions, could be called comfortable. Certainly, this majority exceeded by far two-thirds of the seats. However, if 81.81 per cent of the 444 seats to be filled by election went to 360 deputies belonging to the NDP, the 265 deputies elected as 'official' candidates of the NDP occupied only 60.22 per cent of these seats, or less than two-thirds. Even together with the ten deputies appointed by the president, the deputies elected as official candidates of the NDP only occupied some 61.11 per cent of the total of 454 seats, which still fell short of two-thirds.²¹ Future election management therefore had to avoid such potential sources of instability.

Indeed, the elections of 1995 resulted not only in 94.78 per cent of the 444 seats to be filled by election going to 417 members of the NDP, but also in the 317 NDP deputies elected as 'official' party candidates taking 72.45 per cent of these seats. The latter thus occupied more than two-thirds of the seats to be filled by election. Together with the ten deputies appointed by the president, the deputies elected as 'official' candidates of the NDP occupied 72.66 per cent of the total seats.²² As a matter of course, the strategy described in no way excluded an increase in interference by candidates who were not NDP members. Nor did it reduce fraud and violence between 'official' candidates and independents of the NDP as, for example, in Tukh.

In a wider sense, the management and manipulation of the elections, in particular those of 1995, reflected the lack of influence by the regime over party members whose support and loyalty had hitherto seemed unquestionable. This lack of influence recalls the decline of influence which prevented the regime from manipulating the elections in the professional syndicates in an informal and discreet manner. Notable in both cases was the dislocation of old command patterns which had previously contributed to the regime's survival and sphere of influence. In both cases, the restrictions to liberties introduced in the 1990s partly replaced older control mechanisms that had become ineffective and partly indicated a decline in the regime's authority.

The rulings of the SCC which in 1989 and in 1996 imposed the abolition of party lists in elections to the Consultative Assembly and the popular councils, also created difficulties for the regime, even though the stakes were not the same. Nonetheless, the regime did not want to run any risk. It had always enjoyed safe majorities, and did not intend to let that change. In addition, the control over the media depended in part on control of the Consultative Assembly.

Finally, it appears that manipulation of the elections also enabled the regime to consolidate and strengthen its constituency significantly. The more it opened the People's Assembly to the members of the NDP, or to those who were ready to join the NDP in order to enter parliament, the more it widened its circle of friends able to benefit from the material advantages that the status of deputy could bring. In the Assembly, deputies could mingle with ministers, senior civil servants, and owners or managers of both private and public sector companies. If they did not find their own golden goose, they could at least help their friends and family to be awarded public contracts or to obtain funds and investments for their constituencies. Consequently, they defended the regime whose welfare was so closely linked to their own.

Economic Crisis, Austerity Reforms and Economic Liberalization

The Economy of Liberties

The economic crisis of the mid-1980s, and the reforms adopted to overcome it – the effects of which were often recessive – seriously affected the redistribution of resources and opportunities. This redistribution prompted demands on the part of some of those who lost or gained which were irreconcilable with the regime's aims and interests. Sometimes also the crisis and the reforms involved a relaxation of the control that the regime had previously been able to exert over many actors and activities, including through patronage, job creation or provision of services. To the extent that the reforms involved economic liberalization, they weakened the control that the regime could exert as owner of the public sector and guarantor of the regulatory mechanisms in place. In order to counter or pre-empt demands, and to compensate for loss of control, the regime redefined liberties, in particular by restricting those of the actual or potential authors of such demands.

Most the reforms were part of the programmes of macroeconomic stabilization and structural adjustment agreed with the International Monetary Fund (IMF) and the World Bank. However, some reforms, such as the redefinition of the relations between owners and tenants of agricultural land, were conceived independently of the requirements of the Bretton Woods institutions, or of interests acting through them.

Both the home-grown reforms and an important part of the reforms agreed with the international financial institutions aimed at, and implied, what is commonly known as economic liberalization, even if such liberalization was limited as a project as well as in fact. In part, however, the reforms proposed or imposed from outside, in particular those that directly addressed budgetary and external imbalances, did not primarily pursue that objective. The reduction of budgetary deficits first of all requires decreasing expenditure or increasing revenues (or both); decreasing expenditure may well result in the de facto privatization of numerous services hitherto provided by the state, but only on condition that there is a private sector or individuals able to fulfil these tasks. Even the declared objectives of structural adjustment, such as the increase of productivity or of export revenues do not *a priori* require more than the reform of the public sector, if the economy is largely public-sector based; the continuation of public-sector reform through privatization may well be the second stage, but is only necessary if a number of premises are accepted as to the relative merits of the private sector.

On this basis I will distinguish between the effects on liberties of the economic reforms that do not *ipso facto* involve the 'liberalization' of the economy, and those that do. As much as possible, I will also distinguish between the effects of the reforms and those of the economic crisis. This distinction, however, is complicated by the fact that the recessive effects of the crisis and of certain reforms cannot always be separated.

Although I am critical of the recommendations of the Bretton Woods institutions, the aim is not to condemn them on grounds of principle or ideology. Rather, it is to consider their effects in the light of the crisis that precipitated them, and in the light of their selective implementation by the regime. While such selective implementation may, in the short term, have avoided distributional consequences that might have been

politically difficult to manage, it may have contributed to similar consequences that will have to be addressed at a later stage.

Like the conflicts between the regime and its Islamist opponents, and like the production of certain election results, the economic crisis and reforms led not only to the restriction but also, in the ways discussed in chapter 5, to the extension of certain liberties of certain actors or constituencies. However, the crisis and reforms seemed to contribute more than the other two factors to the extension of the liberties of actors who were not identical with the restricters. More generally, they tended to extend the liberties of all beneficiaries of the redistribution of resources – a redistribution that clearly had its victims too. While the regime and its friends had the best chance of finding themselves among these beneficiaries, the circle of the latter was far larger.

These beneficiaries first had those of their liberties extended whose elasticity was influenced by access to material resources. Their life expectancy was growing, their holidays were becoming longer, their opinion, hardly listened to in the past, now could find expression in a recently acquired share in a media company. When in trouble with the law, they paid the bail money instead of languishing for months or years in a remand prison. Personal freedom and freedom of expression took on new dimensions.

Second, the redefinition of liberties prompted by economic change was also more generally favourable to those who gained materially. Given that regimes in such circumstances primarily seek to contain and police the demands of real, potential or imagined losers, it is this group which is the first to be targeted by restrictions. Those who gain in material terms appear, at least at the beginning, grateful and supportive. In Egypt, for instance, the amendments to the trade union law restricted the rights of precisely those categories of workers who were most threatened by privatization. At the same time, they strengthened the position of future owners, whom economic liberalization enabled to accumulate the necessary capital to acquire the companies concerned. Nonetheless, the liberties of the winners could be subject to restrictions once their gains served them as a basis for claims the regime did not want to fulfil. Only the biggest winners, who managed to render themselves indispensable to the regime or found other means to pressurize them, escaped these restrictions.

This structural adjustment of liberties, which tended to restrict the liberties of economic losers and extend those of winners, added political expropriation to economic loss, and recompensed economic success with a degree of political incorporation. It sought to deprive the losers of the means by which they might have resisted, and to associate, within limits, with the winners in order to create what some have called an ‘alliance for reform’.

The Economic Crisis and Reforms

At first glance, the crisis that hit the Egyptian treasury by the mid-1980s was caused by a decline in oil prices. This affected the budget through the decline in revenues from public-sector oil production and the decline of tax payments received from foreign oil companies operating in the country. The crisis was amplified by the policy choices of the regime, which very timidly adjusted its budgetary and economic policies to the new conditions. Ultimately, however, the decline in oil prices and the regime’s hesitation

only exacerbated the budgetary and external imbalances whose consequences had accumulated over decades. At the budgetary level, the endemic inadequacy of revenues in relation to exorbitant expenditure, in particular important consumer subsidies, was partly addressed by an increase in the monetary mass and by domestic borrowing, choices whose economic effects were far from neutral. Apart from that, the deficits were financed through foreign loans, which considerably increased foreign debt, debt service and external imbalances. By the mid-1980s, the consequences of these policy choices were no longer manageable.²³

The figures speak for themselves, although they should be used with caution. Even less than figures published by economically more developed countries, those published by Egyptian agencies escape the numerous shortcomings that can affect the gathering and the treatment of statistical data. These shortcomings are then reflected in the statistics published by international organizations, which are often based on national statistics. Moreover, the figures published by international organizations are sometimes the result of political negotiations with the governments concerned. Whether for political reasons or because of the availability of new data, figures are sometimes revised retrospectively, raising more questions about their reliability.²⁴

Notwithstanding this, there is little doubt about the worsening of the situation from the mid-1980s onwards. During the second half of the decade the budgetary deficit amounted to some 15 per cent of gross domestic product (GDP) and thus contributed to push inflation up to some 20 per cent.²⁵ Total external debt, which grew to US\$39.85 billion in 1986 and to US\$46.08 billion in 1988, already stood at US\$27.3 billion in 1982, while in 1980 it had reached no more than US\$19.13 billion. Total external debt service represented 5.8 per cent of GNP in 1980, 8.9 per cent in 1985 and 7.4 per cent in 1988; it increased from 13.4 per cent of exports of commodities and services in 1980 to 27.0 per cent in 1986, and to 31 per cent in 1988 and 1989.²⁶ Exports covered only a fraction of imports. In the second half of the 1970s and until 1986, the deficit of the current account corresponded to between 8 per cent and 11 per cent of GDP before it declined to about 5 per cent in the second half of the 1980s. Simultaneously, foreign currency reserves melted away.²⁷

Although limited in scope, the first measures adopted to overcome the crisis were inspired by the prescriptions advocated by the IMF and the World Bank. As early as 1987 Egypt reached an agreement with the IMF under which it was granted a stand-by credit allowing it to reschedule part of its external debt. However, the opening of new credit lines by the IMF was soon affected by Egypt's refusal to implement substantial reforms demanded by the Fund.²⁸ Nonetheless, the regime implemented some of the recommended measures at its own pace, including the reduction of subsidies and external tariffs, the partial abrogation of price and import controls, a modest increase in interest rates and a certain number of steps towards the unification of the exchange rate.²⁹ It also started to approach the issue of public sector reform and began to envisage its partial privatization. It even sold to private investors a number of small enterprises, mostly controlled by the governorates.³⁰

In response to the recessive effects of the crisis and of the early reforms, the growth of real GDP declined over the 1980s. It reached between 11 per cent and 6 per cent

per annum in the fiscal years 1980/81 – 1984/85, between 2.6 and 2.1 per cent in the fiscal years 1985/86–1990/91, and only 0.3 per cent in 1991/92. Population growth over this entire period stood at 2.7 per cent per year.³¹ The growth of GNP per capita fell to 0.5 per cent in 1985, to -0.3 per cent in 1986 and -0.05 per cent in 1990.³²

The losses resulting from this declining, often negative, growth were far from being distributed equally or equitably.³³ Beyond their differences, the few systematic studies that analyse the distribution of revenues and extent of poverty in the 1980s and 1990s tend to show increasing inequalities and the growth of the part of the population considered to be poor. While the highly political nature of these issues may easily be reflected in these studies, it is worth noting that the study which discovered the most important inequalities was the one funded by the United States Agency for International Development (USAID), whose sympathies for the type of economic reforms pursued in Egypt were notorious.

According to the Human Development Report for Egypt (HDR) for the year 1996, which refers to the most comprehensive study of changes in household consumption produced so far, poverty increased considerably between the fiscal years 1981/82 and 1990/91. Though presenting the inevitable shortcomings of this type of research, from a methodological point of view this study is among the most rigorous of its kind. In rural areas, the proportion of individuals living beneath the lower poverty line determined by the authors of the study and thus defined as ‘poor’ increased in this period from 16.1 per cent to 28.6 per cent of the total population. In urban areas, it increased from 18.2 per cent to 20.3 per cent. In rural and urban areas taken together, the proportion of poor increased from 17.0 per cent to 25.1 per cent. If the poverty line is put at a slightly higher consumption level, to include all those defined as ‘moderately poor’, the percentage increased from 26.9 per cent to 39.2 per cent in rural areas and from 33.5 per cent to 39 per cent in urban areas.³⁴ In terms of deciles of expenditure, the 90 per cent of the population (rural and urban) who spent least at the beginning of the period spent even less at the end; only the 10 per cent who spent most were able to spend more. The Gini coefficient changed from 0.3215 to 0.3399 in urban areas and from 0.2746 to 0.3599 in rural areas.³⁵ In spite of differences in the definition of poverty and thus at the level of percentage points, the general conclusions of the HDR are similar to those of the only earlier study covering this particular period.³⁶

Economic reforms gained momentum from 1990. The regime then began to implement additional measures aimed at facilitating a new agreement on macroeconomic stabilization with the IMF. Again concerning subsidies, interest rates and the exchange rate, these measures also included the issue of treasury bonds and introduction of a general sales tax.³⁷

The exchange of letters that marked the agreement with the IMF was completed in May 1991. In September that same year it was followed by an agreement with the World Bank on implementing a programme of structural adjustment. The exchange rate was to be completely unified and the Egyptian pound was to become fully convertible. Restrictive budgetary and monetary policies were supposed to reduce budgetary and external imbalances. Ultimately, they were also supposed to reduce the part of public foreign debt that remained to be reimbursed after the gradual forgiveness of 50

per cent of the total amount envisaged in return for the implementation of the reforms. According to some sources, public expenditure was supposed to decrease from 51 per cent of GDP in 1990 to 42 per cent in 1995, while over the same period public investment was to decrease from 19 per cent to 8 per cent of GDP. The liberalization of prices and of external trade as well as a far-reaching reform of the public sector, followed by the privatization of some 300 companies, was supposed to consolidate the economy in the medium term and to enhance growth.³⁸

Albeit slowly, and often only partly, the regime implemented or at least started to implement, a good number of the measures to which it had committed itself. Indeed, during the seven years following the beginning of the reforms agreed in 1991 inflation decreased from around 20 per cent to 4 per cent, the Egyptian pound appreciated in value, foreign exchange reserves increased from US\$6 billion to US\$20 billion, the budgetary deficit decreased from 15 per cent to about 1.3 per cent of GDP and the current account returned to the black. Such progress enabled Egypt to benefit not only from the various instalments of the loan offered by the IMF, but also from the gradual forgiveness of its external debt.³⁹

The reform of the public sector made a leap forward with the promulgation, one month after the agreement with the IMF, of Law No. 203 of 1991. This law established the public business sector (*qita' al-a'mal al-'amm*), which included 314 companies earmarked for privatization that were affiliated to 27 (later 17) holdings. While temporarily public ownership of these companies was to stand at least at 51 per cent, they were supposed to be managed profitably. The law also changed the status of workers in these companies, restricting employment guarantees for those who had been hired on permanent contracts and, for those hired on fixed-term contracts, it allowed, and mostly entailed, the non-renewal of their contracts.

However, privatization of these companies remained the area in which the regime continued to implement the reforms very much at its own slow pace. Although a permanent topic of public debate and a source of multiple fears, until summer 1997 the privatization of companies governed by Law No. 203 affected no more than some 40 companies, and by early 2000 less than half of the 314 companies concerned. Controlling stakes were sold in 114 companies and minority stakes in some 20.⁴⁰ The real extent of privatization appeared yet more modest if one took into account that the companies affected by Law No. 203 represented perhaps no more than 15 per cent of the estimated book value of all publicly owned production and service units.⁴¹ Again not without considerable delay, in June 1998 the regime passed laws that allowed the privatization of public sector banks and insurance companies. As a matter of course, allowing such privatization did not entail the obligation to actually implement it. At the time of writing, no bank or insurance company had been privatized.⁴²

Unlike inflation and budgetary and external deficits, the material situation of many Egyptians was not improved by the reforms. On the contrary, there are several indicators that the standard of living of certain social groups, which in size were from marginal, continued to decline.

Again reflecting the combined effects of the crisis and of the reforms, real growth of GDP remained lower than population growth for several years, even though the latter

no longer exceeded 2.1 per cent per year. According to some figures published by the international financial institutions, real growth of GDP was only 0.3 per cent in the fiscal year 1991/92 and 0.5 per cent in 1992/93. In 1993/94, it amounted to between 2 per cent and 2.9 per cent, and in 1994/95 to between 2 per cent and 3.2 per cent before finally reaching 5 per cent in 1996/97. Growth of GNP per capita stood at -0.04 per cent in 1991, at -0.69 per cent in 1992 and then slowly grew to some 4.5 per cent in 1998.⁴³ According to figures released by the Egyptian government, GDP growth per capita amounted to -0.8 per cent per annum during the period from the fiscal year 1991/92 to 1994/95. World Bank calculations showed that annual growth of GNP per capita was -2 per cent in 1990, -1 per cent in 1991 and 1992, and 1 per cent in 1994.⁴⁴

The budgetary constraints affecting the public purse and public sector, the constraints of privatization, the difficulties of the private sector in a period marked by high interest rates, and the appreciation of the Egyptian pound which penalized exports, favoured neither the increase of salaries nor the creation of jobs and thus the reduction of unemployment. In spite of lower inflation in the 1990s, real salaries continued to fall, as they had done since the mid-1980s. In several industries, including manufacturing, agriculture, the oil sector, construction, and transport and communications, real salaries roughly halved between 1982/83 and 1994/95.⁴⁵ Even if real salaries in the civil service and public sector increased again after 1991/92, as some sources claimed, they did not seem to reach their earlier levels.⁴⁶ Conversely, the number of bankruptcies recorded by the relevant courts rose from 1,490 cases in 1989 to 1,621 cases in 1992, 2,555 in 1994 and 3,070 in 1995.⁴⁷

If conservative calculations can be trusted, unemployment rose from 8.6 per cent in 1990 to at least 11.3 per cent in 1995. According to other sources, between 12 per cent and 17 per cent of the active population was unemployed in this period.⁴⁸ Among politically sensitive groups, unemployment increased even more substantially. According to some sources, for school-leavers it rose in the period referred to from 24 per cent to 35 per cent; for holders of university degrees it rose from 16 per cent to 21 per cent. According to other sources, the unemployment rates for these groups were lower, but in 1995 reached 19 per cent for school-leavers and 12 per cent for young university graduates.⁴⁹ Indirectly, the increase in unemployment is corroborated by an analysis of the creation and destruction of jobs during the 1990s, which not only questions the ability of the private sector to create jobs, but illustrates the weakness, even absence, of job creation in agriculture, manufacturing industries, construction and transport.⁵⁰

According to the HDR, the percentage of the poor within the population certainly decreased by 1995/96 to 23.3 per cent in rural areas, but increased to 22.5 per cent in urban areas, which corresponded to 22.9 per cent of urban and rural populations combined. If one takes into account the 'moderately poor', the percentage of poor within the population amounted in the same year to 50.2 per cent in rural areas and 45 per cent in urban areas – that is, a combined 47.6 per cent. In terms of capability poverty, the report considers that 34 per cent of Egyptians were poor in 1995/96, but does not give figures for earlier years.⁵¹ In the countryside, the 90 per cent of the population that

corresponded to the nine lower deciles on the scale of expenditure lived better than in 1990/91 and slightly better than in 1981/82. In the towns, however, the nine lower deciles only did better than in 1990/91, but still worse than in 1981/82. Over the period, the Gini coefficient changed from 0.34 to 0.331 in urban areas and from 0.36 to 0.235 in rural areas.⁵²

In a survey of the perception that Egyptians had of their standard of living, 43 per cent of those interviewed by the authors of the HDR noted an improvement, 36 per cent a deterioration and 21 per cent no change. Among the individuals defined as poor, which here does not seem to include those considered as 'moderately poor', 50 per cent of interviewees noted a decline of their standard of living or the absence of any improvement.⁵³ Even if the share of the winners seemed bigger than that of the losers, the latter remained relatively numerous.

The conclusions of the HDR may be considered as either too pessimistic or too optimistic. A more recent study of consumption expenditure based on another survey may suggest that in 1997 the percentage of poor within the total population (urban and rural) did not exceed 23.2 per cent. This figure corresponds roughly to that given by the HDR for the portion of the population living below the lower of the two poverty lines; it remains far below the 48 per cent who, according to the HDR, lived below the higher poverty line. However, as this more recent study failed to provide figures that would allow a comparison over time, it does not allow us to question the trends identified by the HDR.⁵⁴

Conversely, two other studies reached even more alarming conclusions. The first one considered that between 1990/91 and 1995/96 average per capita income certainly increased by 3 per cent in urban areas, but decreased by about one-quarter in rural areas.⁵⁵ The second, funded by USAID and referred to above, held that over the same period the percentage of the poor in the total population increased far more substantially than appears in the HDR. Based in principle on the same sources for expenditure data as the HDR, but establishing a different poverty line, the latter study concluded that the percentage of the poor in the total population increased from 20.7 per cent in 1990/91 to 44.3 per cent in 1995/96. While the figure given for 1995/96 was not too different from that given for the same year by the HDR, the figure given for 1990/91 was almost 50 per cent lower than the HDR's.⁵⁶ In other words, over the first half of the 1990s a much larger percentage of the population would have fallen below the poverty line. Be this as it may, beyond their differences the two studies agreed on the general trend of an impoverishment of an increasing part of the population during the 1990s. This trend was confirmed by the results of a number of other, sometimes smaller or geographically more limited, studies.⁵⁷

The validity of the figures referred to here may, of course, be questioned even beyond the above methodological caveats. A key question is to what extent they took into account the informal sector – that is, the many instances of production and exchange which are not officially declared and which, where relevant, would ultimately have to be added to the private sector figures. As with most countries of the Third World and beyond, the informal sector clearly plays an important role in Egypt. Numerous indicators confirm it, even if the definition of this sector in terms of

non-declared activities makes it impossible to grasp its size through traditional methods of national accountancy.

One cannot ignore in the streets of the towns and cities the omnipresent peddlars and other one-man companies like the emblematic shoe polisher. Similarly evident are the numerous farming and breeding activities on the balconies and roofs of less wealthy neighbourhoods. As noted by a recent study on the mechanisms of food supply in Egypt and the role of the informal sector, one of the most common themes in documentaries about Egypt is that of 'the goat on the roof'.⁵⁸ As a matter of course, many more substantial activities and transactions, including those identified with the formal sectors, are not declared either. These comprise trade of legally tradable commodities and services, as well as illegal activities such as drug trafficking.⁵⁹

If, consequently, it is impossible to guarantee that the figures given for Egypt take the informal sector sufficiently into account, it would be no less acceptable to dismiss them on these grounds alone. When publishing macroeconomic data, national and international agencies attempt to account for the activities of the informal sector through checks and estimates. Moreover, studies of poverty and the distribution of wealth are based on micro-analyses of income and consumption expenditure of households or individuals, which prevent their results being biased towards individuals active in the formal sector. Finally, the figures given for countries of the First World, which are generally considered more credible, do not always more accurately reflect the undeclared gainful activities, tax evasion or corruption which are pervasive in their economies as well.

There is sufficient reason to believe that the Egyptian regime did not ignore the distributive and redistributive consequences which the crisis and the reforms had or would have. Nor did it ignore the potential political dangers. Against the backdrop of the crisis that Egypt underwent in the 1980s and early 1990s, there could be little doubt as to the effects of restrictive budgetary and monetary policies. The regime could hardly ignore that, at least temporarily, the immediate beneficiaries of public expenditure would incur material losses. The same applied to the immediate beneficiaries of low interest rates. Neither the beneficiaries of the many subsidies for consumption, nor young graduates seeking recruitment into the civil service, nor private businesses unable to afford loans, could be considered as winners. Subsidies had to be cut, waiting lists for civil service jobs grew longer and private companies postponed investment. Economic competence in and around the regime was certainly adequate to anticipate such outcomes. Also, the experience of other countries which had put into effect similar reforms could hardly have left any illusions.⁶⁰ Finally, the representatives of the international financial institutions did not deny that their recipes aimed at long-term gains would involve short term losses.⁶¹

Indeed, the Egyptian officials themselves did not fail to express their fears about the social effects of economic reforms. They justified the slow implementation of the privatization programme by the need to avoid the negative repercussions its acceleration would have had on employment and salaries.⁶² Overstaffing was, as everybody knew, one of the reasons for the lack of competitiveness of numerous companies both in the public sector and the public business sector. Their sale or preparation for sale

frequently resulted in lay-offs or cuts in salaries. The first victims were usually the workers employed on the basis of fixed-term contracts, whom the amended trade union law rendered ineligible in union elections. It was rare that privatization led to the creation of new jobs.⁶³

More in private than in public, officials close to the regime frequently stated that implementation of the reform was heavily influenced by the memory of the 'bread riots' of 1977.⁶⁴ Prompted by cuts in subsidies for various basic foodstuffs (officially described as luxury products), the riots of January 1977 were particularly violent in Cairo and Alexandria but spread to many other parts of the country. They resulted in the deaths of more than 70 people, the pillage and destruction of countless shops and public buildings, and even of the homes of government officials. Overwhelmed, the police had to be backed up by the armed forces and a curfew was imposed.⁶⁵ In the 1990s the danger of repetition may have appeared all the more tangible, as already in 1977 the cuts in subsidies and other austerity measures were part of an attempt to reduce the budgetary deficit and thereby please the IMF. Like the bread riots, the riot of the auxiliary police in 1986, which devastated parts of Cairo, must also have remained in people's minds. Exasperated by the treatment (or rather maltreatment) they received at the hands of their officers and the misery in which they had to live, thousands of these second-class policemen took to Pyramid Street in Giza where they ransacked casinos, restaurants and shops.

Certainly, public statements by the regime may have concealed reasons other than those explicitly referred to. Over the years, many people in and around the regime had developed a vested interest in the public sector or, more generally, in the statist management of the economy.⁶⁶ For instance, ministers and higher civil servants could obtain products free of charge or at enormous discounts from public sector shops. Less innocently, they could benefit from important commissions and the kick-backs which private sector companies needed to pay in order to get the requisite papers and signatures for their activities. Notwithstanding this, the incessant appeals for social peace and justice were not, by the same token, merely propagandistic statements to prop up the regime's legitimacy.

In the eyes of the regime, the economic reforms were a potential source of trouble not only because they led, or could lead, to material losses for a large part of the population; they were also potentially dangerous in that a considerable part of 'public opinion', influenced by the dominant discourse of the past, considered them irreconcilable with the social and political achievements of the revolution and with their own interests. From this perspective, privatization threatened not only employment guarantees but also national independence, if it allowed foreigners to purchase Egyptian companies, including those nationalized under Nasir. These fears were fostered by the press of the oppositional nationalist and Islamist left, in particular by periodicals such as *Al-'Arabi*, *Al-Ahali* and *Al-Sha'b*. However, they were also manifested in the official press, where numerous writers continued to subscribe to development strategies of the statist and national type, associated with more or less socialist and corporatist features. The problem was thus not only one of real losses but of the perception and expectation of losses.⁶⁷

The apprehensions of the regime could only be reinforced by active protests which, although they remained quite limited geographically and in number of participants, nonetheless reflected the beginnings of organized mobilization. For instance, opposition parties defending the interests of workers set up a number of committees in defence of the public sector. As early as June 1989, trade unionists established an early but short-lived 'Committee for the Defence of the Public Sector and of National Industries'. Numerous other initiatives were to follow, many of them listed in a recent study of labour-state relations in Egypt.⁶⁸ In March 1991, for instance, the Tajammu' organized workers' meetings in Halwan to protest against Law No. 203. In April 1993, the first shop floor leaders of various branch unions established new committees for the Defence of the Public Sector and National Industry in the industrial towns of Mahalla al-Kubra and Halwan. In November 1993 other trade unionists, in opposition to their union leaders, set up a 'National Committee against Privatization', which was by no means the only one of its kind.⁶⁹

At the same time, the harsh repression of the large-scale strikes of 1989 did not seem to have lasting discouraging effects. Soon the workers seemed to remember mainly the concessions which, as usual, followed on the heels of repression in order to persuade them to behave in the future. According to one source, the number of strikes and stoppages decreased only temporarily from 21 in 1989 to 12 in 1990 and to 9 in 1991, and rose to 24 in 1992 and 25 in 1993. In part, strikes and stoppages seemed to replace other forms of industrial action such as the refusal to accept pay cheques which had nuisance value but did not actually affect production.⁷⁰ Although more popular, strikes nonetheless appeared to be more localized and less 'political' than in the 1980s.⁷¹ According to another source, the number of strikes and stoppages increased significantly after the lull of 1990, when there were only 8 such events. However, in 1991 there were 26, in 1992, 28 and in 1993, 63. On the occasion of a large-scale strike of textile workers in Kafr al-Dawwar in September 1994, three people were killed by police and many others were injured.⁷² A survey on the basis of data collected by the periodical *Al-Ahali* of the Tajammu' Party differs in terms of figures but not trends. According to this survey, which mainly covers the places where the Tajammu' had a certain following and infrastructure, the number of strikes and stoppages was in almost constant progression since 1991: one in 1991, three in 1992, again three in 1993, eight in 1994, six in 1995, 15 in 1996 and 12 in 1997.⁷³ The differences between these generally reliable sources reflected the extreme difficulty of covering this sort of event systematically and comprehensively. Even NGOs and associations concerned with the issue, and opposition papers, were often only aware of events that took place in areas where they were well entrenched or had committed correspondents. On the other hand, there was much agreement on the number and importance of the strikes which, in the summer of 1998, affected a number of public sector companies.⁷⁴

For the most part, strikes were prompted by the material losses incurred by some or all workers in the company concerned. In the worst cases, these losses were the result of lay-offs or, what amounted to the same, the non-renewal of fixed-term contracts. In other cases, they occurred where services, additional payment in kind or supplements, which were often a significant part of total pay, were phased out. In some cases, strikes

were prompted by stiffer disciplinary regulations, which always had material repercussions.⁷⁵ In part, management decisions that were at the origin of industrial action aimed at putting workers under additional pressure to increase productivity; in part, they simply aimed at improving the financial situation of the company in view of its privatization. Both aims were obviously linked to the economic reforms.

The various activities intended to combat or slow down the economic reforms or that were otherwise prompted by them never threatened the survival of the regime or the implementation of the reforms. However, they clearly illustrated that popular demobilization was not as easy to achieve as hoped. This alone was a subject to preoccupy the regime.

As mentioned above, the economic crisis and the economic reforms did not only result in a redistribution of revenues and material resources with all the demands from losers and winners that ensued. Economic change, including liberalization, also reduced the control that the regime was able to exert over numerous actors or activities, either through patronage or through ownership of the public sector and its powers of regulation.

Although the liberalization of the Egyptian economy remained partial – as one may gauge, for instance, from the slow speed and limits of the privatization programme – the private sector became far more important after 1990. In spite of the numerous powers the regime continued to exert over the economy and beyond, it could less easily control the activities of this expanding private sector than it could those of the public sector whose hierarchical and legal superior it was, whose managers it appointed and whose accounts it checked.

Like the economic crisis, the reforms reduced the regime's powers of patronage as they reduced its spending power. State administrations and the public sector stopped hiring young graduates or simply added their names to ever-growing waiting-lists. Elsewhere, the state limited or ceased to provide services such as education or medical care, which in the past had created loyal sentiments among their beneficiaries. Similarly, the housing programmes for young married couples were increasingly drops in the ocean. The cuts in expenditure benefiting various groups not only threatened to affect their loyalty to the state and the regime, but also deprived the latter of top-to-bottom and local networks. As in Imbaba or Central and Upper Egypt, the very tangible absence and retreat of the state led to the occupation of vacated areas by its political competitors. Certainly, in spite of its impressive size, the apparatus of the Egyptian state had never been omnipresent and, indeed, had always relied on techniques of indirect rule. However, the budgetary difficulties reduced its presence even further. Even where the regime did not see its control collapse, it had to fear and attempt to prevent such an eventuality.

The Liberties Economized

In the domain of negative liberties, economic change prompted by the crisis and the reforms tended first of all to bring restrictions to the freedom of expression through the media. It is true that in the Egyptian case these restrictions were not necessarily a direct result of the crisis or the reforms; rather, they seem to have been the outcome of

the management of crisis and reform by an authoritarian regime. However, some of the following examples suggest that economic change such as that unfolding in Egypt may also provoke authoritarian reactions in basically non-authoritarian systems.

Throughout the 1990s in Egypt, not only did economic change have important repercussions on the media, but most of the new restrictions concerning the media were linked to economic change. These restrictions concerned primarily the publication and propagation of two types of news, sometimes fabricated, which – perhaps necessarily – accompanied economic liberalization. One sort of news questioned economic liberalization, its modalities, equity and probity. The other was aimed at promoting individual or group interests which were not those of the regime, but of owners of the private media.

In a sense, the most eloquent example of restrictions to the propagation of the first sort of news was Law No. 93 of 1995. The great majority of criminal offences redefined or newly defined under that law, and the tougher punishments it imposed, made easier the suppression of information which either explicitly or implicitly contained accusations of corruption. One of the key aspects of that law was to widen significantly the definition of crimes such as the propagation of ‘false information’ and to punish them with greater severity. While any wrong committed against an ordinary citizen continued to require a complaint by the latter (*sahib al-haqq*), the case was then investigated by the prosecution, which was dependent on the executive, and heard by judges whose decisions were not always immune from regime influence. In cases allowing the *da’wa mubashira* (which may be translated as ‘direct plea’), the person considering that he or she was a victim could short-circuit the prosecution and directly address the relevant court. In total, 40 per cent of investigations (*tahqiq*) by the prosecution and of condemnations by courts (all in lower courts) under Law No. 93 concerned the coverage of corruption affairs in the wider sense, in which politicians, higher civil servants, top managers of the public sector or private business people were allegedly involved. It was also pointed out that Law No. 93 followed on the heels of rumours that the sons of President Mubarak had received an important commission for the sale of Airbus aircraft to Egyptair.⁷⁶

Although there is no proof, the assault of Majdi Husayn, the editor-in-chief of *Al-Sha'b*, and of Jamal Badawi, his counterpart at *Al-Wafiq*, shortly after the abrogation of Law No. 93, may have been cases of its posthumous, extra-legal and personally motivated implementation. Considering the legal proceedings previously initiated against both journalists, their vicissitudes may well have been part of the more general efforts to stifle coverage of corruption affairs.

As far as the later troubles of Majdi Husayn with the judiciary are concerned, they were at least partly caused by the same attitude to corruption, even though the conflict between Husayn and Alfi cannot be entirely dissociated from the wider conflicts between oppositional Islamists and the regime. Finally, the sanction against ‘Adil Hammuda, who was ejected from his position as deputy editor-in-chief of *Ruz al-Yusuf*, seemed to have been motivated not only by the latter’s campaigns against corruption, but also by his explicit criticisms of the economic reforms, in particular privatization.

It is of course true that the various practices covered by the notion of corruption have a long tradition, in Egypt as elsewhere. In its various forms, from nepotism to

kick-backs, embezzlement, trading influence or insider trading and the like, corruption has long been endemic in Egypt. It worsened with the beginnings of *infitah* in the 1970s and the consolidation of such policies in the following decades. More generally, economic liberalization entailed an increasingly unequal redistribution of resources which encouraged its beneficiaries to try and influence administrative, legal and political decisions – and this all the more as most civil servants were among the losers. At the same time, the regime and its officials used their powers to benefit from the new opportunities and invented new types of commission, racket and situational rent.⁷⁷

Accusations of corruption proliferated and took on new dimensions in the 1990s. Apart from the award of public contracts, which everybody rightly considered as one of the most corrupt areas of economic activity, the privatization of public enterprises in the 1990s brought new suspicions and fears. While the listing of certain companies on the stock exchange triggered accusations of insider trading, it was mainly the sale of shares, or indeed of entire companies, to selected investors that led to charges of corruption. In both cases, the initial valuation of companies to be sold was another prime area of insinuations and accusations. Devoid of any transparency, sales to selected investors were entirely in the hands of the regime, its ministries, committees and specialized agencies, and readily allowed all sorts of illegal dealings. While nobody could know how the new owners were really chosen, nothing was done to reassure the public about the probity of the procedures. As in the past, some accusations of corruption may have been incorrect or even fabricated. Living with corruption on a daily basis, the public obviously entertained the worst of suspicions, which were then amplified in the cases, certainly not rare, in which substantial irregularities were discovered. Even if privatization was not a source of additional corrupt practices – which is possible but not likely – it almost necessarily had to provoke additional fears. Simultaneously, other aspects of corruption in the wider sense, such as morally unacceptable and often illegal practices to lay off workers, increase productivity or to fight competitors became ever more frequent.⁷⁸

Measures of economic liberalization and their effects were also the major factors that prompted the other new restrictions to freedom of expression in the media. Certainly, the decision in October 1997 to stop the distribution of some 40 Egyptian periodicals registered abroad coincided with a campaign by the journalists' syndicate against these publications which, more often than not, employed journalists who were not syndicate members.⁷⁹ Similarly, the decision in March 1998 to prevent printers in the free zones from printing periodicals registered abroad was perhaps not unrelated to the inauguration of the new print houses of *Al-Ahram* and *Al-Akhbar* with their enormous overcapacity.

However, neither the campaign by the journalists' syndicate nor the overcapacity of the new print houses of the public-sector papers could explain the decision to prevent the distribution of the weekly *Al-Dustur*. Registered abroad, *Al-Dustur* was hit at the beginning of 1998, some time after the campaign by the syndicate and before the ban on printing such periodicals in the free zones. Apart from that, the explanation in terms of overcapacity was proven wrong when the ban against printing in the free zones was lifted some months later.

Far more important were two other factors. First, certain periodicals such as *Al-Dustur* or the *Cairo Times* were registered abroad because they were not sufficiently politically correct to receive the imprimatur of Egypt's Higher Press Council. In part, this lack of political correctness was identical with their interest in corruption cases and in the downside of economic reforms, which they shared with certain periodicals registered in Egypt, but the latter were by and large party papers which did not need to be authorized by the Higher Press Council. Second, and more generally, the periodicals registered abroad were a part of public life that evaded the regime. Although they were checked by state censors before being distributed, their very existence was a thorn in the flesh of the Higher Press Council and challenged its *raison d'être*. This all the more as the number of periodicals registered abroad had grown substantially over the years; even without those targeted in the autumn of 1997 there were some 60 such periodicals on the market in March 1998.

From this point of view, the restrictive measures against the Egyptian press registered abroad may be seen as an attempt to reverse, or at least contain, a development that increasingly relativized and diminished the regime's control over the media. These measures could be definitive as in the case of *Al-Dustur*, which was considered too popular and too incorrigible. They could be temporary in the case of periodicals which were expected to learn the lesson. In any case, they were closely linked to economic liberalization, which enabled individuals or groups to raise the capital necessary to create a periodical and to expatriate this capital in case of trouble with the Higher Press Council; they could thus compete with public-sector publications in terms of content and advertising. In the last resort, the regime attempted to restrict a form of the freedom of expression that economic liberalization offered its most immediate beneficiaries. Unlike the numerous cases where the aim was to silence critics of corruption who were often among the losers of economic liberalization, the restrictions on the press registered abroad also targeted the winners of economic liberalization.

The same intention to police the winners, or rather some of them, also inspired the attacks and measures against the 'yellow press' at the beginning of 1998. For instance, the regime did not want to tolerate the fact that a businessman bought or rented a paper by advertising in it in order to settle accounts with one of his competitors. In the eyes of the public such practices could easily delegitimize the regime's economic choices. Moreover, as illustrated by the fall from grace of the former chairman of the American Chamber of Commerce in Egypt, Shafiq Jabr (Gabr), the owners of capital were not supposed to speak out overmuch when the regime did not ask them for advice.

Finally, the lack of trust in the beneficiaries of economic liberalization also inspired the amendment to the company law passed in January 1998, which required the explicit consent of the Council of Ministers for the creation of any new company seeking to publish periodicals or to broadcast satellite television. This provision, which implicitly limited the role of the Higher Press Council, may easily be seen as an attempt to centralize decision-making and control in a domain that was particularly sensitive, and where powerful applicants were able to exert mounting pressure.

In the last resort, the clauses in the company law that concerned the press, the misfortunes of the 'yellow press' and the measures against the press registered abroad,

all expressed the regime's intention to control an information market which had emerged as a result of economic liberalization. The regime sought to re-establish its control over the media, a growing number of which were not contained by existing control mechanisms. All the measures sought to restrict liberties that the media concerned had earlier carved out for themselves. Most of the restrictions introduced in the 1990s did not result in a net loss of liberties, compared to the early 1990s. In other words, these restrictions only amounted to deliberalization if the point of comparison was the moment immediately before they were imposed.

The link between economic liberalization and repression is also evident in the measures that, in early summer 1997, were taken against members of opposition parties who supported, or according to the regime mobilized, sharecroppers against the effects of Law No. 96 of 1992 concerning the relations between owners and tenants of agricultural land. For the first time, the 1992 amendments to the penal code were invoked against opponents other than alleged members or sympathisers of armed Islamist groups. Certainly, some of the accused belonged to the Labour Party, which may be considered Islamist but which was never involved in the armed struggle with the regime. The others, in any case, belonged to the Tajammu', which was the most radical anti-Islamist party.

Even if one holds that the amendments to the penal code in 1992 were primarily intended as a response to rising political violence, the moment of their enactment could suggest that the motivations of the regime were somewhat more complex. In fact, the amendments to the penal code were passed only three weeks after the new law on relations between owners and tenants of agricultural land was enacted. Unlike the amendments to the penal code, which came into effect immediately, the latter came with a five-year period of grace for the tenants, thereby postponing its implementation until 1997. The new crimes of terrorism, and of preventing the application of the constitution and law, which covered acts like the illegal occupation of public places and private property, or the interruption of transport and communication facilities included in the penal code in 1992, not only covered what actually happened in 1997 but also what, in 1992, could be expected to happen once Law No. 96 came into force.

Seen in this light, the decisions taken in 1994, 1997 and again in 2000 to prorogue the state of emergency for not one but three years, also seem to have been linked to the economic reforms. The 1997 decision came at a time when acts of violence had been consistently in decline, even though later in the year the country was traumatised by the Luxor massacre. It may thus have served to demonstrate the intention of the regime to repress any act likely to adversely affect the economic reform programme, be it committed by armed Islamists or anybody else. Obviously, the decisions might also have been related to a possible tendency of authoritarian regimes to reinforce their authoritarian features over time.

In the domain of positive liberties, the economic reforms contributed first of all to the erosion of the opportunities for many Egyptians to become elected. The increasing inequality of revenues and fortunes produced by economic liberalization benefited wealthy candidates. With legal ceilings governing election expenditure being a virtual rather than actual constraint, candidates rolling in cash were in a particularly favourable

position at a time when political parties, including the NDP, lacked the necessary resources to wage election campaigns. The advantage for wealthy candidates was further increased by the switch to majority vote, which saved them from having to contribute to the expenses of less wealthy candidates on the same party list. After the 'need' for the regime to step up interference, this was the second perverse consequence of the new electoral system. As wealthy candidates were particularly attracted to the NDP, whose label enhanced their chances of winning and of getting the expected return on their investment, they also contributed to the large parliamentary majorities in favour of the regime.

The economic reforms – and not only those that liberalized the economy – further pushed the regime to search for secure majorities. The question was not to reduce further the already highly limited representation of opposition parties critical of the recipes advocated by the international financial institutions. It was only to make sure that the regime had a reliable majority. Certainly, unlike the 'election' of the president and amendments to the constitution, legislation concerning the economy did not require two-thirds majorities. Like all ordinary laws, those concerning the economy were voted by a simple majority of deputies present at the vote. Nevertheless, it seems that even such majorities could not always be taken for granted. In 1993 and 1994, for instance, the regime on two occasions failed to find the necessary majority for passing tax legislation recommended by the IMF.⁸⁰ In other words, the majority of 81 per cent of seats that the regime enjoyed in the 1990 Assembly was not sufficient to pass legislation which needed the assent of no more than one-quarter of NDP deputies.

The impact of economic reform in general and of economic liberalization in particular was no less obvious in the restrictions to, and redistribution of, positive liberties in the trade unions. This linkage appeared primarily in the 1995 amendment to the provisions of the trade union law governing union elections. By depriving workers on fixed-term contracts of eligibility in union elections, the new law hit hardest those workers who were threatened by the reform of the public sector and privatization; because this particular measure might have been prompted by public sector reform short of privatization it should not necessarily be linked to economic liberalization. Similarly, by extending the right to join the unions to almost all ranks of management, the new law helped to create majorities that were more friendly to the economic reforms. The new provisions facilitating the re-election of former union leaders who, in practice, all belonged to the NDP, had the same effect.

Additional measures during trade union elections, such as the need for candidates to have their papers signed by the president of their branch union, or the many forms of vote rigging, could also be seen as techniques to produce majorities that would refrain from action against the economic reforms. However, the docility of these majorities may have been sought for other purposes, for instance, to allow certain people and groups to monopolize trade union positions and the ensuing spoils.

Economic liberalization in particular, rather than economic reforms in general, explained the decree issued by the Federation in 1996, which raised from 50 to 250 the minimum number of founding members of new shop floor committees in the private sector. As shown above, it was impossible to reach this number in the vast majority of

private sector companies, which did not employ that many people. In 1991/92, for instance, three-quarters of the workers in the private sector were employed by companies with fewer than 15 workers. This proportion becomes even more significant if one considers that the private sector employed 67 per cent of the total workforce in the country and 36 per cent of the non-agricultural workforce.⁸¹ Limited to the private sector, the decree was clearly intended to provide additional protection for employers who sought to take advantage of the opportunities offered by economic liberalization.

In several cases, however, the link between restrictions to liberties on the one hand and economic reforms on the other was dependent on the general political context in which the reforms were decided and implemented. Certainly, the redefinition of the boundaries of participation at union level may be considered as the typical, if not archetypical, corollary of economic liberalization based on defending the rights of the owners of capital. Incidentally, the fact that in many cases the owner of capital was identical with the state did not necessarily contradict this, especially if public sector companies were forced to become profitable. Conversely, however, the repression, in a context of economic liberalization, of the dissemination of news and rumours about corruption as was intended by Law No. 93 of 1995, cannot be dissociated from the fact that economic liberalization was implemented by a regime which, in institutional terms, was accountable to no-one, and which therefore had every opportunity to shape its policies in ways profitable to itself and its associates.

Considering that economic liberalization was – and is – implemented by an unaccountable regime, it appears unlikely that it will transform the Egyptian economy into a predominantly ‘liberal’ economy, which is premised precisely on a neutral and therefore accountable state as regulator. As was stressed in regard to the first period of economic liberalization (*infitah*) in the 1970s, such policies may aim not at liberalization *per se* or at economic development but simply at defending and furthering the interests of individuals or groups.⁸²

Economic Malaise and Islamist Opposition

It has often been argued that Islamism is an ideology or, to be more cautious, a set of values and norms that has particular attraction for the poor, the underprivileged and all those who in social terms are downwardly mobile. From this point of view, Islamism is largely an expression of social, mostly material and status-related, claims which for whatever reason need to be sublimated into religious, and therefore cultural, claims.

If we accept this interpretation, the restrictions to liberties that we considered as a consequence of the conflicts between the regime and its Islamist opponents easily turn into indirect manifestations of a social malaise which stemmed from, or was reinforced by, the economic crisis of the 1980s and the subsequent reforms. Put differently, economic developments then led to restrictions to liberties in two ways, of which the direct linkage described in the preceding section is only the more apparent one.

The linkage between social position or itinerary on the one hand and propensity to adhere to Islamist ideas and to join Islamist groups on the other has been emphasized in different ways and for numerous cases throughout the Muslim world.⁸³ In the Egyptian context, this linkage appears to be confirmed by the fact that Islamist groups

tended to be particularly well entrenched in districts and governorates considered as poor. Imbaba in Cairo seemed to provide as convincing an example as the governorates of Minya, Bani Suwayf, Asyut, Suhaj and Qina. The argument according to which the strength of Islamist groups in Central and Upper Egypt may be explained in part by the welfare gap between these governorates and Lower Egypt, and in part by the competition between different social groups aiming at establishing themselves as 'the' second stratum, is only a more elaborate version of these explanations based on social factors.⁸⁴

The importance of social factors for the growth of Islamist groups has been somewhat shaken by the conclusions of one of the studies of per capita consumption mentioned above. This study maintains that the governorates of Upper Egypt were not substantially poorer than those of Lower Egypt, if differences in consumer prices are taken into account.⁸⁵ In other words, the population of the governorates most affected by the conflict between the regime and Islamist groups, and from which originated a large number of the people arrested in this context, comprised only a marginally larger percentage of people living below a poverty line defined in terms of purchasing power.

As a matter of course, the results of this study only challenge explanations that are sufficiently simplistic as to confuse the living conditions of populations defined in geographical terms with the living conditions and biographies of individuals and smaller groups. However, even at the level of individuals or social groups, monocausal explanations based on social factors are also unconvincing in that they are too ready to ignore the alternatives open to the victims of social conditions – alternatives that, in principle, range from secular revolutionary ideologies to forms of 'exit' such as resignation and apathy.

Thus it appears difficult to avoid more complex explanations which, alongside social factors, introduce other variables such as awareness of these conditions and its translation into protest and resistance, both facilitated by higher education and the institutional framework in which it is dispensed. The social aspect then becomes one, though perhaps a major, ingredient of an explanation widened to other factors such as the 'dislocation of society' and the 'political, economic and social bankruptcy of the power elites', with the effects of these variables sharpened by the perceived inequalities between North and South, West and East, Third and First world.⁸⁶

As far as Egypt is concerned, more complex explanations have been given for the emergence of certain Islamist groups whose sociological characteristics could be relatively well documented. Cases in point are Islamic Jihad, responsible for the assassination of Sadat in 1981, and the group responsible for the attack on the military academy at Heliopolis in Cairo in 1974; in a more general way, the argument has been made for the members and sympathisers of Islamist groups or associations, mostly non-violent and often not even in opposition, which, like the two armed groups, included a large proportion of students and young graduates from less affluent districts and regions. These groups were found to attract the victims of social inequalities who, thanks to education and other instruments supplied by a degree of upward mobility, were able to question the justification of these inequalities and to devise strategies to overcome them.⁸⁷

Sa'd al-Din (Saad Eddin) Ibrahim, the author of one of the earliest studies on the subject of that sort, which compared the Mujahidin in Iran, the Muslim Brothers in Egypt and the group responsible for the attack on the military academy in Heliopolis as well. Takfir wa-Hijra, also active in Egypt in the 1970s, states that 'What we argue here is that a sense of national crisis, accompanied by a class factor interacting with personal aspirations have been common structural features surrounding the rise of the four movements. The national crisis in all four cases has something to do with foreign encroachment. The class factor in all cases has to do with collective status incongruity (that is, strong achievement motivation, with justified high aspiration, yet little economic and political opportunity). In all four cases the middle and lower classes felt this incongruity most sharply. The individual biography element sensitizes the confluence of both the national crisis and the class incongruity in a highly anomic, impersonal setting – the big urban centres.'⁸⁸

From there, it is only a small step to stress these 'other' factors that allow social factors to contribute to the emergence or growth of Islamist groups, currents or movements. Pushed further, this displacement of priorities allows for explanations centred on only these factors, without the classical social factors occupying any place whatsoever. The fact that in their wider definition, Islamist discourses and practices are not at all the preserve of the poor and the downwardly mobile, justifies the exercise. Indeed, neither the student population of the American University in Cairo, nor its alumni association which was involved in the campaigns against books considered hostile to Islam, could be defined as poor or as social losers.

Certainly, the 'dislocation of society' or the 'bankruptcy of the elites' may give rise to particularly violent ruptures in the lives of the poor. However, this does not mean that the one or the other may be reduced to a question of poverty. For those directly concerned, the principal question may be that of making sense of the economic, social and moral upheavals confronting them, which obviously includes the option of relegating to the domain of meaninglessness the challenges to which they give rise. Ultimately, the question may be that of finding a new social and political order which allows old material and moral anomies to be overcome.

Consequently, the attraction exerted by Islamism has thus been explained as the reaction to a modernity considered as extraneous, imposed, threatening and confusing, which many individuals were unable or unwilling to confront⁸⁹ or which they sought to reappropriate.⁹⁰ When the focus was on inability, this attraction has been explained as the result of the successive failure of all previous strategies of economic development and political emancipation which were more or less copied from 'Western' models.⁹¹ If we take only the case of Egypt, neither the 'liberal' regime of the monarchy, nor 'Arab socialism' under Nasir, nor *infitah* under Sadat and Mubarak enabled the country to leave the Third World or to confront successfully the Arab policies of Israel, a state that the vast majority of Egyptians continued to consider as a creation and bridgehead of Euro-American imperialism. On the contrary, Israel remained victorious not only in times of war but also in times of peace, as illustrated by its continued colonization of Palestinian territory even after the Oslo Accords. It is these failures that impose on those who experience them the need to examine the links between 'independence' and

'identity', and which may suggest to them that the former must be sought through the latter.⁹² In a non-secular society, this identity is most likely to be built on the basis of what the builders consider as their religion, a toolbox that moreover enables them to produce the meaning meant to combat the chaos reigning in their dislocated world.

The search for independence from the forces and powers that dominate the world, and for a development strategy that simultaneously gives access to this world, is evidently an enterprise that involves a perception of inequality or precariousness in material terms or in status. In this regard, the definition of interests in the form of identity it gives rise to is similar to that operated by the poor and the losers in Egypt and in other places where the mal-distribution of wealth and opportunities poses problems. This resemblance at the level of the 'mechanism', which is the one analysed by the instrumentalist theories of ethnicity,⁹³ must not, however, hide the fact that the two types of conflict do not occur within the same 'space'. Through its modalities, opportunities and constraints, the intra-state or intra-national struggle is not necessarily identical to the inter-state or international struggle. The interests in question are not necessarily the same either.

Islamism therefore appears – and this is no great surprise – to be a plural phenomenon not only in its manifestations but also in its causes and origins. Islamism as an 'ism' defined essentially as an 'idiom' covers many Islamisms which are different one from another. The explanation in terms of material inequalities and social struggles inside Egypt or indeed any other country is plausible in certain cases, but not in others. Neither in Egypt nor elsewhere can Islamist movements or currents be reduced to that. Moreover, in most cases individuals, groups or movements are influenced by the convergence of several logics and interests. It should also be remembered that, at least in Egypt, the rulers have sometimes encouraged the growth of Islamist groups in order to reduce the influence of left-wing groups; President Sadat in particular favoured groups to which he later fell victim.⁹⁴

Although the exacerbation of the conflicts between the regime and its Islamist opponents was only partly provoked by the consequences of the economic crisis and reforms, the reforms seem to have contributed to this exacerbation in other ways. Most of all, the perception of being dominated from abroad, be it economically, technologically or culturally, and the feeling of dependence that ensued, could only be reinforced by the implementation of a programme of reforms that had been recommended or imposed from outside and that aimed at further opening up the economy, and therefore the country, to the outside world. The restrictions to liberties that arose out of the conflicts between the regime and its Islamist opponents may thus be linked to the economic reforms, without emphasizing their direct distributive consequences.

If we turn for a moment to the impact that the conflicts between the regime and its Islamist opponents may have had on the living conditions of the majority of Egyptians, it seems that this had little importance before the Luxor massacre of 1997. Obviously, political violence and its consequences affected the material situation of the population in the governorates, towns and districts most concerned. It also frightened away some investors and tourists. However, in general the regime managed to prevent the events from spilling beyond the area of Central Egypt between Bani Suwayf and Qina, and to

present Egypt as a safe country. At any rate, the economic crisis of the 1980s preceded the political violence of the 1990s and may be amply explained by the factors outlined above.

Streamlining the State Apparatus

Attempts to 'streamline' the state apparatus or, to put it more euphemistically, to 'rationalize' it, appeared most clearly in the suppression of any possibility of participation from 'below' in the selection of *'umdas* and of deans of faculties. Like its counterparts elsewhere in the world, the Egyptian regime sought to perfect the tool that was supposed to execute its policies. And like elsewhere, this necessitated the elimination of friction or resistance in the chain of command, indeed the elimination of autonomy, be it structural or personal, actual or potential. From this perspective, it is clear that state personnel had to be appointed from above, not elected from below. The objective was less the exclusion of undesirables, as Islamist opponents would have been, but the inclusion of those most desirable, namely, the most efficient and the most compliant. The same considerations also seem to have inspired the amendments to the police law tabled in March 1998, which reinforced the discretionary powers of the minister of the interior in the appointment of high-ranking officials.⁹⁵

The Weakness of Liberal Convictions

On several occasions – as, for instance, in the cases of censorship at the American University in Cairo – the restriction of liberties appeared to be linked to the weakness, even decline, of 'liberal' values in general which affected not only the rulers but also 'society'. In fact, illiberal attitudes of the rulers often seemed to reflect the illiberalism of society at large to a greater degree than the advocates of too clear a distinction between élites and masses, or between state and society, might wish to accept.

In Egypt as elsewhere, the rulers and the ruled, beyond their political conflicts, often shared the same moral, religious and nationalist values. In addition, the rulers tended to follow, without necessarily always sharing, the groundswells or fashions of morality and public opinion, in order to combat their opponents by outbidding them or in order not to compromise their own legitimacy. The fact that the regime resorted to such strategies of appeasement indicates that its authoritarianism, a notion that includes a large degree of autonomy of the rulers vis-à-vis the ruled, was in a sense limited. This in turn is a reminder of the difficulty of defining authoritarianism in purely qualitative terms. What needs to be added, of course, is that to a considerable extent the rulers and their predecessors had themselves shaped the public opinion that they then followed or had to follow.

Even in cases in which the (re)production of moral, religious and nationalist taboos in Egypt in the 1990s may be explained as stratagems, they necessarily appealed to convictions. The censorship activities of the Academy of Islamic Research at Al-Azhar may have reinforced the legitimacy of the regime or have been aimed at appeasing the Islamist opposition, yet it cannot be separated from the weakness or the decline of liberal values among the constituencies that were courted. The possibility, or necessity, of the strategy itself reflected the defeat of liberal values. The accusations against Nasr

Hamid Abu Zayd in *Al-Liwa al-islami*, the religious weekly published by the NDP, may have served to beat the Islamist opponents at their own game. However, the fact that they had to be beaten at their own game is telling in itself. Finally, the regime's wish that the symposium on minorities in Egypt and the Arab world, organized in 1994 by the Ibn Khaldun Center, should take place outside the country illustrated the same need to compromise with dominant ideas, even though the values at stake were not religious, but nationalist. The illiberal force of this public opinion erupted almost physically at the Isma'iliyya festival of documentary films in 1992, when the state censor had to defend the authors of *Marriage Egyptian Style*.

The advocates of conspiracy theories may, of course, hold that on these occasions it was not the actors and forces of 'society' who spoke, but the regime which made them speak. Their claim could be supported by the fact that the very religious, nationalist and moral pressures to which liberties had fallen victim often stemmed from media that were by and large controlled by the regime. While it would be applicable to Ba'hist Syria in the 1970s and 1980s, the idea that the state makes society speak according to its wishes is much less convincing in the case of contemporary Egypt.⁹⁶ Certain values were pervasive in the country, and in spite of the restrictions discussed earlier, the margins of free speech even for the editorial writers in the official press, were sufficiently large to allow them to profess illiberal opinions on their own initiative.

The other area where liberties suffered from the weakness and decline of liberal attitudes is that of the opportunities for women and Copts to be elected or even endorsed as party candidates. The decline in the number of 'official' NDP candidates chosen from these two categories seems to be closely linked to the religious and moral values of the constituents who were to be represented. The same is true for the decrease in the number of women and Coptic deputies, especially if one does not take into account deputies appointed by the president. In this regard, the president's choices confirmed the claim by some Egyptian intellectuals that in their country the state was more liberal than society.

The Longevity of the Regime

Some of the measures designed to restrict liberties may well have been over-determined, possibly even determined, by the ageing of the regime or, to use another euphemism, by its longevity. In some circumstances time, or rather duration, serves as a frame for the erosion of a regime's stability. Thanks to sheer duration, factors may accumulate that lead to the attrition of a regime, the fatigue of its representatives, bickering and quarrelling among them and finally to its collapse from within. Or time may contribute to its ossification, to its isolation or its self-isolation, to the loss of its sense of reality and thus its inability to face up to challenges from without. However, in other circumstances, time may give a regime the opportunity to put in place devices that protect it even better and allow it to impose itself even better.

To claim that with each passing day a regime in power may better ensure its future survival is not to say that it entirely controls the factors that contribute to its survival, or that it knows how to exploit the practical possibilities provided by time. This is not the place to debate the conditions that allow one or another regime to maximize its

chances. It is sufficient to observe that by lasting 19 years, the regime of President Mubarak had survived long enough to equip itself with the means to ensure its continuance. It had been able to erect its fortifications, to train and prepare its secret services and to appoint its faithful even where tradition or law did not allow rapid purges.

The mistrust that tends to characterize authoritarian regimes (although not only them) means that the measures they take to ensure their survival are usually measures of exclusion. The appointment of trusted individuals to sensitive and less sensitive posts is necessarily undertaken at the expense of incumbents or candidates who are considered less loyal, sometimes wrongly so. Inevitably the latter are losers in material or symbolic terms. They no longer have access to certain offices or to the honours and incomes associated with them. The mechanisms of exclusion easily extend to the lower echelons of the state apparatus. If only through the dynamics of personal relations, they may even affect the most subordinate positions, such as lift boys or coffee servers. As argued by Roger Owen, longevity enables regimes to patrimonialize the economy and to cultivate crony capitalism, which increases corruption.⁹⁷

The losers are unhappy; sometimes they even try to defend themselves. The strategy of exclusion that is supposed to contribute to the stability of the regime readily contributes to its isolation, its contestation, and indeed to its weakening. Conscious of the losses that it causes, the regime seeks to pre-empt all opposition, resistance or vengeance. It therefore further reinforces the measures of exclusion and accompanies them with measures of prevention and repression. In other words, it embarks on a spiralling restriction to the liberties of its victims and of its real or potential adversaries.⁹⁸

To demonstrate that the longevity of the Egyptian regime produced this type of effect would involve detailed evidence of the gradual exclusion of people, networks and clienteles, of their reactions and responses, and of the replacement of those excluded by those loyal to the president and the regime. If it is impossible to provide this within the present study, several developments may nonetheless serve as indicators that such developments did take place – developments which *ipso facto* constituted restrictions to the liberties of those excluded.

At first glance, it is the growth of the majority of the NDP in the People's Assembly in the elections of 1990 and 1995 that seems to best support the thesis. However, if this growth patently excluded actors and forces that were not affiliated to the NDP from the corridors of power and from access to the resources allocated there, it did not automatically guarantee the durability of the newcomers' privileges. In fact, it went hand in hand with the periodic, rapid and sometimes comprehensive replacement of the newly privileged. Reflecting internal conflicts in the NDP, the party in the 1990 elections, for example, failed to support some 200 outgoing deputies and enthroned new candidates in their place. In comparison, the fact that at least four sons of previous deputies could be found among the new candidates is insignificant. As for the 1995 elections, they resulted in the election of 179 candidates who had stood for the first time. Given that the majority of NDP members in the Assembly elected in 1995 increased by 'only' 57, at least a hundred or so outgoing NDP deputies were replaced in this way.⁹⁹ The circulation of individuals did not of course exclude the continuity of networks. In any case,

continuity does not necessarily have to apply to membership in the People's Assembly, although there were deputies who were repeatedly re-elected, such as Ahmad 'Abdillah of Alexandria, who for more than a decade chaired the Committee on Foreign Affairs.

Outside the parliamentary majority, the obstacles to parliamentary representation of the Muslim Brothers may be considered as measures designed to prevent potentially powerful opponents from access to limited resources, an interpretation that is perfectly consistent with the largely non-ideological character of the conflict that pitted them against the regime. The measures taken to eject the Muslim Brothers from the boards of professional syndicates or from student federations may be seen to have served the same purpose.

The decline, or rather the reduction, of parliamentary representation of the left, the redrawing of the boundaries of participation in trade union elections and most of the restrictions to the freedom of the press could have been yet other schemes to ensure the patrimonialist monopolization of access to resources. The suppression of any participation from below in the selection of village chiefs and of deans of faculties, as well as the suppression of seniority as a criterion for access to the highest ranks of the police corps, could also be explained by the same trend towards the exclusivist centralization of power.

The Relative Importance of Factors

This survey of the effects of the various factors confirms that the increase in restrictions to liberties in Egypt in the 1990s cannot be reduced to the conflicts that pitted the regime against the various Islamist oppositional groups. This must not, however, hide the fact that several of the most important restrictive measures were primarily, and sometimes even exclusively, the result of these conflicts. In the area of positive liberties in the strict sense, this was notably the case in the amendments to the law on political parties and attempts to prevent the election of individual Islamist candidates. In the case of positive liberties in the broader sense, it was the case with the attempts to bring back into line, or to politically demobilize, the professional syndicates through the promulgation of Law No. 100 of 1993, and with the discreet, often indirect, but active attempts to prolongue the periods of 'temporary' administration imposed on some of them, including the lawyers' syndicate. It was also the case with the open interference in the annual elections to student federations in the universities and with the dissolution of the board of the Front of the 'Ulamas of Al-Azhar.

In the domain of negative liberties, the conflicts between the regime and its Islamist opponents were behind the increasingly severe implementation of the state of emergency, especially the frequent recourse to administrative detention; the repressive amendments to the penal code and to the law on State Security Courts in 1992; the increasingly frequent trials of civilians in military courts; the avalanche of death penalties; the harassment of human rights activists defending the victims of such repression; and the reinforced control over preachers in private mosques. Finally, certain concrete measures concerning the press, the general erosion of the representativeness of the People's Assembly, and the continuous limitation of the representativeness of the Consultative Assembly and the popular councils, were certainly over-determined by the conflicts between the regime and its Islamist opponents.

The impact of these conflicts thus accounts for a large part for the new restrictions that affected positive liberties in the broad sense of the term, but is far more limited in regard to positive liberties in a stricter and more classic sense. In all these cases, the impact of the conflict between the regime and the Muslim Brothers was paramount. In the domain of negative liberties, the impact of the conflicts between the regime and its Islamist opponents was most important with regard to personal freedom. In fact, the new restrictions to this freedom were, in great majority, caused by these conflicts, and especially by the conflict between the regime and the armed groups. Conversely, in the area of freedom of expression, the conflicts between the regime and its Islamist opponents explain only a few of the new restrictions put in place in the 1990s.

Concerning the restrictions to positive liberties in the narrow sense, these are largely, almost entirely, explained by the regime's intention to minimize the potentially important effects of the switch to majority vote for individual candidates. In all cases, the replacement of a mode of election based on party lists, requested by the SCC, exposed the majorities of the regime to the threat of erosion.

The economic crisis, the subsequent reforms and the attempts to contain their political effects, were the main factors responsible for most of the other restrictions to liberties introduced in the 1990s. In the elections to the People's Assembly, they over-determined the search for safe, even very safe, majorities which had followed from the new electoral system, but which was also necessary to put in place the legal framework governing the economic reforms. In the domain of positive liberties in the broader sense, they accounted for the redefinition, through amendments to the trade union law, of the boundaries of participation in these unions in both voting and eligibility. More generally, they were the principal factors behind the new texts and practices supposed to ensure the control of the unions by the forces of the regime, and behind the de-unionization in the private sector.

If we return to the distinction between the impact of the crisis and the measures of austerity on one hand and the impact of economic liberalization on the other hand, it appears that the amendments to the trade union law and other restrictions to union liberties in the public sector may be largely explained by the crisis and by the austerity reforms. Conversely, in the private sector the restriction of union activities and thus the de-unionization were entirely linked to the liberalization measures, as illustrated by the decree, limited to this sector, which required an unrealistic number of members for any new shop floor committee.

In the domain of negative liberties, economic liberalization was the dominant factor in most measures concerning the press. This held true not only for the laws, decrees and practices such as Law No. 93 of 1995, that were supposed to prevent the distribution of unwelcome information, but also for the measures designed to control private media, to limit their access to the public or even to shut them down. The restrictions to the distribution or the printing of the Egyptian press registered abroad and the new clauses to the company law are cases in point. Finally, economic liberalization was directly linked to the use of some of the new repressive provisions introduced to the penal code in 1992 against the sympathisers with the victims of the new law on the relations between the owners and tenants of agricultural land.

Although less important, the streamlining of the state apparatus, the weakness of liberal values, and the longevity of the regime were not merely over-determining factors. The new sweeping powers of ministers, at the expense of the participation of those directly concerned or at the expense of seniority, in the selection of deans of faculty, *‘umdas* and high-ranking police officers largely reflected the intention to transform the state apparatus into a more pliable tool in the hands of the regime. The weakness and decline of liberal values, not only in the corridors of power but also, and sometimes more so, in ‘society’, cannot be overlooked in the explanation of numerous incidents of censorship and of the decreasing number of women and Copts elected, or even chosen as party candidates. The longevity of the regime may well be a factor that, apart from more specific causes, accounted for the growing dominance of individuals close to the regime in most of the representative assemblies in the country and in some of its local administrations.

Consistent with this book’s objective, the preceding survey concerns only restrictions that were introduced during the 1990s. It does not take into account various events mentioned in previous chapters which, while illustrating restrictions to liberties in this period, do not indicate a change in regard to the previous situation. For example, the refusal to authorize the Wasat Party in 1998 did not necessarily indicate a more determined policy on the part of the regime to control the political game than did its refusal, a few years earlier, to legalize the Nasirist party, or the refusal by its predecessor to legalise the Wafd Party, both of which have since been legalized by court decisions.

To conclude, the reasons why the independence of the judiciary has been increasingly eroded and threatened need to be addressed as well. As we have seen, numerous restrictions to its independence, including to the impact of its decisions, were linked to the conflicts between the regime and its Islamist opponents. This applies in particular to the increasing recourse to courts other than the ordinary courts. More generally, however, the limitations to the independence of the judiciary were the combined result of all factors responsible for new restrictions to liberties in the 1990s. To the extent that the judiciary, in spite of its shortcomings and even compromises with the regime, was able to preserve a considerable degree of independence, meant that the regime could only consider it as an obstacle, real or potential, to the implementation of its policies, and in particular those affecting liberties. Pursuing a certain number of policies that were unpopular, the regime could not easily resign itself to the existence of a counter-power able to check these policies and to defend the liberties of its victims. In this respect, the guarantee of a fair trial for an Islamist opponent was as dangerous as the invalidation of the election of NDP members to the People’s Assembly.

Outlook: The 2000 Elections and Beyond

In considering the factors that were responsible for the restrictions on liberties in the 1990, it is doubtful that the trend will be significantly reversed in the short or medium term. Certainly, the regime has largely managed to destroy existing groups that resorted to violence and at the same time to keep in check the Muslim Brothers, but if repression is significantly relaxed it could well be facing new or growing challenges from its internal opponents. Indications that Egyptian society is becoming more 'liberal' in terms of norms and values are few. Attempts to streamline the state apparatus are a contemporary feature, the logic of which is not specifically Egyptian. The longevity of the regime will weigh a little more every year. Finally, economic reforms and restructuring will continue in one way or another. The generally recessive effects of the crisis and reforms of the early and mid-1990s are over, stabilization has even been declared a success, but while growth is taking place the distribution of wealth has become more unequal. Nor is it certain whether Egypt will be able to successfully meet the challenges of increased international competition that it has accepted as a member of the World Trade Organization, and which may increase once it enters into an association agreement with Europe governed by the principles of the Euro-Mediterranean partnership. Although perhaps less acutely than in the 1990s, most of the factors that contributed to the restriction and reduction of liberties remain in place. Their effects may become more circumscribed; in some areas existing restrictions may be relaxed or even disappear, but whether such 'decompression' will turn into substantial political liberalization, or even democratization, is another question.

From this perspective, it seems unlikely that we will witness major constitutional and political reforms in President Mubarak's fourth term of office, which started in 1999 and will last till 2005. Based on the uncritical assumption that political reform has to follow economic reform, such an expectation appeared to be confirmed by statements made by Mubarak himself, when, for instance, in his speech to students in Alexandria in August 1999 he emphasized the role of civil society, political parties and popular participation. However, the statements remained vague at best and the president, while not ruling out some future amendment of the constitution, clearly did not commit himself to any such move.¹

For the time being no internal pressures such as uncontrollable opposition, or external ones such as political conditionality on the part of major donors or economic

partners like the United States or the European Union, force the regime in this direction. As long as such pressures are absent and there is no need to alleviate their negative consequences, the regime has no stake in political liberalization. Its internal dislocation, for instance through disagreements within the regime, seems equally unlikely at the moment.

Although the elections to the People's Assembly in the autumn of 2000 reduced the NDP majority from about 94 per cent of seats to 87 per cent of seats it would be premature to interpret them as the end of deliberalization. Certainly, the election of eight women and three Christians, two of whom Copts, partly reflected regime awareness of their extreme under-representation in the previous parliament. However, the decline in the number of NDP deputies and the election of 56 opposition and unaffiliated independent candidates was largely due to the enhanced role played by members of the judiciary in the supervision of the ballot. Among these 56 deputies were not only seven candidates of the Wafd, two of the Nasirists, one of the Liberal Party and six the Tajammu' but also 17 Muslim Brothers standing as independents.

Following the ruling of the Supreme Constitutional Court (SCC) in July 2000 that invalidated the 1995 (and indeed all previous) elections (though again without invalidating legislation passed by these unconstitutionally elected assemblies) judges were called in to supervise not only the counting but also the casting of the votes. Numerous fraudulent activities known from the past could therefore be contained or curtailed. However, events outside the polling stations and counting centres remained beyond the control of the judges; they could not stop the intimidation of voters and candidates, sometimes by police firing in the streets, the destruction of opposition campaign material, the arrest of opposition delegates and similar such practices.

The regime bowed to legality embodied by the SCC as it had already done in 1987 and 1990, and once again required its delegitimized legislators to amend legislation pertaining to the conduct of elections. However, as in 1987 and 1990 the regime may again find ways to circumvent the efficacy of the court ruling. This all the more as the 2000 elections landed it with the same problem as the 1990 elections. Unlike in 1995 when fraud and interference reigned supreme, the NDP majority again became a precarious one. Although in 2000 altogether 388 seats went to members of the NDP, only 237 went to candidates officially endorsed by the party. Even taking into account the ten deputies appointed by the president, the 'safe' majority of the regime amounts to less than two thirds of the total 454 seats.

Possibly, one day, the much talked about party of business people will see the light of day. However, whether trading under the name of Al-Mustaqbal or not, it will have to dance to the regime's tune as do other parties in Egypt. It may even add legitimacy to the regime and embellish its pluralistic façade. The chances of a new party actually challenging the regime are remote. Only in the context of much wider changes might it one day do so. For the time being, however, priority seems to be given to the reform of the disintegrating NDP. The partial reshuffle of the NDP leadership in early 2000 is an indication of this choice, all the more as Jamal Mubarak, often expected to lead the

new business party, now officially holds a party office. Undoubtedly this will fuel speculation about a Syrian-style solution to the succession question in Egypt. For the remainder of President Mubarak's fourth mandate it will therefore be interesting to watch the tension between informal logics and loyalties on the one hand and the weight of institutions and bureaucratic procedures on the other.

Contemporary Egypt: Historiography and Theory

Having discussed the development of liberties in contemporary Egypt we can now turn to the larger debates to which this study seeks to contribute. The first, it may be recalled, relates to the writing of Egypt's contemporary history and, more specifically, to the ways in which some of its major trends are perceived. Based on the preceding chapters and on the literature on the history of Egypt since World War One, my comments are primarily intended to help reassess and refine what has been written about ruptures, transitions and continuities in the country's political evolution.

The second debate concerns the potential for political liberalization and democratization not only in Egypt but also in other countries that are reforming and restructuring their economies in accordance with the currently fashionable neo-liberal recipes. If these formulas are most evident in programmes of macroeconomic stabilization and structural adjustment advocated or imposed by international financial institutions, they also appear in policy measures adopted outside these programmes, for instance in the 1992 law redefining the relations between owners and tenants of agricultural land. In this context, the aim is to examine the most important views on the political consequences and corollaries of such reforms, especially in their impact on the liberties of the ruled.

As far as independent variables are concerned, I will again distinguish between reforms that directly, although sometimes only moderately, entail liberalization of the economy and those that do not. This distinction is necessary partly because measures of liberalization such as the 1992 law may be adopted outside the framework of programmes of stabilization and adjustment, and partly because neither in Egypt nor elsewhere policies of stabilization and adjustment summed up by measures of economic liberalization. These policies include other measures, in particular austerity measures, which are meant to substantially reduce balance of payment and budgetary deficits as well as public debt. Measures of the latter kind do not necessarily diminish the state's role in terms of production or regulation, nor do they necessarily extend market relations to areas hitherto unaffected by such relations. Put differently, they do not aim at, or lead to, either of the two outcomes generally used as yardsticks for economic liberalization. In contradistinction to programmes of privatization or to measures against price distortions, decisions such as the introduction of new taxes to balance the budget or devaluations to balance the external account do not involve any retreat by the state, and sometimes may even strengthen its role.¹

In line with the prime focus of current debates, I will pay particular attention to the political consequences and corollaries of policies and measures of economic liberalization. My aim is not only to criticize the myth according to which economic liberalization necessarily favours political liberalization, but also to explore the validity of more specific arguments as to the political effects of economic liberalization measures. Obviously, depending on third factors, which some may call contextual, this exercise is not premised on the contrary claim that economic liberalization necessarily prevents political liberalization. Rather, the intention is to help define the conditions under which measures of economic liberalization may, or may not, favour an extension of liberties.

The History of Egypt

The Absent Transition to Democracy

The events and developments described and analysed in previous chapters clearly illustrate that during the 1990s positive and negative liberties were subject to numerous additional restrictions. However, these restrictions did not necessarily take away all that had been granted or obtained during the period of relative and selective political liberalization or decompression of the 1970s and 1980s. Sometimes the new restrictions concerned only the additional or even future extension of liberties. However, in numerous other cases the restrictions led to a reduction of liberties, at least if the comparison is with the late 1980s and not with the early 1970s.

The introduction of new restrictions on liberties is certainly not always incompatible with political liberalization or with democratization, as it may simply indicate the switch to a new mode of regulation. However, the same is not true for the reduction of liberties, which, by definition, results in a net loss. The actual evolution of liberties in Egypt in the 1990s cannot therefore be reconciled with an analysis in terms of a linear and progressive political liberalization or a transition towards democracy. Nor do the facts allow us to speak of a 'blocked transition' to democracy. The notion of a blockage could be reconciled with an absence of progress, but it is incompatible with regression.

This observation first of all denies validity to the official Egyptian discourse, which never ceases to insist on the progress made in the march towards democracy. There is, of course, nothing surprising in participants writing history differently from observers, especially if the participants are the rulers. The stakes are too high, given that at present the notions of 'democracy' and 'democratization' are indispensable to any attempt at legitimating a regime either internally or externally. Egyptians would not willingly accept a discourse that insisted on the alleged merits of authoritarian rule, even though they are more than familiar with the gap between democratic rhetoric and actual policy, and the democratic credentials of many opposition leaders are hardly more convincing than those of the regime. At the same time, such a discourse would alienate governments in Europe and North America, as well as the international financial institutions, international organizations and non-governmental organizations whose aid and support are more or less conditional on the respect of human rights and democratic procedures.

Second, my reading of Egypt's history cannot be reconciled with the specialist literature inspired by the paradigm of the transition towards democracy. Particularly

influential after the mid-1980s, this paradigm largely reflects the historical experience of various countries in Southern Europe and Latin America, where authoritarian regimes were replaced with less authoritarian and even democratic ones, as happened in Spain and Portugal.² This is not to say that numerous authors have offered far more sober analyses of some of the changes, which, in the eyes of the optimists, indicated a transition to democracy.³ However, until today this paradigm appears to have been sufficiently powerful to impose itself even on observers who may recognise that the empirical evidence to hand is not enough to demonstrate its validity.

For instance, Gema Martín Muñoz, in her book on elections in modern Egypt, discusses the period 1981–90 in a chapter entitled '*la transición democrática*'.⁴ Published in 1992, the volume was written not only at a time when 'transitology'⁵ was at the height of its glory, but also before new restrictions on liberties were introduced in Egypt. At that time the validity of the paradigm of transition may, from an optimistic point of view, still have appeared to be confirmed by the slow increase in the number of seats which, in the elections to the People's Assembly between 1979 and 1987, went to opposition candidates. Although referring to what she calls the 'limits' of this process, which in her eyes include the unassailable dominance of the NDP, the author continues to analyse the developments in terms of a transition to democracy.⁶

In a more recent book edited by Gunter Schubert and Rainer Tetzlaff, the political history of eleven Third World countries is analysed from the perspective of 'blocked' democratization.⁷ The authors are concerned not only with countries where a temporary process of liberalization was interrupted, but also with those where this process was more substantially aborted or even reversed. Whatever the outcome, they consider all these processes as evidence of a transition towards democracy.⁸ While rejecting the idea that there might be an end to history called democracy, they express their conviction that once all the necessary conditions are in place, countries that are not at present democratic will become so.⁹ Fortunately, later in this same volume, Cilja Harders is given the opportunity to argue that the political evolution of Egypt under Sadat and Mubarak may only with great difficulty be forced into the procrustean bed of such optimism.¹⁰

In my own view, the reduction of liberties and sometimes the restrictions to them confirm instead the continued strength of authoritarianism in Egypt. Depending on circumstances, periods of decompression have alternated in Egypt with periods of compression or recompression, openings with closures, limited liberalization with deliberalization – which one hopes will remain limited too. Without claiming that the evolution of liberties is eternally condemned to oscillate between extension and contraction, and that the immediate causes are always the same, the chronological succession of relative political liberalization during President Mubarak's first term, followed by relative deliberalization in the 1990s, recalls the succession of political reforms engineered by Sadat in the second half of the 1970s and the increasingly repressive tendencies of his regime between the end of that decade and his assassination.¹¹

Indeed, nothing prevents authoritarianism from being sometimes more and sometimes less authoritarian and nothing intrinsic pushes it towards its own *dépassement* via substantial and meaningful political liberalization.¹² As was stressed a decade before

the multiplication of alleged or real transitions to democracy, not all elections are the same and not all are necessarily indicators of democracy or democratization.¹³ Nor does anything prevent the various aspects of authoritarian rule from developing at different rhythms or even in different directions – some reinforcing and others alleviating the authoritarian features of a regime. The restriction of certain liberties does not *ipso facto* entail the restriction of other liberties or indeed of all liberties. For instance, even though in theory there seems to be a strong positive relationship between positive liberties and freedom of expression, they may, as was the case in Egypt in the 1990s, develop in opposite directions.

From that point of view it is not surprising that the forms of authoritarianism in Egypt in the 1980s are not the same as those in the 1950s, 1960s or 1970s. However, it does not follow that the authoritarianism of the 1980s or, for that matter, that of the 1990s, is a stage in a slow process of political liberalization which more often than not is seen as a succession of ruptures, first from Nasir to Sadat, then from Sadat to Mubarak, and finally from Mubarak to a future truly liberal regime.

Incidentally, the advent of such a truly liberal regime, if ever it happens, should not be considered as the *return* of a liberal regime, as some – for instance in the Wafd Party – are tempted to see it. The monarchy was certainly not devoid of liberal features, but it was not, by the same token, a liberal regime. The constitutional and the real powers of the king, the intrigues in and around the palace, the preferential treaties with Britain, the domination of parliament by the owners of land and capital and the policies of governments representing the interests of these classes or those of the king, are only the most obvious indications of the limits of its liberal character.¹⁴ In the light of the theories of political development popular at the time, these realities indeed enabled authors writing in the 1960s and 1970s to view the Free Officers and the Nasirist regime optimistically, as the builders of a new, ultimately democratic and liberal Egypt.¹⁵

Continuities Beyond Ruptures

The claim that Egypt's political evolution does not lend itself to an interpretation in terms of a transition to democracy underlines the need to read the country's history as marked not only by ruptures, but also by continuities. A major transition such as a transition to democracy is nothing else but the soft version of the rupture – a rupture spread over time, but ultimately not less innovative or less substantial. On condition that the recent trend towards deliberalization is just an update of authoritarianism and does not imply more sinister things to come, the absence of a transition to a liberal political order thus confirms the presence of strong continuities.

Rehabilitating continuities is not a vendetta against ruptures aimed at minimizing the latter's importance in comparison to the former. The objective is rather to account for one and the other in order to illustrate the usefulness of more recent attempts to reassess these matters, which, in due course, will enable us to draw a more comprehensive picture of modern Egyptian history. Similarly, rehabilitating the continuities is not meant to validate the 'Orientalist' claim of an 'Eternal Orient', unchanging over time and thus outside the realm of history.¹⁶ The aim is to go beyond a vision of history

which, in spite of frequent denials, remains too inspired by a certain notion of progress and all too often tends to identify democratization, if only implicitly, as the vanishing point common to the evolution of all political systems.

There is no intention of denying that the end of the monarchy in 1952 and the advent of the Free Officers in certain respects constituted a rupture with the past. Nor do I wish to deny that the presidency of Sadat, and later of Mubarak, brought about some changes. However, if one examines political change from the key angles of the members of the successive regimes, their social and societal origins, the political system – which includes the mode in which power is to be exercised and thus the liberties of those over whom such power is exercised – the ideologies of legitimation, and the policies pursued by the various regimes, it becomes apparent that changes at the helm of the state do not necessarily coincide with changes across the board. What is more, the latter frequently happened at moments that did not correspond to changes at the helm. A historiography based solely on changes at the top considered as all-encompassing political ruptures is therefore a risky enterprise.¹⁷

For instance, it should not be concluded too rapidly that radical change occurred at the time Sadat succeeded Nasir, on the grounds that '[a]lthough a leader is not a country, where there are no fixed political institutions it is difficult to avoid making the identification', and that the two presidents 'gave very different complexions to Egyptian society, starting from different conceptions and personalities'.¹⁸ Authors who prefer to relativize the scope of the ruptures take a step in the right direction but nevertheless insist, at least implicitly, on the largely limited significance of the continuities. Sometimes these writings create a degree of confusion, for instance when the book title announces a history of pre-revolutionary Egypt and the author then explains that it makes more sense to cover the period until 1956. Similarly, the author of one of the most valuable classics on political transformation in modern Egypt admits that the transition to the 'post-populist' variant of the 'authoritarian-modernising regime' began under Nasir, but nevertheless asserts that the advent of Sadat led to a 'system change' concerning, for instance, the 'structure of power', 'elite composition', ideology, etc.¹⁹ No doubt such far-reaching changes did take place between the mid-1960s and the mid-1970s, but it is audacious to claim that they primarily had to do with the death of Nasir and the advent of Sadat.

The domain in which changes of regimes in Egypt were most marked by ruptures is that of the individuals populating the inner circles of power. Given that the regimes which succeeded the monarchy were considerably personalized (although this aspect should not be exaggerated, as I argued in the introduction), a change at the helm of the state necessarily affected the entourage of the leader as well as the distribution of key positions and of spoils. In the process, of course, political style was also affected as can be easily gauged from the public appearances of Nasir, Sadat and Mubarak. The purge of 'Ali Sabri in 1971, only a few months after Sadat's accession, eloquently illustrates the upheavals that could affect the inner circles in the wake of a change at the top, although we should not forget that the careers of others, such as Sayyid Mar'i, continued under several presidents.²⁰ The forced departure of politicians of the *ancien régime* and the dissolution of their parties not long after the revolution illustrates

another such change, even though the veteran politician 'Ali Mahir was called upon to form the first government under the new regime.²¹

Beyond the actual individuals concerned, a major rupture also occurred at least once in regard to their social and societal origins. Generally speaking, the revolution brought to power officers whose origins were far more modest than those of representatives of the *ancien régime*. If it was not another class as such that seized power, it was nonetheless a group of people who belonged to a class that had hitherto been excluded from exercising power.²² However, perhaps not all was change here. The sons of provincial notables and landowners could be found among the Free Officers, and while not among the largest landowners, the family of Zakariyya and Khalid Muhi al-Din could hardly be called peasant in origin.²³ If the 'second stratum' is taken into account, the continuities may appear more distinctive, as the author of the *Moment of Enthusiasm* argued, although not without being challenged.²⁴

Turning to constitutional and institutional arrangements, there was certainly a major rupture between the monarchy and the republic and a more modest one between Nasir and Sadat, but virtually none between Sadat and Mubarak. Moreover, some of the most important changes of this kind in the republican era occurred independently of changes at the top. Thus Sadat not only promulgated a new constitution in 1971, shortly after assuming the presidency, but went on to make major modifications to it in 1980, ten years into his reign. Similarly, the abolition of the single party and the establishment of the Supreme Constitutional Court occurred during his presidency, years after he had taken over and probably many years before he intended to quit.²⁵

It is also important to recognize that constitutional and institutional changes did not necessarily entail changes of similar weight in the actual exercise of power. The importance of informal links and structures appears to have been a constant feature of Egyptian politics.²⁶ As we shall see below, indirect forms of rule by the central government through intermediaries is another characteristic that survived regime changes – not to mention authoritarianism, which has pervaded this entire study.

Concerning the democratic rupture, or at least democratization, that allegedly took place under Sadat, debates have long continued about the limits and potentially cynical character of these transformations which, if looked at more closely, never constituted a transition to democracy, either in fact or as a project. Certainly, like the relative political liberalization under Mubarak in the mid-1980s, the introduction of pluripartism by Sadat in the second half of the 1970s could be interpreted as the beginning of a transition to democracy if one insisted on seeing it as such, or considered that certain features commonly associated with democracy necessarily need to reflect democracy or democratization. However, there is no shortage of writings that consider the highly controlled openings of the 1970s to be a mere update of authoritarianism. Quite convincingly, for instance, the economic and political changes engineered by Sadat have been interpreted as a search for allies and as a means to build new coalitions by incorporating and excorporating various constituencies.²⁷

Ideologically, the most important ruptures were on the whole not contemporary with changes at the top. The 'passage' from Egyptian to Arab nationalism took place

four years after the revolution, at the time of the nationalization of the Suez Canal and subsequent war. Even then, the change may be seen as a – undeniably major – shift in emphasis between two poles of identity which have been present in Egyptian political discourse since the nineteenth century. References to Egypt and things Egyptian dominated till the mid-1950s, and references to Arabness prevailed thereafter. Such changes had occurred before and were to occur again, for instance after the peace treaty with Israel in 1979. But even when they were as extreme as in the mid-1950s, the dominant reference never entirely replaced the one temporarily out of fashion.²⁸

Considering the policies of successive regimes, it is certainly legitimate to regard the land reform of 1952 as a rupture insofar as the distribution and control of property was concerned. However, it was mitigated by the fact that the landowners in question were financially compensated and were not actually expropriated (even though later developments made a mockery of the compensation scheme). Moreover, the reform did not affect property held by the more prosperous peasants and smaller owners. Until the second and third land reforms in the 1960s, the ceiling of legitimate individual ownership stood at 200 feddan (1 feddan = 1.038 acres) which was rather generous, if only a fraction the size of the major estates. At the same time it is not certain whether the land reform of 1952 amounted to a substantial rupture in regard to the modernization of Egyptian capitalism.²⁹ First, one cannot be sure that such modernization was a major objective of the Free Officers when they decided to pay compensation to the victims of the reform, and in principle enabled them to invest in industrialization. Second, state intervention in the economy had been prominent since the days of the monarchy.

In spite of its apparent distinctiveness, the public-sector-oriented development strategy adopted from the mid-1950s onwards had its precursors in Egypt's long tradition of statism and economic nationalism. This is illustrated by the interminable debates over the respective roles of national and foreign capital; the founding, in this context, of Bank Misr by Tal'at Harb in the 1920s; the introduction of protective tariffs and public funding for the agricultural sector in the 1930s; and the law of 1947 which limited foreign capital participation in major companies and the number of foreigners on their boards to less than 50 per cent.

Until 1956–57, state intervention and economic nationalism did not prevent the domination of the economy by the private sector. Immediately after taking power, the Free Officers even abrogated the nationalistic legislation introduced in 1947 and actively sought to attract foreign investment for industrialization.³⁰ Attitudes towards private domestic and foreign capital did not change in 1952, but in later years. Early attempts to encourage private domestic investment failed, probably because potential investors distrusted a regime they had not chosen and whose land reform they saw as a dangerous precedent. After the Cold War-related withdrawal of World Bank funding for the Aswan high dam and the ensuing nationalization of the Suez Canal in 1956, followed by the tripartite aggression, the nationalization of French and British assets was a major turning point, exacerbating the estrangement between the regime and the owners of capital. Foreign investors began to leave and their Egyptian counterparts wondered increasingly about the sanctity of property, while the nationalized assets formed the basis of the public sector. However, even as long as the private sector was

dominant and foreign capital welcome, economic policy consistently displayed the three features identified by Wahba for the period from 1945 to the era of Sadat: the crucial importance given to industrialization, the role of state action in promoting industrialization, and economic nationalism.³¹

It is also worth noting that the changes associated with *infitah* were actually initiated, albeit timidly, in the late 1960s under Nasir, and that Sadat significantly enlarged these policies only after the October War, four years after his inauguration.³² Once again the change at the top did not amount to a substantial rupture as far as key policies were concerned. This all the less as *infitah* did not put an end to state domination of the economy.

The most recent attempt to present a systematic outline of some major continuities in Egypt's history is that by Alain Roussillon.³³ The three continuities he discusses may be added to those above. First, the republican regimes under Nasir, Sadat and Mubarak, as well as the monarchy before them, never sought or managed to extend their direct control over the entire country. For more than 50 years, one of the central political problems has been that of the 'articulation' of the central state with the geographical, and especially the societal, peripheries. According to Roussillon, '[t]he Egyptian state's recurrent problem as a central/centralized state is that of identifying the *intermediaries* through which it may preserve global control ... maintain public order and impose the social items regarding which the regime refuses to negotiate. Under the old regime, the role of intermediary between central power and local level was played, in the countryside, by the owners of *latifundiae* enjoying absolute authority over their villages and peasants [...], and, in the city, by the notability system [...]. In revolutionary Egypt the Nasirist regime 'coopted' the stratum of 'new kulaks' in the countryside which the agrarian reform had helped to put in place, and, in the city, was supported by the new workers' elite. Both categories were carefully encompassed [...] by the organizations of the Arab Socialist Union. Under Sadat, and more clearly still under Mubarak until the end of the 1980s, the regime attempted to coopt the Islamist trend for this role ...'³⁴

Second, all successive regimes favoured the monopolization or 'centralization' of 'available surplus resources' by a minority, even though this minority was by no means the same under all the regimes. The monarchy largely favoured the "feudal' oligarchy' of the landowners, the Nasirist regime favoured the 'self-proclaimedly "socialist" state bourgeoisie', which it had itself created, and Sadat the "parasitic" new bourgeoisie spawned by *infitah*'.³⁵ Although the continuity mainly lies in the fact that each regime pursued a policy of (re)distribution which in spite of undeniable differences benefited some more than others, it also appears sometimes in the survival of the cronies of one regime under the following regime. Some of those privileged under the monarchy continued to be fortunate after the revolution and some of those privileged under Nasir continued to be so under Sadat. The famous Sayyid Mar'i began his career under the monarchy, pursued it under Nasir and then became one of the closest advisors of Sadat.³⁶ The continuities appear yet more important if one considers those among the privileged of the *ancien régime* who, after being sidelined and silenced by Nasir, made their comeback under Sadat. Clearly, the regimes of both Sadat and Mubarak have favoured the coexistence and 'cumulativity' of social élites of different origins.³⁷

Third, although more in the French than in the English version of Roussillon's study, the continuities appear in the construction and shaping of the collective identities of the Egyptians from above. If he refers mainly to the 'recours du pouvoir égyptien à l'identification islamique',³⁸ particularly strong under Sadat and Mubarak but not invented by either of them, the argument is no less pertinent for the mobilization of references to Arabness or Egyptianness.³⁹

Even though – and partly because – the criteria referred to by Roussillon do not entirely coincide with my own, his contribution allows us to draw a fuller picture of historical continuities in Egypt. While he focuses less on the identity and social background of the ruling personnel and of those who stalk the corridors of power, his interest in the limits of state power reflects a strong concern with the nature of the political system, including, of course, the ways in which power is exercised and the degree to which liberties are respected. He also takes an interest in ideologies to the extent that he analyses the construction of collective identities. Finally, in considering the distribution of material resources, he examines the policies of the various regimes.

With its focus on the evolution of liberties, the present book cannot provide a comprehensive analysis of historical continuities in all these areas. Rather, it seeks to assess their extent, as it seeks to assess the importance of ruptures, in one particular domain – which is precisely that of liberties and, by implication, of the exercise of power. Demonstrating that authoritarian features characterized not only Nasir's regime, but also that of Sadat and the 'liberal' monarchy, and are far from absent under Mubarak, is as relevant in this respect as demonstrating that periods of political liberalization, rather than signalling the democratic end of history, may ultimately be part of the transformation or modernization of authoritarian rule itself, and alternate with periods characterized by the restriction or even reduction of liberties.

Finally, but no less relevant, is the threat that the policies seeking to combat Islamists, to streamline public administration or to keep in check the institutions of 'civil society', pose to one of the continuities identified by Roussillon. Extending the control of the regime beyond the traditional political and geographical limits to state action may not only reinforce existing restrictions, but newly restrict and reduce liberties in hitherto untouched areas. Thus the erosion of continuities at the level of state action or inaction may reinforce continuities of authoritarian rule.

Economy and Politics

Before examining the relevance of the Egyptian case to the debates about the political consequences of programmes of macroeconomic stabilization, structural adjustment and economic liberalization, it seems to be useful to distinguish these debates from others addressing apparently similar but nonetheless quite different issues. In particular, a distinction has to be made between debates that focus on the impact of economic change or economics on political change or politics, and those that focus on the impact of politics on economics, even when these are related to stabilization, adjustment or economic liberalization.

This is therefore not the place to discuss the relevance of the Egyptian case to debates about the political conditions which could favour the implementation of stabilization or

adjustment measures.⁴⁰ A variation on the same theme is the question, largely inspired by the traditional dichotomy between authoritarianism and democracy, as to which types of regime are most capable of initiating and successfully implementing such reforms.⁴¹ Even the question of what sort of coalitions should be formed to make such reforms successful is marginal, because the literature scarcely considers how these reforms affect participation once they are implemented.⁴²

All these debates concern the effects of politics on economics, not the effects of economics on politics. This is not to say that the literature is entirely irrelevant to the type of question we are addressing in this volume. It would, for instance, be instructive to examine the effects on decision makers of writings which claim that authoritarian regimes are more apt than democratic or participatory ones to implement policies of macroeconomic stabilization, structural adjustment or economic liberalization. Repressive policies which often accompany these reforms could well be inspired by a certain literature rather than by actual social mobilization, political opposition or fears of that sort. However, without access to the libraries of the decision makers, and without knowing who the experts they consult are, any answer to this question must remain speculative.

Concerning the debates about the impact of economics on politics, the simple fact that they identify, as I do, developments in the political domain as their dependent variable does not *ipso facto* mean that my analysis of the Egyptian case could add to them. It appears to be of little interest to examine the economic conditions and chronological considerations that might enable authoritarian élites to withdraw from power and to initiate or accept a transition towards a more liberal or democratic regime, simply because this scenario, although frequently discussed, is based on the unlikely assumption that these elites would want to withdraw from power.⁴³ Even the debate about the effects of programmes of economic adjustment on the 'new democracies', such as those in Eastern Europe, which at present occupies centre stage, can draw at best limited benefit from the analysis of the evolution of liberties in Egypt.

In a sense, the interest in the effects of economic reform on new democracies is a nervous contemporary reincarnation of the old, and ultimately Lipsetian, preoccupation with the linkages, then considered as positive and promising, that might exist between economic development and 'political development' or change, with the former being defined mainly in terms of growth and per capita income – sometimes identified with the passing of an economy based on agriculture and extraction of raw materials – and the latter being defined in terms of an extension of political participation and thus of democratization.⁴⁴

Although I side with the critics of this somewhat simplistic argument,⁴⁵ especially if the transition to democracy is supposed to occur when precise levels of per capita income are reached,⁴⁶ I admit that the Egyptian case may, within certain limits, confirm this hypothesis. The gradual dissolution of the single party between 1975 and 1977 and the relative political decompression around that time, chronologically followed a period of growth in GNP and per capita GNP. However, the negative aspects of this growth, such as budgetary and external deficits and increase in public debt, appeared rather quickly, indeed almost simultaneously: the 'bread riots' of 1977 were triggered by the

very measures supposed to reduce such deficits.⁴⁷ More telling, perhaps, is the example of the 1990s when the new restrictions to liberties closely followed the decrease of per capita GNP as well as other manifestations of the economic crisis and of the reforms supposed to overcome it. Even the fact that, in the second half of the 1990s, in spite of macroeconomic improvements, liberties continued to be subjected to new restrictions, may be reconciled with this argument if one accepts that linkages between economic and political developments can include delayed reactions.

The literature on the impact of economic adjustment programmes on new democracies does not in most cases directly address the questions raised by the Egyptian case. In Eastern Europe and Latin America, the issue has been to evaluate the influence of economic reforms on the consolidation or weakening of democracies which, in spite of certain constitutional and practical limitations, exist to the extent that governments can sometimes be voted out of office. This is obviously not the case in Egypt. Even if one claimed that a process of democratization occurred, one would be reduced to examining the effects of the economic reforms on this process of democratization – a process that necessarily occurs prior to the establishment or re-establishment of a democratic regime.⁴⁸

Nevertheless, even if this literature cannot be said to address explicitly cases like that of Egypt, the politically liberalizing or deliberalizing effects of economic reforms may be similar under both democratic and authoritarian regimes. If these reforms contribute at all to the consolidation of the new democracies, there is nothing that prevents them from contributing also to the democratization of authoritarian regimes. If, on the contrary, these reforms threaten the new democracies, they may further strengthen the authoritarian character of already authoritarian regimes. For instance, there is no reason why in a non-democratic or not-yet-democratic country, political leaders convinced of the need to reform or privatize the public sector should be any less tempted to repress strikes and demonstrations than was the elected Romanian government in 1999.⁴⁹

The viability of ‘dual transitions’ or ‘simultaneous transitions’ from authoritarian or totalitarian regimes and command economies to democratic regimes and market economies, which tends to be posed either in terms of political interferences in economic processes, or of economic interference in political processes, is in most cases a variation on the theme of the political conditions that favour economic reform, or of the impact of economic reforms on new democracies.⁵⁰ The cases in which the two transitions really take place simultaneously are rare. The concept is mostly applied to cases such as those of Eastern European countries at the end of the Cold War where political transition, sometimes in the form of the collapse of existing regimes, preceded economic transition, even though the latter followed the former almost immediately. Strictly speaking the question is that of the compatibility of democratic consolidation with economic transition or reform.

Austerity Measures and Liberties

The principal objective of programmes of macroeconomic stabilization – the rebalancing of external and budgetary imbalances – hardly allows avoidance of material

losses, sometimes of considerable magnitude, for many actors, social groups and even the population at large.⁵¹ Few deny the generally recessive effects of these programmes, whose advocates defend them as unfortunate and unpleasant necessities that are preconditions for future improvements. To the extent that programmes of structural adjustment address these macroeconomic imbalances, or aim at avoiding them in the future, their effects are similarly recessive.⁵²

It is certainly true that opinions on the political effects and corollaries of these reforms vary according to the countries considered, their economic situation when the reforms began, the measures actually envisaged and implemented, and their combination and sequencing, as well as the less directly economic variables that make the distributional consequences more or less tolerable. Nevertheless, even if these differences are taken into account a certain consensus appears. In general, it is accepted not only that these policies involve material losses, at least temporarily, but also that these losses are potentially the source of criticism, opposition or even resistance. Differences in opinion, then, mostly concern the conditions that allow the situation to be managed in a peaceful and consensual manner, the factors that transform potential into real opposition and those that determine the state's response, whether it be accommodating or repressive. In other words, these differences concern the extent that restrictions to liberties are introduced in such conditions, not the possibility of an extension of liberties.

The possibility that, in a context of stabilization, liberties might be extended, is only envisaged in those cases where the distributional effects and the tensions they create lead to the collapse of authoritarian regimes or their weakening, for instance through the erosion of their social base.⁵³ The latter is conceivable if one follows Thomas Callaghy in arguing that the distributional effects of stabilization programmes threaten authoritarian regimes whose stability depends on their ability to distribute rents to their constituencies and allies.⁵⁴ In all cases, however, one cannot sufficiently emphasize that the decline and demise of an authoritarian regime does not guarantee the advent of a more liberal regime.

Several writers, contrary to Callaghy, emphasize the adaptative abilities of authoritarian regimes. Steven Heydemann, for instance, holds that in Syria the regime of President Asad succeeded in pursuing a home-grown version of stabilization, partly based on the Washington model but implemented independently of the IMF, without key constituencies withdrawing their support for the regime.⁵⁵ Put differently, stabilization does not necessarily precipitate the end of authoritarianism and of existing restrictions to liberties.

Patently unable to argue that programmes of macroeconomic stabilization generally reinforce the stability of the regimes that implement them and at the same time contribute to an extension of liberties in the countries concerned, Stephan Haggard, an author close to the international financial institutions, claims that received wisdom, according to which there is an 'elective affinity' between stabilization as advocated by the IMF and authoritarianism, is 'oversimplified'.⁵⁶ He agrees, however, that reinforced internal repression accompanies stabilization, especially when it is implemented by authoritarian regimes. On the other hand, Robert Kaufman, who is no less close to

the Bretton Woods institutions, concedes more readily that stabilization may reinforce internal repression.⁵⁷ Ultimately, there is a large consensus among participants in this debate, and recent developments in Egypt confirm, that austerity measures adopted in the context of stabilization or adjustment policies entail restrictions to liberties.

It may be added that, to date, the new taxes introduced as part of the Egyptian stabilization programme have not prompted the ruled to voice additional demands for participation. More generally, the Egyptian case does not allow us either to confirm or to infirm the frequently established linkage between political liberalization and the taxation of revenues and personal fortunes.⁵⁸ One may indeed doubt whether the taxation of private individuals increased to the level that could be reasonably expected to elicit more forceful demands for representation and participation. Certainly, the general sales tax introduced in 1991 played a major role in enabling the government to double its revenues between 1990 and 1993.⁵⁹ However, there were many exemptions to this tax, which in principle amounted to 10 per cent and in the case of 'luxury items' up to 30 per cent.⁶⁰ Moreover, as the 'informal sector' in the economy was quite substantial, the tax affected only a proportion of sales and purchases.

At the same time, direct taxation of revenues and fortunes remained low. Taxation of salaries and professional incomes varied between 15 per cent and 30 per cent. The practices governing the collection of taxes and the calculation of the amounts to pay, often based on estimates and the goodwill of the taxpayer, did not guarantee that even these amounts were actually paid; the same applied to corporate tax.⁶¹ More recent efforts to rationalize and generalize tax collection were accompanied by the lowering of certain rates and by new exemptions. As far as taxation of non-professional revenues is concerned, changes introduced in 1998 lowered the maximum rate from 48 per cent to 40 per cent and raised the revenues exempted from the minimum 20 per cent rate from £E1,680 to £E3,000 per year. Finally, there was no capital gains tax.⁶²

Economic Liberalization and Liberties

Opinions on the effects of economic liberalization on the evolution of liberties are far more diverse than those on the effects of economic reforms that do not *ipso facto* entail such liberalization. The view that economic liberalization favours political liberalization is one of the most commonly held beliefs in the liberal democracies of Western Europe and North America. For many of its advocates, the linkage is so obvious that there is no need to demonstrate it. Like a litany, this 'truth' is repeated endlessly, thereby reinforcing its claim to orthodoxy. Yet such propositions frequently remain mere opinion or intuition and can hardly be elevated to the rank of theories, although this shortcoming does not prevent them from inspiring the policies of numerous governments, international organizations and other institutions. In some cases they even serve as a point of departure for otherwise subtle and serious academic contributions.⁶³

In most cases such propositions are supported by nothing more than a reference to the simultaneous existence, and sometimes to the roughly parallel emergence, of liberal democracies and market economies in a number of countries – by and large those where this opinion is most common. However, the coexistence or coincidence of

phenomena can hardly demonstrate a correlation or causal relationship. As far as causality is concerned, there is also the question of how, and on what grounds, to determine which variables are dependent and which independent. This means that a priori there could be as many reasons to consider economic liberalization as the consequence of *political* liberalization as there could be to consider political liberalization as the consequence of *economic* liberalization.

The summary nature of these assertions is also evident in the frequent absence of anything resembling a serious definition of the notions of 'economic liberalization' or of a 'liberal economy'. Even when the need to define is not entirely ignored, the definitions given are usually not very rigorous. They often fail to distinguish between free enterprise and market economy, as if the one entailed the other.

In fact, the two terms and the realities they designate often turn out to be incompatible. The exaltation of free enterprise may easily result in the emergence of monopolies or oligopolies that threaten the market's very existence. Because of market failure, the market itself may favour this sort of development and thus contribute to its own contraction or even disappearance. Finally, the extension of market relations may also encourage economic actors to seek to protect themselves against the risks inherent in the market, such as fluctuating prices, and to devise compensatory strategies which cushion the impact of market relations and indeed limit their extension.⁶⁴ Most frequently, the notion of economic liberalization designates nothing more than a reduction of the productive and regulatory activities of the state, a reduction that of course cannot in itself guarantee the freedom of enterprise for all, or the generalization of market relations.

However, although many writings that propose a positive linkage between economic and political liberalization hardly dwell on the reasons why the former should favour the latter, the assumption might nevertheless be confirmed by some more elaborate and more rigorously argued approaches which have currency in contemporary debates.

The assertion that economic liberalization entails political liberalization is sometimes based on arguments which, while building on the roughly parallel emergence of liberal economies and democracies in Western Europe, attempt to go beyond simple chronological coincidence and to identify substantive factors that allow these two processes to be linked to each other or to common origins.

Like the writings devoted to European history, those concerned with Third World countries on the rocky road to economic liberalization most commonly mention among these factors capitalism as such, sometimes euphemized as the private sector, or else certain characteristics or actors associated with capitalism.⁶⁵ Some of the many variations on this theme may be usefully examined in the light of the Egyptian case. At the level of actors, the variations focus on the role played in Europe by the alleged champions of the cause which are the 'middle classes'⁶⁶ and especially the 'bourgeoisie', including pseudonyms for the latter such as 'entrepreneurs', 'businessmen' or, again, the private sector.⁶⁷

For instance, when focusing the explication on the role of the bourgeoisie, one may claim that the presence or the growth of a class of capital owners who are independent

of the state relativizes the latter's power. Similar to the third estate on the eve of the French Revolution and its later avatars, such a bourgeoisie in the classical sense of the word would press for the extension of its liberties, the accountability of government to the governed and, finally, its election by the latter. Educated, enlightened and progressive, it would defend the values and principles of the Enlightenment and of progress, not only for itself but for all. From this perspective, the bourgeoisie may be described as the democratic class *par excellence*, the almost natural defender of liberties. More in line with Schumpeter, democracy may be considered a 'product of capitalism' and of 'bourgeois origin' because democratic rule, which allegedly involves limitations to government action, would be particularly well adapted to the interests of a class whose emphasis on the distinction between public and private spheres and on free trade make it naturally inclined to limit the role of government.⁶⁸

Beyond actors and classes, the allegedly positive linkages between economic liberalization and liberal economies on the one hand, and political liberalization and liberal political regime on the other, have been explained as a result of the allegedly beneficial influence exercised by the existence or growth of the economic market. As mentioned earlier, one of the definitions of economic liberalization considers the extension of market relations as the key criterion of this process. At the political level, the growth of the economic market would entail the restriction of state power or even the emergence of a political market.

According to Milton Friedman, for instance, 'political freedom' depends on the 'free market' because 'competitive capitalism', which best guarantees 'economic freedom', is at the same time the best guarantor of the separation of 'economic power' from 'political power'. Competitive capitalism is thus seen to guarantee not only the separation between political and economic power which flows from the exclusion of the state from economic activity, but also the fragmentation of economic power which flows from the competitive nature of economic activity.⁶⁹ Concerning the necessity to separate economic from political power, Friedman incidentally agrees, though for diametrically opposed reasons, with authors who are anxious to avoid the political dominance of economically dominant classes.⁷⁰ Curiously, Friedman fails to envisage the possibility that the fragmentation of economic power might weaken it vis-à-vis the political power, which he considers as largely homogeneous. He also ignores the opposite scenario – the possibility of market failure and their negative consequences for the market and for competition.

According to those hoping for the emergence of a political market, consumers, instead of choosing coffee pots, saucepans or hairdressers, are seen as choosing political services and products and therefore the candidates or parties most likely to satisfy their needs.⁷¹ However, as one of the critics of this approach remarks, the linkage between economic and political markets may be only modest. According to him, a market economy certainly contributes to 'la liberté d'affirmation' (the liberty to assert oneself), to the 'triomphe des valeurs de permissivité' (the triumph of permissiveness) and therefore to the 'renforcement d'un environnement favorable à la démocratie libérale' (the reinforcement of conditions that favour democracy), but it is far from producing the latter.⁷² It is also important to note that some writings which are often cited as

authentic demonstrations of a link between the growth of economic markets and competition in politics, do not actually demonstrate such a link but establish instead an analogy between these two mechanisms of allocation whose common principle might eventually help to define what 'liberal' really means.⁷³ Finally, even if there were a relation of cause to effect, the mechanism cannot lead to substantial political liberalization as long as it relegates some participants to the role of consumers or buyers and denies them the possibility of becoming producers or sellers.

At any rate, developments in Egypt in the 1990s fail to confirm any of these opinions, assertions or theories.⁷⁴ Even if certain quantitative indicators have to be used very circumspectly, there is sufficient evidence to confirm the growth of the private sector and of the class of owners of capital which may, according to one's tastes, be considered as a bourgeoisie or as a group of entrepreneurs. One may also assume that there was an extension of market relations, although this is more difficult to demonstrate. However, positive and negative liberties were simultaneously subject to the new and additional restrictions described in preceding chapters – restrictions that, in several cases, were precisely the results of measures of economic liberalization. As for the middle classes, the absence of any substantive activities that could be seen as contributing to political liberalization could even be a manifestation of their decline in number and strength.

Concerning the relative share of the public and private sector in key respects such as consumption and investment, the Egyptian economy clearly experienced a considerable degree of liberalization. The share of private consumption in GDP grew from about 65 per cent in the 1970s to roughly 67 per cent in the first half of the 1980s, to 75–80 per cent between 1987 and 1992 and stabilized around 80 per cent from 1993 onwards. According to one source, the share of private investment in gross domestic fixed investment (GDFI) increased from between one-quarter and one-third between 1982 and 1987 to more than 40 per cent from 1991 onwards and to 58.7 per cent in 1994.⁷⁵ From the fiscal year 1993/94, the value of new private investment exceeded that of new public investment. According to revised figures it grew from between 30 and 40 per cent in the 1980s to more than 50 per cent in 1989 and more than 60 per cent after 1994.⁷⁶ Yet another source puts the share of the public sector in 'economic activities' at 37 per cent in the period 1978–85 and only some 30 per cent in the period 1986–91.⁷⁷

What is more difficult to express in figures is the extension of market relations. As emphasized above, the relative growth of the private sector does not in itself indicate the extension of market relations. Hence, the privatization of a public sector company does not necessarily involve competition with other such companies when it comes to the allocation of public contracts. Nevertheless, the number of companies producing the same or similar products seems to have grown. This is true, for instance, for supermarket chains in Cairo, for ready-made clothes and for the assembly of cars under foreign licence. At the same time, since the promulgation of Law No. 95 of 1992 regulating the capital market, part of the privatization programme as well as other investment are taking place through the Cairo stock exchange.⁷⁸ At least in certain domains, there is little doubt that the market became more important as a mechanism of resource allocation than it had been in the past.

However, far more obvious than the extension of market relations is the growth of the class of owners of capital. The presence of this class and the ability of most of its members to forcefully demonstrate their existence cannot escape notice. The proliferation of private 'farms' (read: estates) around gaudy neo-kitsch palaces in all sorts of styles along the so-called desert road between Cairo and Alexandria, and of seaside resorts and even residential zones in Cairo entirely surrounded by walls, fences and 24-hour security services, are only some of the more visible signs of this class's presence. In terms of the amounts of capital controlled, the 'fat cats' of Sadat's days today look like mice. However, this class bears little resemblance to a bourgeoisie in the ideal-typical sense of the term, whose members would display a certain degree of solidarity. In Marxist terms it is a class *in* itself but hardly a class *for* itself.

It is certainly true that numerous owners of capital have established or adhered to several associations and circles that may be said to represent them. However, this does not entail that they have constituted themselves as real lobbies or organized pressure groups. The associations of investors in the new towns, the Association of Egyptian Businessmen or the Alexandrian Businessmen's Association did not go beyond defining the purely economic measures they considered necessary for the growth of the private sector or the economy at large. If ever they criticized the regime's policies, their criticisms remained strictly limited to the policies concerned. Moreover, to the extent that their associations were established under Law No. 32 of 1964, they did not seem to challenge the limited autonomy they enjoyed in their selection of board members and in pursuit of their activities.

Other organizations, such as the Federation of Egyptian Industries or the American Chamber of Commerce (an Egyptian chamber whose Egyptian and American members are active in both countries), were even more discreet. In formal terms the Federation was, more than other structures, under the tutelage of the regime. In informal terms, the American Chamber of Commerce seemed to be kept on an equally short leash, possibly because of its prominence. Those of their board members who did not respect the limits on their freedom of speech or action found themselves replaced when their terms expired.

Mostly, the representation and defence of interests continued to take place through individual or factional strategies, sometimes of a clientelistic nature, outside the workings of associations or other institutions. This appears to be confirmed by the ways in which owners of capital who were deputies acted in parliament. Far from forming a pressure group or bloc defending their common interests, they voted in no particular order and challenged the government only when their individual interests were at stake.⁷⁹

In most cases, the actions and reactions of the 'representatives' of the private sector remained respectful towards the regime. If Law No. 8 disappointed them in 1997, they preferred to deplore rather than condemn it. Nor did they dare to challenge the foreign policy choices of the regime even when these affected business opportunities. A few months before the second Middle East and North Africa (MENA) Economic Conference, held in Amman at the end of October 1995, numerous private sector companies in Egypt saw no harm in exploring business opportunities or projects of

regional co-operation with Israeli partners. However, closer to the conference and especially in Amman itself, with few exceptions they fell completely in line with the Egyptian regime, which by then had linked any co-operation with Israel or Israeli partners to the progress of the so-called peace process.⁸⁰

At the same time, there is little reason to consider this class as a vehicle for liberal values. While not denying that some of its members defended these values in words, and, less frequently, in deeds, it would be wrong to conclude that most owners of capital were so inclined. Indeed these values were probably more frequently, consistently and forcefully defended by others. The New Civic Forum (Jam'iyyat al-Nida' al-Jadid), established in Cairo in 1991, was certainly very close to some business circles in Egypt, but the defence of democratic and liberal values in the Forum's publications hardly represented the views of the private sector at large.⁸¹ The vote-buying by owners of capital who ran for parliament, the employment and dismissal practices in the private sector, the many manifestations of crony capitalism and corruption are obvious proofs to the contrary. In serving to protect business interests and 'market' shares, cronyism and corruption also challenge the validity of the Schumpeterian argument, according to which the bourgeoisie's interest in free trade establishes it as the natural defender of a liberal political order. Conversely, up to now there has been no instance in which owners of capital have come out in significant numbers in defence of better guarantees for the positive and negative liberties of all Egyptians.

If, with some exceptions, the owners of capital in Egypt have not pressed for political liberalization, or even advocated and promoted it, this failure cannot be explained solely by some more or less specific features or shortcomings of this class. The European bourgeoisies by no means resembled the ideal-typical image in which they were often depicted. In many instances, factionalism and crony capitalism were rife. More relevant in our context, they were able to defend values that were not liberal at all, and all the more readily if these values were to be applied to others. The model bourgeoisie of the third estate is no exception, as its attempts to repress the political activities of those lower in the social hierarchy illustrated. Quite rightly, authors such as Rueschemeyer and Stephens insist on the complexities of processes which in Europe favoured the emergence of liberal and democratic regimes. These processes were marked by numerous conflicts and struggles in which not only the bourgeoisie, but also the workers, won victories which ultimately and cumulatively contributed to the emergence and consolidation of liberal and democratic polities.⁸²

By the same token, the Egyptian case reinforces doubts about the politically liberalizing role of entrepreneurs or businessmen. Rather than supporting certain currently fashionable ideas, it tends to confirm the more sceptical conclusions of authors such as Tangeaoui and Zaki who, on a sound empirical basis, demonstrate the absence of democratic demands on the part of entrepreneurs in Morocco and Egypt.⁸³ The most one can say is that the increasing accumulation of resources in the hands of private individuals, whether they be deemed bourgeois or entrepreneurs, may increase their room for manoeuvre and enable them to pursue activities not open to them in the past. However, if and how they actually embark on such activities is another question.⁸⁴

Nor does the Egyptian example of the 1990s confirm expectations that the 'middle classes' push for political liberalization. To the extent to which this term designates the liberal professions which benefited from economic liberalization, there is no visible move in favour of political liberalization. If, more generally, it designates the middle income brackets, those earning such incomes became fewer and poorer and often dropped into lower income brackets. The fate of the middle classes defined in these terms clearly makes it difficult for them to play the role they are allocated by authors who consider them to be a driving force behind political liberalization. However, the same developments invalidate the view that economic liberalization entails the growth or strengthening of the middle classes which these same authors consider to be the precondition of their political activism. Defined in terms of income, the middle classes were indeed broader and wealthier before the beginning of economic liberalization. However, at that time they were also highly dependent on the state, which adds to the doubts concerning their politically liberalizing role. In one way or in another, the critics of arguments concentrating on the role of the middle classes thus seem to be vindicated.⁸⁵

Finally, if one holds that in the economic sphere market relations were markedly extended, one is forced to admit that there was no corresponding development of a political market. The stagnation in number of political parties, and even more so the growing majorities and crushing victories of the regime's party, the NDP, are clear indications of this. Vote-buying remains the best illustration of the existence of a political market whose size is only marginally increased by the internal pluralism that characterises the NDP as much as other single or dominant parties in the world. This pluralism is moreover based on networks and cliques rather than on programmes and objectives. Progress was hardly more impressive in regard to the emergence of an at least informally constituted polyarchy based on the separation of political from economic power and, possibly in addition, on breaking up monopolies within the latter. Certainly, some of the major entrepreneurs emancipated themselves to a considerable degree from the regime, but they alone benefited from this growing independence. Rather than trust those who identify democracy with market relations in the economic sphere, I side with those who warn against this confusion.⁸⁶

Received Wisdoms: The Impossible Defence

The fact that in Egypt economic liberalization did not result in political liberalization need not, of course, be seen as a proof of the former's intrinsic inability to produce such a result. In theory, the problem could be not that of economic liberalization as such, but of its characteristics in the Egyptian case or of the context within which it occurs and unfolds.

Concerning the context, it could, for instance, be that the constraints of macroeconomic stabilization prevent economic liberalization from having its commonly alleged political effects. By extending the notion of context beyond the strictly economic sphere, one could also claim that certain social, cultural or even political factors prevent economic liberalization from translating into political liberalization. However, any argument based on the importance of third factors for the political outcomes of

economic liberalization recognizes, at least implicitly, that these outcomes are not only those of economic liberalization. In other words, any argument of that sort recognizes that economic liberalization alone is not sufficient to produce certain political effects such as political liberalization.

In principle, the alleged linkage between economic and political liberalization is easier to defend if, in cases like Egypt, the emphasis is put on certain 'specific' or 'accidental' aspects of economic liberalization. From this perspective, it is primarily the truncated and biased nature of the latter which could distinguish it from its ideal-type. Even the figures given above on the growth of the private sector indicate that, in spite of all change, the Egyptian economy did not become a completely 'liberal' economy in the 1990s. My hesitation to conclude that this growth of the private sector has translated into the growth or extension of market relations on a similar scale suggests the same. In order to better illustrate the truncated nature of economic liberalization let us primarily consider the limited ambitions, the slow speed and the modalities of the privatization programme and the many forms of crony capitalism that have continued to exist or have newly emerged, for example in the context of privatization.⁸⁷

Concerning this programme, it is important to remember that from the outset it was of limited scope. First, only part of the public sector was affected. Second, in many companies the state retained a majority stake or individual private stakes were too small to counterbalance the state's influence, even if the latter no longer held a majority stake. At the same time, the chances of certain bidders for companies earmarked for privatization were improved by their privileged access to loans from public or semi-public banks or even to the officials in charge of the privatization programme. Indeed, an important part of the programme did not involve the sale of shares through the stock exchange. In these cases the regime selected the 'best' offer, and only very few knew how good it really was.

In a case that was perhaps more convoluted than usual the regime had no compunction in selling off a monopoly, only to abolish it immediately afterwards by allowing another company to operate in the same field. The example is that of the privatization in 1998 of the then only network of cellular phones in Egypt, which everybody thought would remain the only one for some time. Once the company was sold to Orascon, which is controlled by the Nusayr family, the regime granted another licence to Alkan, a company set up by the Sawiris, a family particularly close to the regime.⁸⁸

Elsewhere, there were no better guarantees that the award of public contracts would be governed by market principles. One case in point was public works contracts. Finally, numerous markets were managed and manipulated in such a way as to enhance the profits of certain producers or sellers. It is true that some past forms of manipulation became impossible because of deregulation imposed by the economic reforms.⁸⁹ However, the old manipulations were frequently replaced by new ones more attuned to the constraints and opportunities engendered by the new conditions. For instance, Law No. 8 of 1997 on guarantees for investment and its encouragement included clauses about the movie industry which, in practice, limited the newly established tax holidays to only two companies: one belonged to the public sector, the other to the Sawiris.

Admittedly, the drafting of the privatization programme, its implementation and the award of public contracts in other fields were not determined solely by the wishes of a regime seeking to maximize its own interests or those of its friends. When defining the scope and the rhythm of the privatization programme the regime also needed to take into account the often contradictory pressures and interests of external actors such as the World Bank, and social groups whose material survival depended on the public sector. Selection of the new owners of individual companies or the award of public contracts in general may have been influenced not only by the regime's wishes to privilege one bidder or another, but also by the pressures which some bidders may have been able to exert on the regime. Nevertheless, whether due to the wishes of the regime or the pressures of individual entrepreneurs, economic liberalization remained limited.⁹⁰

Seen in this light, economic liberalization in Egypt also appears to have been biased in favour of segments of the private sector close to the regime or able to influence its decisions. It would therefore not be surprising if the bourgeoisie had developed in a way that differs from that in which the ideal-typical bourgeoisies in the classical liberal democracies are said to have developed. Similarly, it would not be surprising to see that where there was an extension of market relations, it was not as pronounced as in the economies of Western Europe and North America. For the same reasons, the middle classes may have differed from their counterparts elsewhere. To the extent that the development of the bourgeoisie, the market and the middle classes are relevant, it would likewise not be surprising if the truncated policy of economic liberalization pursued in Egypt had affected the evolution of liberties in a different way from more far-reaching policies elsewhere.

As long as economic liberalization remains limited it enables the rulers to play an important role in the economy, either as regulators or as producers and employers. As long as it is biased in favour of the rulers and their associates, it involves only superficial or fictitious redistribution of the ownership and control of economic resources. The sale of public enterprises may be a sham, if those who sell them in their capacity as agents of the state buy them in their capacity as private individuals, possibly through middlemen and straw men. Economic liberalization that is limited and biased in these ways does not favour the separation between political and economic power sought either by Friedman or some of his critics on the left. Nor does it favour the emergence of multiple centres of economic power competing with one another and with the state. Consequently, one cannot expect the emergence of an economic polyarchy, such as that discussed by Clement M. Henry, in which the competition within one country of different economic but *ipso facto* political powers is seen to favour a certain political pluralism and thus to better guarantee the respect of liberties.⁹¹

Only in the case where economic liberalization is biased in favour of companies or entrepreneurs, whose privileged relations with the regime are based on their ability to put pressure on it, is it possible to envisage, in principle, the emergence of such new centres of economic power. However, the balance of power between regime and private sector may then simply be reversed, and reduce the former to the junior partner of the latter. Even in the more likely case that such a reversal of roles may be

avoided, relations between the regime and the entrepreneurs are likely to remain close and solid due to the mutual benefits they afford both parties in the game.

Beyond doubt, the consequences that limited and biased economic liberalization has for the evolution of liberties are not necessarily the same as those of large-scale economic liberalization. Nonetheless, the political effects of the latter may resemble those of the former. If, for instance, limited liberalization enables existing monopolies to survive, complete liberalization may, via market failure, result in the emergence of new monopolies which economically and politically replace their predecessors. In other terms, the survival of economic polyarchies is not guaranteed under these circumstances, which means that the guarantees for liberties that may emerge from the existence of such a polyarchy are not much safer.

Similarly, to the extent that economic liberalization was at the origin of the new restrictions that, from the mid-1990s onwards, applied to the articulation of interest through trade unions, it does not seem to be its limited character that can be blamed. One may remember that owners of capital in far more 'liberal' economies also tried to limit trade union activities, either through their own concerted efforts or by leaning heavily on the state. Thatcherite Britain provides one of the most eloquent examples of far-reaching economic liberalization coinciding with restrictions on the activities of trade unions and on the ability of the employed to defend their interests through the unions – restrictions that clearly reduced the freedoms concerned.

There is sufficient evidence to claim that the political effects of limited economic liberalization are not always different from those of more substantial economic liberalization. In both cases one should be careful not to assume too rapidly that economic transformation brings an extension of liberties to all. Such caution applies not only to those liberties that depend directly on access to material resources.

Certainly, one could still object that it is only in the context of macroeconomic stabilization that limited economic liberalization threatens liberties. However, such an argument agrees that economic liberalization of whatever kind is not a sufficient condition for political liberalization, and it also attempts to ignore the fact that in most countries of the Third World economic liberalization has for some time been pursued parallel to stabilization and therefore could not escape that context.

Considering the context, one could also argue that in Egypt economic liberalization and reform were implemented by an authoritarian regime. An authoritarian regime, one could further argue, tends to react to challenges in a more authoritarian manner than more participatory regimes. Like the preceding argument, this one agrees that economic liberalization in itself is not sufficient to bring about political liberalization. More importantly, it implies that the ability of economic liberalization to favour political liberalization depends on the more or less liberal nature of the regime in power. In other words, economic liberalization can only contribute to the liberalization of regimes that are already liberal.

Economic Liberalization and Liberties: Are the Restrictions Inescapable?

My reservations concerning the claim that economic liberalization directly, and almost automatically, leads to political liberalization do not, of course, validate claims to the

contrary that economic liberalization is always and necessarily a source of restrictions to liberties.

We have seen, for instance, that in Egypt, the relative political opening in the second half of the 1970s coincided with an equally relative liberalization of the economy. The difference is that in the 1970s economic liberalization took place in a period of economic growth, while in the late 1980s and the 1990s it occurred in a period of economic crisis. One could therefore conclude that economic liberalization in a period of growth favours political liberalization, while in a time of crisis it does not – unless one holds that political liberalization is primarily linked to economic growth, with economic liberalization playing no major role.

Ultimately, the Egyptian example validates the cautious conclusions drawn by the more circumspect authors. However, it would be disappointing just to emphasize the ‘complexity’ of the linkages between economic and political liberalization. This should rather be the point of departure for a systematic and comparative analysis of the political effects that can be ascribed to concrete measures or combinations and sequences of measures of economic liberalization as well as to third factors, sometimes seen as part of the ‘context’.⁹² The exercise could, of course, be part of the wider objective to explore the linkages between a liberal economy and democracy, not only in Europe but also elsewhere.⁹³

Alternative Wisdoms

The restriction, or even reduction, of liberties in the course of the implementation of programmes of macroeconomic stabilization and structural adjustment, or of economic liberalization without such programmes, suggests the continued though perhaps selective topicality of older and sometimes neglected writings on the linkages between economic and political developments.

To the extent that economic liberalization entails that a regime in place loses control over certain politically relevant domains such as the media, the restrictions it imposes may be considered as attempts to re-establish such control or prevent its further diminution. This dialectic between loss and retrieval reminds one of some of the preoccupations of the literature on ‘political development’ published in the 1960s.⁹⁴ In particular, it recalls the equilibria between political mobilization and demands for participation on the one hand, and institutionalization on the other, which Samuel Huntington considers to be indispensable for the stability of political systems and which in his eyes characterize the ‘modern developed polity’.⁹⁵ In Egypt, for instance, the regime was not in a position to control and keep in check the mushrooming of private media and means of communication with the techniques it traditionally resorted to. It therefore put in place new ones, which reinforced the institutional framework supposed to channel and repress these demands for participation. For fear of being submerged by demands for participation, it attempted to control this praetorian or pre-praetorian situation and even to put an end to it by imposing its own interests. Any such reference to the analytical validity of Huntington’s propositions does not imply my acceptance of the authoritarian recommendations that may be derived from these propositions.

More importantly, however, recent political developments in Egypt confirm that the writings on 'bureaucratic authoritarianism' in Latin America in the 1960s and 1970s remain topical, even though some of the criticisms levelled against them are no doubt valid.⁹⁶ Introduced and developed by Guillermo O'Donnell, the notion of 'bureaucratic authoritarianism' initially designates a certain type of authoritarian regime, the advent of which he links to the crisis of earlier strategies of economic development and growth pursued by populist governments. In more concrete, although somewhat simplifying terms, the 'easy' or 'horizontal expansion' of industrialization, focusing on import substitution which is germane to policies of populist redistribution, frequently has unfortunate macroeconomic consequences which then need to be overcome through austerity measures. A much-quoted illustration is that of the import of semi-finished and in particular of capital goods, which leads to balance of payment deficits and increasing external debt.

Often, then, the solution is sought in the 'deepening' of industrialization which through 'vertical integration' or 'backward-linkages' involves the creation of industries for semi-finished and capital goods. However, 'deepening', at least initially, involves yet more austerity. It requires the reorientation of resources towards the accumulation of capital on a large scale, preferably in the most promising sectors of economic activity. In a capitalist economy, this reorientation is largely geared towards the interests of potential private sector investors and to attracting foreign capital. In all cases, the main losers of austerity measures are the beneficiaries of the previous policies of (re)distribution, who generally occupy the lower steps of the social pyramid. In order to pre-empt or repress their attempts at mobilization and their demands for participation, the advocates of the new economic policies opt for authoritarianism and repression, according to a clearly Huntingtonian scenario.⁹⁷

As redefined by Albert O. Hirschman, bureaucratic authoritarianism is the political response to a wider variety of economic crises and difficulties which are not necessarily linked to an industrialization focused on import substitution. What these crises have in common is that, in order to be managed or overcome, they all involve increased or reoriented capital accumulation and thus a different, often more inequalitarian, distribution of resources which imposes austerity on the losers.⁹⁸

The argument is, in a sense, a variation on the theme of authoritarian rule in the late industrializing countries in Europe which, like Germany, sought to catch up with the pioneers of industrial revolution.⁹⁹ Referring to James O'Connor, who identifies 'accumulation' and 'legitimation' as the two fundamental but frequently contradictory functions of the state,¹⁰⁰ Hirschman considers bureaucratic authoritarianism as a political regime that pursues accumulation at the expense of legitimation and therefore has to resort to repression.¹⁰¹ Under these circumstances, notes Ayubi, authoritarian responses are all the more likely in Third World countries whose regimes frequently suffer from an endemic lack of legitimacy and, in a Gramscian sense, hegemony.¹⁰² It is, of course, important to add here that the argument developed by O'Donnell and Hirschman is analytic and not normative. It is therefore quite different from the one put forward by authors such as Robert Wade, who hold that economic development necessitates authoritarian rule.¹⁰³

This, of course, is not the first time that political developments in Egypt have been analysed with reference to the classical writings on bureaucratic authoritarianism. In his *Egypt of Nasser and Sadat*, John Waterbury explores the possible relevance of these writings for an analysis of policies pursued by the two presidents. While insisting on the usefulness of the approach, Waterbury notes that the 'deepening' initiated by the Free Officers and developed into a coherent strategy in 1957, for a long time coincided with an 'inclusivist' phase of authoritarianism, that is, with a period characterized by a more egalitarian redistribution of resources. Moreover, what distinguishes Egypt from Latin American examples is that the Nasirist strategy of accumulation was elaborated and implemented without consultation with the local bourgeoisie, and often openly against it. Indeed, accumulation was not based on exploitation of the have-nots, but on the nationalization of foreign and then of domestic capital from the 1950s onwards.¹⁰⁴ According to Waterbury, the Egyptian version of bureaucratic authoritarianism was characterized by the exclusion and repression of those who elsewhere were among the pillars of this type of regime, a repression that also served other purposes such as mobilization for what the regime defined as development and progress.

Certainly, the economic policies implemented in Egypt from the mid-1980s and especially from 1991 cannot necessarily be seen as policies of 'deepening' in O'Donnell's sense. Once again, but for different reasons, the situation did not entirely resemble that of the countries which, according to O'Donnell, are liable to fall under authoritarian rule. Nor did the Egyptian regime closely pursue the policies described by that author. Further, in Egypt we do not witness the advent of a new regime but the greater authoritarianization of an existing one. However, these differences notwithstanding, the economic policies pursued during this period were without doubt policies which aimed at the reinforcement of capital accumulation in Hirschman's sense. Ultimately, programmes of macroeconomic stabilization and structural adjustment are nothing but such policies. Balancing the accounts, restructuring the economy, increasing exports were first of all supposed to limit expenditure and increase revenue, if only to reduce the enormous public debt. These remain policies of accumulation, even if their ulterior motive was to attract additional rents, as has been argued in the case of Egypt. Contrary to the 1950s, these policies of accumulation were not pursued in a favourable context which would have allowed combined growth and redistribution. Also contrary to the 1950s, the policies were implemented at the expense of the less privileged classes, which enhances the resemblance with classic cases in Latin America. In brief, in the period of growing restrictions to liberties the Egyptian regime pursued an economic policy similar to that which in Hirschman's view favours and promotes bureaucratic authoritarianism.

In conclusion, it is worth stressing again that contemporary Egypt should not be considered as a country in transition to democracy. Its example cannot but temper the optimism expressed not so long ago concerning the almost inescapable transition of most countries in the Third World towards liberal and democratic regimes. This 'third wave' which has given rise to an extensive literature has ebbed earlier than many would have thought.¹⁰⁵ Certainly, a number of authoritarian and totalitarian regimes have collapsed. However, not only did their 'democratic' successors not always reach

the stage of ‘consolidation’,¹⁰⁶ but in Egypt and elsewhere authoritarian regimes survived without too many difficulties. As I have attempted to demonstrate, authoritarianism is able to adapt itself to new conditions, and temporary political ‘decompression’ does not signal its end. This applies all the more if one takes into account the dynamics created by economic reform – dynamics that are largely ignored in the recent literature dealing with transitions to democracy.

Notes

Except where stated, all translations of texts from the constitution are the official translation.

Introduction

- 1 With regard to moral issues see, for example, the argument of the 'privatization of repression' developed by Reem Saad, 'Shame, Reputation and Egypt's Lovers: A Controversy over the Nation's Image', *Visual Anthropology*, Vol. 10, (1998) nos 2–4, pp. 401–12.
- 2 Joel S. Migdal, *Strong Societies and Weak States: State–Society Relations and State Capabilities in the Third World* (Princeton, NJ: Princeton University Press, 1988). In this definition the 'weak' state is the opposite of the state that is, as far as possible, insulated from society; the latter is analysed by Bertrand Badie and Pierre Birnbaum in *Sociologie de l'Etat* (Paris: Grasset, 1979).
- 3 For attempts at defining the army's role, see Ahmed Abdalla, 'The Armed Forces and the Democratic Process in Egypt', *Third World Quarterly*, x (1979), no. 4, pp. 1452–66; Phillipe Droz-Vincent, 'L'Armée et le système politique', *Cahiers de l'Orient*, no. 45 (1st quarter 1997), pp. 121–36; Matthias Kunde, 'Wirtschaftsaktivitäten des ägyptischen Militärs: National Service Project Organization', in Ferhad Ibrahim (ed.), *Staat und Zivilgesellschaft in Ägypten* (Hamburg and Münster: LIT, 1995), pp.169–96. The political role of the armed forces as such, or of individual or groups of officers in the Mubarak period is far less discussed in the literature than is the role of the armed forces in the earlier decades of the republic; see, for instance, P. J. Vatikiotis's classic book, *The Egyptian Army in Politics* (Bloomington, IN: University of Indiana Press, 1961); and Joel Gordon, *Nasser's Blessed Movement: Egypt's Free Officers and the July Revolution* (New York, N.Y.: Oxford University Press, 1992).
- 4 In spite of their undeniable merit, the analyses of Nazih Ayubi remain unsatisfactory in this respect. See, for example, his *Bureaucracy and Politics in Contemporary Egypt* (London: Ithaca Press, 1980), *The State and Public Policies in Egypt since Sadat* (Exeter: Ithaca Press, 1991), and *Over-stating the Arab State: Politics and Society in the Middle East* (London: I.B.Tauris, 1995).
- 5 See the approach developed by Hans-Dieter Evers and Tilmann Schiel, *Strategische Gruppen: Vergleichende Studien zu Staat, Bürokratie und Klassenbildung in der Dritten Welt* (Berlin: Dieter Reimer, 1988); Gunter Schubert, Rainer Tetzlaff and Werner Vennewald (eds), *Demokratisierung und politischer Wandel: Theorie und Anwendung des Konzeptes der strategischen und konfliktfähigen Gruppen (SKOG)* (Hamburg and Münster, LIT, 1994); Gunter Schubert and Rainer Tetzlaff, eds, *Blockierte Demokratien in der Dritten Welt* (Opladen: Leske und Budrich, 1998).
- 6 For an emphasis on the patrimonialist traits of the regime and the political system in Egypt, see Peter Pawelka, *Herrschaft und Entwicklung im Nahen Osten: Ägypten* (Heidelberg: Müller, 1985).

- 7 Roger Owen, *State, Power and Politics in the Making of the Modern Middle East* (London and New York: Routledge, 1992), p. 38.
- 8 Juan Linz, 'An Authoritarian Regime: Spain', in Erik Allardt and Yrjö Littunen (eds), 'Cleavages, Ideologies and Party Systems: Contributions to Comparative Political Sociology', Helsinki and Turku: Transactions of the Westermarck Society, x (1964), p. 297.
- 9 Guy Hermet, 'L'Autoritarisme', in Madeleine Grawitz and Jean Leca (eds), *Traité de science politique*, vol. 2: *Les Régimes politiques contemporains* (Paris: Presses Universitaires de France, 1985), pp. 269–312 (quotation p. 269).
- 10 For an analysis of authoritarianism in Egypt, see Peter Mansfield, *Nasser's Egypt* (Harmondsworth: Penguin, 1965), chapter 11; Clement Henry Moore, 'Authoritarian Politics in Unincorporated Society: The Case of Nasser's Egypt', *Comparative Politics*, vi (1974), no. 2, pp. 193–218; Marion Wille, *Spielräume politischer Opposition in Ägypten unter Mubarak* (Hamburg and Münster: LIT, 1993); Anouar Abdel-Malek, *Egypte: Société militaire* (Paris: Seuil, 1962); Friedemann Büttner and Veronika Büttner, 'Ägypten', in Dieter Nohlen and Franz Nuscheler (eds), *Handbuch der Dritten Welt*, vol. 6 (Bonn: J. H. W. Dietz Nachf., 1993), pp. 154–89; Gudrun Krämer, *Ägypten unter Mubarak: Identität und nationales Interesse* (Baden-Baden: Nomos, 1986); Roger Owen, 'Socio-Economic Change and Political Mobilisation: The Case of Egypt', in Ghassan Salamé (ed.), *Democracy without Democrats: The Renewal of Politics in the Muslim World* (London: I. B. Tauris, 1994), pp. 183–99; Raymond A. Hinnebusch, *Egyptian Politics under Sadat: The Post-Populist Development of an Authoritarian-Modernizing State* (Cambridge: Cambridge University Press, 1985); John Waterbury, *Egypt under Nasser and Sadat: The Political Economy of Two Regimes* (Princeton, NJ: Princeton University Press, 1983).
- 11 For the political aspects of major incomes from rent, see, for example, Giacomo Luciani and Hazem Beblawi (eds), *The Rentier State* (London, Croom Helm: 1983).
- 12 See Isaiah Berlin, 'Two Concepts of Liberty', in his *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), pp. 118–72. In this text, his inaugural lecture at Oxford, Berlin replaced the distinction between 'liberal' and 'romantic' concepts of liberty to which he had previously adhered with a distinction between positive liberties and negative liberties (see also Michael Ignatieff, *A Life: Isaiah Berlin*, London: Chatto & Windus, 1998, p. 286). As far as the notion of 'positive liberties' is concerned, it is obviously understood here in the collective sense that it necessarily takes on in society and not in the broader sense of the 'capacità dell'uomo a determinarsi da sè' ('the capacity of man to determine himself'), as Guido de Ruggiero defined it in his *Storia del liberalismo europeo* (Milan: Feltrinelli, 1962), p. 339 (first edition, Bari: Laterza, 1925); see also the distinction de Ruggiero drew in that book between positive and negative liberties: 'Negative freedom consisted in denying all authority and all law; the new positive freedom consists in transferring the source of authority and law to the intimacy of one's own mind' (cited from the English edition, *History of European Liberalism*, Boston, Ma: Beacon Press, 1961; first edn: Oxford: Oxford University Press, 1927), p. 158. For a broader and a more restricted definition of positive liberties, see Berlin, 'Two concepts', pp. 122–131.

From the classics of liberal thought see Condorcet who in his 'Réflexions sur l'esclavage des nègres, épître dédicatoire aux nègres esclaves', stated that 'l'intérêt de la puissance et de la richesse d'une nation doit disparaître devant le droit d'un seul homme: autrement il n'y a plus de différence entre une société réglée et une horde de voleurs' (*Oeuvres de Condorcet*, ed. A. Condorcet, O'Connor and M. F. Arago, Paris: Firmin Didot Frères, 1847–9, vol. 7, p. 81). It was only a difference of nuances when in 'De l'influence de la révolution d'Amérique sur l'Europe' (*Oeuvres*, vol. 8, p. 7) he noted that 'relativement au bonheur public, une république qui aurait des lois tyranniques peut être fort au-dessous d'une monarchie'.

As for Benjamin Constant, he distinguished mainly between liberty ‘chez les Anciens’ and liberty ‘chez les Modernes’ (or ‘des Anciens’ and ‘des Modernes’). The liberty of the ‘Anciens’ he also called ‘political’ or ‘positive’ liberty, and that of the ‘Modernes’ he called ‘civil’ or ‘negative’ liberty. In his *Principes de politique applicables à tous les gouvernements*, he concluded that ‘la liberté ne peut être chez les modernes ce qu’elle était chez les anciens. La liberté des temps anciens était tout ce qui assurait aux citoyens la plus grande part dans l’exercice du pouvoir social. La liberté des temps modernes, c’est tout ce qui garantit l’indépendance des citoyens contre le pouvoir’, *Benjamin Constant, Principes de politique, version de 1806–1810*, ed. Etienne Hoffmann (Paris: Hachette, 1997), bk 16, ch. 7, pp. 369–70. While making a distinction between these two liberties, he considered them to be complementary and refused to sacrifice the liberty of the ‘anciens’ for that of the ‘modernes’, *ibid.*, p. 373. The distinction also appears in his address of 1819 at the Athenée Royal de Paris entitled ‘De la liberté des Anciens comparée à celle des Modernes’, in Benjamin Constant, *Écrits politiques: textes choisis, présentés et annotés par Marcel Gauchet* (Paris: Gallimard-Folio, 1997), pp. 589–619. For Constant’s distinction between positive and negative liberty, see also Tzvetan Todorov, *Benjamin Constant: la passion démocratique* (Paris: Hachette, 1997), pp. 37–41. Constant thus adopts the distinction previously made by Mme de Staël in her ‘Réflexions sur la paix intérieure’ of 1795: ‘La liberté politique est à la liberté civile comme la garantie à l’objet qu’elle cautionne; c’est le moyen et non l’objet; et ce qui a contribué surtout à rendre la révolution française si désordonnée, c’est le déplacement d’idées qui s’est fait à cet égard. On voulait la liberté politique aux dépens de la liberté civile’, *Oeuvres complètes de Madame Baronne de Staël-Holstein*, (Geneva: Slatkine, 1967), vol. 1, pp. 57–8.

Finally, John Stuart Mill, inspired by Harriet Taylor (then Mill), noted in the first chapter of *On Liberty* (London: John W. Parker and Sons, 1859): ‘The aim, therefore, of patriots was to set limits to the power which the ruler should be suffered to exercise over the community; and this limitation was what they meant by liberty ... A time, however, came ... when men ceased to think it a necessity of nature that their governors should be an independent power opposed in interest to themselves. It appeared to them much better that the various magistrates of the states should be their tenants or delegates, revocable at their pleasure.’

- 13 Berlin, ‘Two Concepts of Liberty’, pp. 121f.
- 14 Charles Taylor, ‘What’s Wrong with Negative Liberty’, in Alan Ryan (ed.), *The Idea of Freedom: Essays in Honour of Isaiah Berlin* (Oxford: Oxford University Press, 1979), pp. 175–93.
- 15 John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1973), pp. 201ff.
- 16 Berlin, ‘Two Concepts of Liberty’, p. 165.
- 17 See, for example, Berlin’s remarks in ‘Two Concepts of Liberty’, p. 126.

1 Political Liberties at the End of the 1980s

- 1 For the general political development of Egypt in the 1970s and 1980s, see Raymond A. Hinnebusch, *Egyptian Politics under Sadat: The Post-Populist Development of an Authoritarian-Modernising State* (Cambridge: Cambridge University Press, 1985); John Waterbury, *The Egypt of Nasser and Sadat: The Political Economy of Two Regimes* (Princeton, NJ: Princeton University Press, 1983); Friedemann Büttner and Veronika Büttner, ‘Ägypten’, in Dieter Nohlen and Franz Nuscheler (eds), *Handbuch der Dritten Welt* (Bonn: J. H. W. Dietz Nachf., 1993), vol. 6, pp. 154–89; Moheb Zaki, *Civil Society and Democratization in Egypt 1981–1994* (Cairo: Ibn Khaldun Center and Konrad-Adenauer-Stiftung, 1995). For liberties and human rights, see also Carsten Jürgensen, ‘Menschenrechte und politische Entwicklung in

- Ägypten', in Sigrid Faath and Hanspeter Mattes (eds), *Demokratie und Menschenrechte in Nordafrika*, Hamburg: Edition Wuquf, 1992, pp. 195–227.
- 2 Law No. 33, 1978, *Jarida rasmiyya*, no. 22 (*mukarrar*) 3/6/78; a *mukarrar* is a supplement to the Official Gazette.
 - 3 Law No. 95, 1980, *Jarida rasmiyya*, no. 20 (*tabi'*) 15/5/80; a *tabi'* is a continuation of a *mukarrar*; see also the translation of the law under the title 'La Loi sur la protection des valeurs morales en Egypte', *Bulletin du CEDEJ*, no. 13 (December 1981), pp. 116–33.
 - 4 Constitution, article 179.
 - 5 Law No. 33, 1978, articles 1–4.
 - 6 The law was complemented by a list of individuals who had 'contributed to the corruption of political life' before the revolution and had therefore lost their political rights. They included Wafd Party leaders who, like Fu'ad Saraj al-Din and Ibrahim Faraj, had been active in politics before 1952.
 - 7 For these repressive measures, see Waterbury, *The Egypt of Nasser and Sadat*, pp. 373ff.
 - 8 Law No. 33, 1978 was repealed by Law No. 221, 1994, *Jarida rasmiyya*, no. 43 (*tabi'*), 27/10/94. Law No. 95, 1980 was substantially modified by Law No. 221.
 - 9 For an English translation of the constitution, see *The 1971 Constitution of the Arab Republic of Egypt after the Amendments Ratified in the May 22, 1980 Referendum* (Cairo: State Information Service, n.d.); for the Arabic version see, for example, Jumhuriyya Misr al-'Arabiyya, *Dustur Jumhuriyyat Misr al-'Arabiyya wa al-qawanin al-asiyya al-mukammila lahu*, (Cairo: Al-Hay'a al-'amma li-Shu'un al-Matabi' al-Amiriyya, 1994).
 - 10 Constitution, Article 3.
 - 11 Constitution, Article 5.
 - 12 Constitution, Article 206 added in 1980.
 - 13 Constitution, Article 12.
 - 14 Constitution, Articles 40–48.
 - 15 Constitution, Article 45.
 - 16 Constitution, Article 73.
 - 17 Constitution, Article 138.
 - 18 Constitution, Article 74.
 - 19 Constitution, Article 148.
 - 20 Constitution, Article 109.
 - 21 Constitution, Part V, chapters 1 and 3.
 - 22 Constitution, Article 76, and Part V, chapter 3..
 - 23 Constitution, Part V, chapter 4.
 - 24 For the events of 1971 see Waterbury, *The Egypt of Nasser and Sadat*, pp. 349ff.
 - 25 See Clement Henry Moore, 'Money and Power: The Dilemma of the Egyptian *Infitah*', *Middle East Journal*, XL (1986), no. 4, pp. 634–50.
 - 26 Law on the People's Assembly (Law No. 38, 1972), *Jarida rasmiyya* no. 39, 28/9/72; Jumhuriyya Misr al-'Arabiyya, *Dustur ...*, pp. 71ss. This law was repeatedly modified over the years, but the provisions referred to were still in force in the 1980s and 1990s. For an overall analysis of legislation governing elections to the People's Assembly, see Muriel Paradelle, 'Le Politique dans son fonctionnement juridique: Analyse du cadre légal des élections législatives du *Maglis al-Sha'b*', in Sandrine Gambelin (ed.), *Contours et détours du politique en Egypte: Les Elections législatives de 1995* (Paris: L'Harmattan, 1997), pp. 29–61.
 - 27 Law No. 38, 1972, Articles 5 and 39, in the wording in force in the 1980s and 1990s; see also Muriel Paradelle, 'Le Politique appréhendé', pp. 32–4, who refers to yet other texts which make certain civil servants (including diplomats) ineligible.
 - 28 Law No. 33, 1978; Law no. 38, 1972, Article 11, as modified in 1979 and still in force.

- 29 Law No. 38, 1972, Article 8, which after modification by Law No. 901, 1976, is still in force.
- 30 Law No. 73, 1956 *Al-Waqa'i' al-misriyya*, no. 18 (*mukarrar alif*), 4/3/1956; Jumburiyya Misr al-'Arabiyya, *Dustur* ..., pp. 48ff.
- 31 Law No. 73, 1956, Article 24, which was unaffected by the amendments of the 1980s.
- 32 Law No. 73, 1956, Articles 24 and 34.
- 33 Law No. 38, 1972, Articles 3 and 15.
- 34 Law No. 114, 1983; see S. Charkaoui, 'La Loi électorale réglant les élections à l'Assemblée du Peuple', *Bulletin du CEDEJ*, no. 16 (November 1984), pp. 63–71; Richard Jacquemond, 'Dix ans de justice constitutionnelle en Egypte (1979–1990)', in CEDEJ, (ed.), *Politiques législatives: Egypte, Tunisie, Algérie, Maroc* (Cairo: CEDEJ, 1994), pp. 79–96.
- 35 Richard Jacquemond, 'Egypte: La Haute Cour Constitutionnelle et le contrôle de constitutionnalité des lois (1979–1987)', in *Annuaire internationale de justice constitutionnelle*, IV (1988), pp. 294f; Jacquemond, 'Dix ans de justice'. The court normally informs the regime of the main thrust of its decision before it elaborates it in the form of the final judgment.
- 36 Introduced by Law No. 188, 1986; Al-Sayyid Yasin/'Ali al-Din Hilal (eds) *Intikhabat Majlis al-Sha'b 1987* (Cairo: Al-Ahram, 1988), p. 14.
- 37 Law No. 188, 1986; Jacquemond, 'Dix ans de justice', p. 294; Al-Sayyid Yasin and 'Ali al-Din Hilal (eds), *Intikhabat*, 1988), p. 14.
- 38 Ruling of the Supreme Constitutional Court dated 19 May 1990, in Jumburiyya Misr al-'Arabiyya, Al-Mahkama al-Dusturiyya al-'Ulya, (ed.), *Al-Ahkam alati asdaratha al-mahkama min yana'ir 1987 hatta akhir yunyū 1991 m* (Cairo: Al-Mahkama al-Dusturiyya al-'Ulya, n.d.), pp. 256–93.
- 39 For the development of the legal framework governing elections, see Gema Martín Muñoz, *Política y elecciones en el Egipto contemporáneo (1922–1990)*, Madrid: Agencia Española de Cooperación Internacional, 1992; Paradelle, 'Le Politique appréhendé'; Zaki, *Civil Society*, pp. 92ff.
- 40 For the 1994 elections, see Alexandre Buccianti, 'Les Elections législatives en Egypte', *Monde arabe: Maghreb Machrek*, no. 106 (October–December 1984); Thomas Koszinowski, 'Der Demokratisierungsprozess in Ägypten: Die Politik Mubaraks im Lichte der Parlamentswahlen vom Mai 1984', *Orient*, XXV (1984), pp. 335–60. For the 1987 elections, see Mona Makram Ebeid, 'Le Rôle de l'opposition officielle en Egypte', *Monde arabe: Maghreb/Machrek*, no. 119 (January–March 1988), pp. 5–24; Yasin and Hilal, *Intikhabat Majlis al-Sha'b 1987*.
- 41 See Law No. 162, 1958 on the state of emergency, *Jarida rasmiyya*, no. 29 (*mukarrar ba*), 28/9/58, and its later modifications: Law No. 60, 1968; Law No. 37, 1972; Law No. 164, 1981, *Jarida rasmiyya*, no. 42 (*mukarrar*), 21/10/81; Law No. 50, 1982, *Jarida rasmiyya*, no. 28 (*mukarrar alif*), 13/7/82. For the modifications before 1981 and the decrees governing the implementation of the law, see Ahmad Sayf al-Islam 'Abd al-Fattah, *Al-Tashri' wa al-habs al-ihlati* (Cairo: Hay'at Amideast, 1995). For arrests made during the elections, see *Monde arabe:Maghreb/Machrek*, no. 117 (July–September 1987), p. 49.
- 42 Zaki, *Civil Society*, p. 80; Hala Mustafa, 'Mu'asharat wa nata'ij intikhabat 1995', in Hala Mustafa (ed.), *Al-Intikhabat al-barlamaniyya fi Misr 1995* (Cairo: Al-Ahram, 1996), p. 45; see also Martín Muñoz, *Política y elecciones*. The percentage of votes cast in favour of candidates from the NDP or from its list remains unknown. If we are to believe the (probably optimistic) official figures, the turnout was 40 per cent in 1979, 43.1 per cent in 1984 and 50 per cent in 1987; see Mustafa, p. 40.
- 43 A variation on Alain Roussillon's famous phrase, 'beaucoup plus qu'une majorité, ce qui est ici en question, ce sont les modalités de l'élection d'une opposition', in his article 'Les Nouveaux partis politiques: Note sur le processus de recomposition du système politique égyptien', *Egypte/Monde arabe*, no. 2 (2nd quarter, 1990), p. 123.

- 44 I. William Zartman, 'Opposition as Support of the State', in Giacomo Luciani (ed.), *The Arab State* (London: Routledge, 1990), pp. 220–46.
- 45 For the Consultative Assembly, see Constitution, Articles 194–205; for the 1987 elections, see *Monde arabe:Maghreb/Machrek*, no. 117 (July–September 1987), p. 49.
- 46 For the 1981 referendum see *Monde arabe:Maghreb/Machrek*, no. 95 (January–March 1982), p. 72; for the referendum to 're-elect' Mubarak in 1987, see *Monde arabe:Maghreb/Machrek*, no. 119 (January–March 1988), p. 79; for the referendum that confirmed the dissolution of the People's Assembly in 1987, see *Monde arabe:Maghreb/Machrek*, no. 116, p. 78.
- 47 Qanun raqm 40 li-sana 1977 bi-nizam al-ahzab al-siyasiyya, *Jarida rasmiyya*, no. 27, 7/7/97.
- 48 Constitution, Articles 7 and 8.
- 49 See Articles 3 and 4; Article 4.3 stipulates "adam qiyam al-hizb 'ala asas tabaqi aw ta'ifi aw fi'awi aw jughrafi aw 'ala asas tafriqa bi-sabab al-jins aw al-asl aw al-din aw al-'aqida'.
- 50 Law No. 40, 1977, Article 15, which exempts political parties from the procedure established in Articles 1 and 2 of the Law on the Press, No. 157, 1960.
- 51 For the role and activities of political parties in the 1980s, see Roussillon, 'Les Nouveaux partis', pp. 123–42; Zaki, *Civil Society*, pp. 74–9.
- 52 This party is normally known as the Wafd. The party in effect goes back to the *wafd* – that is, the delegation – through which part of the Egyptian political class sought to get itself represented at the post-First World War peace conference in 1919.
- 53 In view of the conservative religious character of this party, the word 'umma' stands less for 'nation' than for the Muslim community of believers.
- 54 For this process of transformation, see Waterbury, *The Egypt of Nasser and Sadat*, pp. 364ff.
- 55 See Roussillon, 'Les Nouveaux partis', p. 126.
- 56 See Abdel-Moneim Sa'id Aly, 'Democratisation in Egypt', *American-Arab Affairs*, no. 22 (1987); Moheb Zaki, *Civil Society*, pp. 80f. For a detailed account and analysis of these elections, see 'Ali al-Din Hilal (ed.), *Al-Tatawwur al-dimuqrati fi Misr* (Cairo: Nahdat al-Sharq, 1986); Yasin and Hilal, *Intikhabat Majlis al-Sha'b*.
- 57 Jacquemond, 'Dix ans de justice', p. 93; ruling of the Supreme Constitutional Court, 19 May 1991.
- 58 Law No. 32, 1964, *Jarida rasmiyya (Al-Jumhuriyya al-'Arabiyya al-Mutahhida)*, no. 37, 12/2/1964.
- 59 Law No. 32, 1964, 1st section, Articles 2, 12 and 57.
- 60 The 26 governorates (*muhafaza*, pl. *muhafazat*) are the principal administrative units of Egypt.
- 61 Law No. 32, 1964, Articles 17, 18, 19, 23, 26, 27, 28, 48, 54 and 55.
- 62 Amani Qandil, 'Les effets de la politique de réforme économique sur les associations civiles en Egypte en comparaison avec d'autres pays arabes', in CEDEJ (ed.), *Age libéral et néo-libéralisme: Vle rencontres franco-égyptiennes de science politique* (Cairo: Les Dossiers du CEDEJ, 1996), p. 124.
- 63 For an analysis of associative life, see Denis J. Sullivan, *Private Voluntary Organizations in Egypt: Islamic Development, Private Initiative, and State Control* (Gainesville, FL: University of Florida Press, 1994); Sara Ben Nefissa and Amani Qandil, *Al-Jama'iyyat al-ahliyya fi Misr* (Cairo: Al-Ahram, 1995); Sara Ben Nefissa, 'Le Mouvement associatif égyptien et l'Islam', *Monde arabe: Maghreb/Machrek*, no. 135 (March 1992), pp. 19–32; Mustafa Kamel al-Sayyid, 'A Civil Society in Egypt?', *Middle East Journal*, XLVII (1993), no. 2, pp. 228–42; Mustafa Kamel al-Sayyid, 'A Civil Society in Egypt?', in Augustus Richard Norton (ed.), *Civil Society in the Middle East* (Leiden: E. J. Brill, 1995), pp. 269–93; Zaki, *Civil Society*, in particular pp. 55–6.
- 64 For the trade unions in contemporary Egypt and their history, see, for example, A. El-Borai and M. Isma'il, 'Histoire du mouvement syndical en Egypte', *Bulletin du CEDEJ*, no. 15

- (January 1984), pp. 64–87.; Marsha Pripstein Posusney, *Labor and the State in Egypt: Workers, Unions and Economic Restructuring* (New York, NY: Columbia University Press, 1997); Joel Beinin and Zachary Lockman, *Workers on the Nile*, (Princeton, NJ: Princeton University Press, 1997); Ellis Goldberg, *Tinker, Taylor and Textile Worker: Class and Politics in Egypt* (Berkeley, CA: University of California Press, 1987); Ellis Goldberg, ‘The Foundations of State–Labor Relations in Contemporary Egypt’, *Contemporary Politics*, XXIV, no. 2 (January 1992), pp. 247–61.
- 65 Law No. 35, 1976, Article 16; *Jarida rasmiyya*, no. 22 (*tabi‘*), 28/5/1976.
- 66 See Omar El-Shafei, ‘Workers, Trade Unions and the State in Egypt, 1984–1989’, *Cairo Papers in Social Science*, vol. 18, no. 2 (Cairo: 1995); Marsha Pripstein Posusney, ‘The Political Environment of Economic Reform in Egypt: The Labor Movement vs. Privatization Revisited’, *Amsterdam Middle East Papers*, no. 2, (September 1995); Asaf Bayat, ‘Populism, Liberalization and Popular Democracy in Egypt’, *Economic and Industrial Democracy*, XIV, No. 1, 1993; pp. 65–87; Robert Bianchi, ‘The Corporatization of the Egyptian Labor Movement’, *Middle East Journal*, XI (Summer 1986), pp. 429–44.
- 67 See, for example, Al-ittihad al-‘Amm li-Niqabat ‘Ummal Misr, Al-lajna al-mushtarika li-tanzim intikhabat tashkilat al-munazzamat al-niqabiyya: *Al-Ta‘limat al-khassa bi ijra‘at tarshih wa intikhabat a‘da’ majalis idara al-munazzamat al-niqabiyya li al-dawra al-niqabiyya 1996–2001* (Cairo: 1996), section 3.
- 68 Law No. 95, 1980, Article 21.
- 69 The former and the new law, Article 41.
- 70 Law No. 35, 1976 and Law No. 12, 1995 (see below).
- 71 Marsha Pripstein Posusney, ‘The Political Environment’, pp. 10, 17.
- 72 For strikes during the 1980s, see El-Shafei, ‘Workers, Trade Unions’.
- 73 According to Imco Brouwer, ‘Les élites économiques et les groupes de pression en Egypte’, in *Egypte/Monde arabe*, no. 21, (1st quarter 1995), pp. 84ff, all companies whose capital exceeds £E5,000 or who employ more than 25 people must join the Federation of Egyptian Industries. According to Robert Bianchi, *Unruly Corporatism: Associational Life in Twentieth-Century Egypt* (New York, NY: Oxford University Press, 1989), p. 165 (cited by Brouwer), commercial businesses must join a chamber of commerce; in the 1980s, 70 per cent of such companies belonged to a chamber.
- 74 Brouwer, ‘Les élites’, pp. 86f.
- 75 For the history and functioning of the Federation of Egyptian Industries, see Brouwer, ‘Les élites’, pp. 84ff; for its history, see Robert Vitalis, *When Capitalists Collide: Business Conflict and the End of Empire in Egypt* (Berkeley, CA: University of California Press, 1995); Robert L. Tignor, *State, Private Enterprise and Economic Change in Egypt 1918–1952*, (Princeton, NJ: Princeton University Press, 1984); Robert Mabro and Samir Radwan, *The Industrialization of Egypt, 1939–1973* (Oxford: Clarendon Press, 1976); Murad M. Wahba, *The Role of the State in the Egyptian Economy, 1945–1981* (Reading: Ithaca Press, 1994); Robert Bianchi, ‘Businessmen’s Associations in Egypt and Turkey’, *Annals of the American Academy of Political Science*, 1985, pp. 147–59; Samer Soliman, ‘State and Industrial Capitalism in Egypt’, *Cairo Papers in Social Science*, vol. 21, no. 2 (1999).
- 76 Markaz Ibn Khaldun (ed.), *Al-Mujtama‘ al-madani wa al-tahawwul al-dimuqrati fi al-watan al-‘arabi: al-taqir al-sanawi 1993* (Cairo: Ibn Khaldun Center, 1994), pp. 76ff; Brouwer, ‘Les élites’, pp. 87–103.
- 77 For the Association of Egyptian Businessmen, see Brouwer, ‘Les élites’; Sullivan, *Private Voluntary Organizations*, pp. 107ff; Amani Qandil, ‘Interest Groups and Economic Policy Making in Egypt’, in Manabu Shimizu et al. (eds), *Pressure Groups and Economic Policy in Egypt* (Tokyo: Institute of Developing Economics, Middle East Series, no. 21, 1995).

- 78 For the role and workings of professional syndicates, see Elisabeth Longuenesse, 'Le "syndicalisme professionnel" en Egypte entre identités socio-professionnelles et corporatisme', *Egypte/Monde arabe*, no. 24 (4th quarter 1995), pp. 137–87; Amani Qandil, 'Jama'at al-masalih', in Al-Ahram (ed.), *Al-taqrir al-istratiji 1986* (Cairo: Al-Ahram, 1987), pp. 380–9; Donald M. Reid, 'The Rise of Professions and Professional Organizations in Modern Egypt', *Contemporary Studies in Society and History*, XVI (1974), pp. 24–57; Bianchi, *Unruly Corporatism*.
- 79 Zaki, *Civil Society*, p. 254, counted only 21. For the history of professional syndicates, see publications referred to in the preceding note as well as Mustafa Kamel al-Sayyid, *Al-Mujtama' wa al-siyasa fi Misr: Dawr jama'at al-masalih fi al-siyasa al-misriyya, 1952–1981* (Cairo: Dar al-Mustaqbal al-'Arabi, 1993); Reinoud Leenders, *The Struggle Of State And Civil Society In Egypt: Professional Organizations And Egypt's Careful Steps Towards Democracy* (Amsterdam: Middle East Research Associates, Occasional Paper no. 26, 1996); Robert Bianchi, *Unruly Corporatism: Associational Life In Twentieth Century Egypt* (New York, NY: Oxford University Press, 1989); Robert Springborg, 'Professional Syndicates In Egyptian Politics 1952–1970', *International Journal of Middle East Studies*, X, no. 3 (1978), pp. 275–95; John Waterbury, *The Egypt of Nasser and Sadat*; Clement Henry Moore, 'Les syndicats professionnels dans l'Egypte contemporaine: l'encadrement de la nouvelle classe moyenne', *Monde arabe: Maghreb/Machrek*, no. 64 (1974), pp. 24–34; Longuenesse, 1995, p. 186.
- 80 Bianchi, 1989, pp. 62, 75, 85.
- 81 Longuenesse, 1995, p. 145f.
- 82 See, for example, Bianchi, 1989, p. 109.
- 83 See, for example, *ibid.*, pp. 102f.
- 84 Amani Qandil, 'Le courant islamique dans les institutions de la société civile: le cas des ordres professionnels en Egypte', in CEDEJ (ed.), *Modernisation et nouvelles formes de mobilisation sociale: Egypte-Turquie*, (Cairo: Les Dossiers du CEDEJ, 1992), pp. 173–84; Amani Qandil, 'L'évolution du rôle des islamistes dans les syndicats professionnels égyptiens', in CEDEJ (ed.), *Le phénomène de la violence politique: perspectives comparatistes et paradigme égyptien* (Cairo: Les Dossiers du CEDEJ, 1994), pp. 281–93; Mustafa Kamel al-Sayyid, 'Le syndicat des ingénieurs et le courant islamique', *Monde arabe: Maghreb/Machrek*, no. 146 (October–December 1994), pp. 27–39; Bernard Botiveau, 'Egypte: crise de l'ordre des avocats et normalisation des syndicats professionnels', *Monde arabe: Maghreb/Machrek*, no. 142 (October–December 1993), pp. 5–15; Reinoud Leenders, *The Struggle*.
- 85 See Amani Qandil, 'Le courant islamique'; Elisabeth Longuenesse, 'Le "syndicalisme professionnel"'; al-Sayyid, 'Le syndicat des ingénieurs'.
- 86 Al-Sayyid, 'Le syndicat des ingénieurs', pp. 34ff.
- 87 See notably the publications of the Ibn Khaldun Center such as the review *Al-Mujtama' al-madani* and its English version *Civil Society*, as well as its annual report *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi*. In many ways useful, these publications are nonetheless less convincing when they claim that there is a real 'civil society' in Egypt. They define the notion in far too general terms and include any group or association that is not entirely part of the state apparatus. For a general presentation of civil society in Egypt, see Ferhad Ibrahim (ed.), *Staat und Zivilgesellschaft in Ägypten*, (Hamburg and Münster, LIT, 1995); Zaki, *Civil Society*. For a critical discussion of civil society in Egypt, see al-Sayyid, 'A Civil Society in Egypt?'
- 88 For the conceptual debate, see for instance, J. Keane (ed.), *Civil Society and the State: New European Perspectives* (London: Verso, 1988); John A. Hall (ed.), *Civil Society: Theory, History, Comparisons* (Cambridge: Polity Press, 1995); Andrew Arato and Jean L. Cohen, *Civil Society and Political Theory* (Cambridge, MA: MIT Press, 1992); Markaz Dirasat al-Wahda al-'Arabiyya (ed.),

- Al-Mujtama' al-madani fi al-watan al-'arabi wa dawruhu fi tahqiq al-dimuqratiyya: buhuth wa munaqashat al-nadwa al-fikriyya alati nazzamaha markaz dirasat al-wahda al-'arabiyya* (Beirut: Markaz al-Dirasat al-Wahda al-'Arabiyya, 1992); Mustapha Kamel al-Sayyid, 'The Concept of Civil Society and the Arab World', in Rex Brynen, Bahgat Korany and Paul Noble (eds), *Political Liberalization and Democratization in the Arab World*, vol. 1, pp. 131–47; Augustus Richard Norton, 'Introduction' in Augustus Richard Norton (ed.), *Civil Society in the Middle East* (Leiden: E. J. Brill, 1995), p. 7; Bryan S. Turner, 'Orientalism and the Problem of Civil Society in Islam', in Asaf Hussain, Robert Olson and Jamil Qureshi (eds), *Orientalism, Islam and Islamists* (Brattleboro, VT: Amana Books, 1984) pp. 193–201; see also Walid Kazzuha, Enid Hill and Keiko Sakai (eds), *Civil Society and the Middle East* (Tokyo: Institute of Developing Economies, 1997).
- 89 As pointed out by Augustus Richard Norton, *Civil Society in the Middle East*, 1995, p. 11, the civic spirit of the actors should complete their independence from the state; we shall ignore this aspect, given that our argument focuses primarily on the policies of the state and the regime.
- 90 Constitution, Articles 48, 206–11.
- 91 Constitution, Articles 148; Law No. 162, 1958 on the state of emergency, as amended by laws Nos 60, 1968; 37, 1972; 164, 1981 and 50, 1982, referred to above.
- 92 Law No. 148, 1980, *Jarida rasmiyya*, no. 28 (*tabi'*), 14/7/1980.
- 93 See, for example, Zaki, *Civil Society*, pp. 65ff; *Index on Censorship*, issues covering the period concerned; M. Darwich, 'La censure, le cinéma et d'autres choses', *Bulletin du CEDEJ*, no. 21 (1st quarter 1987), pp. 97–107; Yves Gonzales-Quijano *Les gens du livre: champ intellectuel et édition dans l'Égypte républicaine (1952–1993)*, thèse de troisième cycle, Institut d'études politiques de Paris, sous la direction de Rémy Leveau, chapters 3–4; Richard Jacquemond 'Quelques débats récents autour de la censure', *Égypte/Monde arabe*, no. 20 (4th quarter 1994), p. 2. For details of the legislation in force, see below.
- 94 Constitution, Article 54.
- 95 Article 148 of the constitution, as well as Law No. 162, 1958 on the state of emergency as amended by the laws referred to above.
- 96 Law No. 162, 1958, *Jarida rasmiyya*, no. 29 (*mukarrar*), 28/9/1958, amended by Law No. 60, 1968; Law No. 37, 1972; Law No. 164, 1981, *Jarida rasmiyya*, no. 42 (*mukarrar*), 21/10/1981, and Law No. 50, 1982, *Jarida rasmiyya*, no. 28 (*mukarrar*) 13/6/1982, Articles 3 and 3 (*mukarrar*). For a detailed presentation and discussion of the amendments to this law and for the decrees governing its implementation, see Ahmad Sayf al-Islam 'Abd al-Fattah, *Al-Tashri' wa al-habs al-ihtiyati* (Cairo: Hay'at Amideast, 1995). The appeal procedure for the detainees is highly complex. Once the appeal lodged by the detainee has been heard, the minister of the interior may appeal against the ruling of the relevant court if it is in favour of the detainee. The case will then be heard by another chamber of the same court whose ruling is definitive and has to be executed immediately; the minister of the interior cannot appeal against it. In this case, the general practice is to release the detainee and rearrest him outside the prison gate.
- 97 See the annual reports of Al-Munazzama al-'Arabiyya li-Huquq al-Insan (ed.), *Huquq al-insan fi al-watan al-'arabi: taqir al-munazzama al-'arabiyya 'an halat huquq al-insan fi al-watan al-'arabi* (Cairo: 1987, 1988, 1989), chapters on Egypt. Interviews with Muhammad Qandil of the Egyptian Organization for Human Rights (EOHR), November 1997; Jasir 'Abd al-Raziq, Center for Human Rights Legal Aid (CHRLA), 22 July 1998; Ahmad Sayf al-Islam 'Abd al-Fattah, lawyer, 22 July 1998.
- 98 Constitution, Article 167 (author's translation).
- 99 Constitution, Article 171 (author's translation).
- 100 Constitution, Article 68, addresses the issue of the 'natural judge'; Article 171 addresses that of the State Security Courts.

- 101 These four types of jurisdiction are established and governed by Law No. 46, 1972 on the judiciary, *Jarida rasmiyya*, no. 39, 28/9/1972. This law describes them implicitly as ordinary jurisdictions since it stipulates that they and the State Council deal with all cases 'except for those governed by specific texts' (Article 15). The Supreme Constitutional Court is not mentioned by this law because it was not created until later.
- 102 For the various ordinary and special courts, their powers and hierarchies, see Bernard Botiveau, 'L'exception et la règle: la justice vue par les magistrats', with annex, *Bulletin du CEDEF*, no. 20 (2nd quarter 1986), pp. 81–113.
- 103 The members of the council are the President of the Court of Cassation, the President of the Court of Appeal in Cairo, the Prosecutor General, the two most senior vice-presidents of the Court of Cassation and the two most senior vice-presidents of the Court of Appeal in Cairo; seniority is defined in terms of length of service.
- 104 Law No. 46, 1972, Articles 52–70 after the amendments of the 1980s, which invest the Higher Council of the Judiciary with powers that were earlier those of the Higher Council of Judicial Powers; see also Bernard Botiveau, 'L'exception et la règle: la justice vue par les magistrats', with annex, *Bulletin du CEDEF*, no. 20 (2nd quarter 1986), pp. 81–113; République Arabe d'Égypte (ed.), *Rapports présentés par la Cour de Cassation à la Troisième Conférence des Ministres Francophones de la Justice* (Cairo: 30/10/1995–1/11/1995), p. 17.
- 105 For details, see Nathan Brown, *The Rule of Law in the Arab World: Courts in Egypt and the Gulf* (Cambridge: Cambridge University Press, 1997), pp. 96f.
- 106 Law No. 136, 1984 amending Law No. 47, 1972, *Jarida rasmiyya*, no. 31, 2/8/1984. The Council is established under the new Article 68 *mukarrar* added to the law of 1972 by the 1984 law.
- 107 Law no. 82/1969, *Jarida rasmiyya*, no. 35 (*mukarrar*), 31/8/1969.
- 108 Article 173 of the 1971 constitution of 1971.
- 109 Law No. 46, 1972, *Jarida rasmiyya*, 1972, p. 3340–3390.
- 110 Law No. 48, 1979 on the establishment of the Supreme Constitutional Court, Article 5, *Jarida rasmiyya*, no. 26, 6/9/1979.
- 111 Richard Jacquemond, 'Egypte: La Haute Cour Constitutionnelle', pp. 277ff; Law No. 48, 1979, *Jarida rasmiyya*, no. 26, 6/9/1979, translated by Richard Jacquemond and appended to the cited article; the Egyptian constitution as amended in 1980, chapter V, articles 174–78.
- 112 Constitution, Article 172. In spite of certain differences between the Conseil d'Etat in Egypt and its namesake in France, Loschak's study of the latter is not irrelevant for the understanding of the former, in particular with regard to the independence and politicization ('indépendance et politisation') of this jurisdiction; see Danièle Loschak, *La justice administrative* (Paris: Montchrestien, 1994), pp. 60–74.
- 113 Law No. 47, 1972, *Jarida rasmiyya*, 1972, pp. 3391–3442; the powers of the State Council are governed by Articles 10–23; the relative irremovability and the allocation of cases to judges are regulated by Articles 82, 83, 87, 88 and 91. Law No. 136, 1984 cited above which adds or modifies articles 68, 83 and 91. See also M. R. Abdel-Wahab, 'Contrôle des actes de l'administration', in République d'Égypte, Ministère de la Justice (ed.), *Études présentées à la Troisième Conférence des Ministres Francophones de la Justice* (Cairo: 30 October 1995–1 November 1995), pp. 165–71; M. A. A. El-Sanhoury and O.K. Osman, 'Le Conseil d'Etat égyptien et le Conseil d'Etat français; étude comparée', in République Arabe d'Égypte (ed.), *Rapports présentés par le Conseil d'Etat à la Troisième Conférence*, pp. 3–11; A. El-Mahdi, 'Le statut des libertés publiques d'après la jurisprudence du Conseil d'Etat', *ibid.*, pp. 27–32.
- 114 Interviews with judges, Cairo, 1997, 1998.

- 115 Interview Yahya al-Jamal (Gamal), Cairo, 15 July 1998.
- 116 République Arabe d’Égypte (ed.), *Rapports présentés par la Cour de Cassation*, pp. 7, 28, 37 (with references to rulings by that court).
- 117 Judgment dated 6 March 1988, in République Arabe d’Égypte (ed.), *Rapports présentés par le Conseil d’Etat à la Troisième Conférence*, p. 58.
- 118 Interviews, Cairo, 1997.
- 119 See Baudouin Dupret, ‘A propos de la constitutionnalité de la *shari’a*: Présentation et traduction de l’arrêt du 26 mars 1994 (14 *shawwal* 1414) de la Haute Cour Constitutionnelle (*al-mahkama al-dusturiyya al-’ulya*) égyptienne’, *Islamic Law and Society*, vol. 4, no. 1 (1997), pp. 91–113.
- 120 For a discussion and interpretation of the jurisprudence of the Supreme Constitutional Court and the translation of some of its rulings, see Richard Jacquemond, ‘La Haute Cour’; Baudouin Dupret, ‘A propos de la constitutionnalité’ pp. 91–113. Nathalie Bernard-Maugiron, ‘La Haute Cour Constitutionnelle égyptienne et la protection des droits fondamentaux’, thèse de doctorat sous la direction d’Emmanuel Decaux, Université de Paris-X (Nanterre), 1999. All rulings of the Court are published in the series *Jumhiriyya Misr al-’Arabiyya, Al-Mahkama al-Dusturiyya al-’Ulya* (ed.), *Al-Ahkam alati asdratha al-mahkama* (Cairo: Al-Mahkama al-Dusturiyya al-’Ulya, n.d.); all rulings are also published in the *Jarida rasmiyya*. The translation of several important rulings can be found in République Arabe d’Égypte (ed.), *Rapports présentés par la Cour Suprême Constitutionnelle à la Troisième Conférence des Ministres Francophones de la Justice* (Cairo: 30 October–1 November 1995), which also includes a contribution by the then president of the court, A. M. A. Almor (‘Awad al-Murr), ‘La Cour Suprême Constitutionnelle en Égypte et sa position vis-à-vis de la liberté individuelle’, pp. 41–99.
- 121 For the demands to reestablish the Council, see Nathan Brown, *The Rule of Law*, pp. 96f; for the conference, see Bernard Botiveau, ‘L’exception’; ‘Rapports introductifs du premier congrès de la justice en Égypte’, *Bulletin du CEDEF*, no. 20 (2nd quarter 1986), pp. 163–82.
- 122 Constitution, Article 93.
- 123 Article 178 (author’s translation).
- 124 Law No. 48 of 29 October 1979 concerning the Supreme Constitutional Court, of which article 49 governs the execution of the court’s rulings; for a translation of the law into French, see République Arabe d’Égypte (ed.), *Rapports présentés par la Cour Suprême Constitutionnelle*, pp. 27ff, as well as the appendix to Jacquemond, 1988.
- 125 Law No. 95, 1980, Articles 2, 16–18 prior to the amendments of 1994; *Jarida rasmiyya*, no. 20 (*tabi*), 15/5/1980; see also Botiveau, ‘L’exception’ as well as ‘Les rapports introductifs du premier congrès de la justice en Égypte’, *Bulletin du CEDEF*, no. 20 (2nd quarter 1986), pp. 163–82.
- 126 Law No. 95, 1980, second chapter (*al-bab al-thani*).
- 127 Article 4.
- 128 Law No. 105, 1980, *Jarida rasmiyya*, no. 22 (*mukarrar*), 21/5/1980; for the history of these courts, see Botiveau, ‘L’exception’.
- 129 Law No. 105, 1980, Article 8.
- 130 Law No. 162, 1958, Articles 7–15.
- 131 Law No. 105, 1980, Articles 9–12; Law No. 162, 1958, Articles 7–15.
- 132 See Nathan Brown, *The Rule of Law*, pp. 98f.
- 133 Al-Munazzama al-’Arabiyya li-Huquq al-Insan (ed.), annual report 1988, p. 149.
- 134 For this sort of ruling and their (non-)implementation, see, for example: Al-Munazzama al-Misriyya li-Huquq al-Insan (ed.), *Sujana’ bila muhakima* (Cairo: 1996).
- 135 The provisions concerned of the law on military courts have yet to be examined by the Supreme Constitutional Court. In its interpretation of the law in 1993 and 1997, the Court

simply confirmed that, pending a decision on its constitutionality, civilians could be tried in military courts (Interview with Counsellor ‘Adil ‘Umar Sharif (Adel Omar Sharif), Supreme Constitutional Court, Cairo, 12 November, 1997. For the relevant provisions of the law on military courts, see Law No. 25, 1966, Article 6, *Jarida rasmiyya*, no. 123, 1/6/1966.

136 Law No. 25, 1966, Articles 43–54, 57, 59, 83, 84, 97.

2 Positive Liberties in the Narrow Sense: The Central Institutions of the State

- 1 Percentages for 1979, 1984 and 1987 according to Zaki, *Civil Society*, p. 80 and Hala Mustafa (ed.), *Al-Intikhabat al-barlamaniyya fi Misr 1995* (Cairo: Al-Ahram, 1996); p. 45. Figures for 1990 and 1995 according to Hala Mustafa *Al-Intikhabat*, p. 45. The results given by Mustafa for 1990 are slightly different from those given by ‘Ali al-Din Hilal and Usama al-Ghazali Harb (eds), *Intikhabat Majlis al-Sha‘b 1990: Dirasa wa tahlil* (Cairo: Markaz al-Dirasat al-Siyasiyya wa al-Istratijiyya Al-Ahram/Jami‘at al-Qahira, Markaz al-Buhuth wa al-Dirasat al-Siyasiyya, 1991), p. 200. According to the latter source, in the 1990 Assembly there were 350 NDP deputies, 255 of whom were official party candidates while the other 95 had presented themselves as independents; on this basis, NDP deputies took only 79 per cent of the 444 seats filled by election. The difference between the two sources may be explained by the ‘inflation’ or ‘deflation’ in the number of independent candidates who after the elections joined the NDP’s parliamentary group.
- 2 In the 1990 Assembly, for example, NDP deputies took 81.81 per cent of the seats filled by election, and together with the deputies appointed by the president occupied 82.22 per cent of all seats. In the 1995 Assembly, the percentages are 93.90 per cent and 94.05 per cent respectively.
- 3 Guy Hermet, Juan Linz and Alain Rouquié, *Des élections pas comme les autres* (Paris: Presses de la Fondation Nationale des Sciences Politiques, 1978).
- 4 For a detailed account of many aspects of these elections which remains curiously incomplete, see ‘Ali al-Din Hilal and Usama al-Ghazali Harb (eds), *Intikhabat Majlis al-Sha‘b 1990*.
- 5 For the complete text of the ruling, see Jumhuriyya Misr al-‘Arabiyya, Al-Mahkama al-Dusturiyya al-‘Ulya, *Al-Ahkam alati asdaratha al-mahkama min yanayr 1987 hatta akhir yuniyu 1991 m.* (Cairo), pp. 256–93.
- 6 Law No. 38, 1972 was modified by presidential decree no. 201/1990; *Jarida rasmiyya*, no. 39 (*mukarrar*), 29/9/1990.
- 7 Law No. 206, 1990 *Jarida rasmiyya*, no. 39 (*mukarrar alif*), 2/10/1990. On this issue see also Gamal Abdel Nasser Ibrahim, ‘Les élections de 1995 dans le gouvernorat du Caire’, in Sandrine Gamblin (ed.), *Contours et détours du politique en Egypte: les élections législatives de 1995*, Paris/Cairo, L ‘Harmattan/CEDEJ, 1997, pp.199–228.
- 8 See ‘Ali al-Din Hilal and Usama al-Ghazali Harb (eds), *Intikhabat Majlis al-Sha‘b 1990*, pp. 16ff; Gamal Abdel Nasser Ibrahim, ‘Les élections de 1995.’
- 9 See their press conference and their joint press communiqué of 21 December 1990, *Al-Wafd*, 22 and 23 October 1990.
- 10 For a detailed discussion of these grievances, see Iman Farag, ‘Les législatives égyptiennes ou la politique entre clientélisme et citoyenneté: dossier de presse’, *Egypte/Monde arabe*, no. 4 (4th quarter 1990), pp. 145–85.
- 11 Farag, ‘Les législatives égyptiennes’, p. 152.
- 12 Like the Wafd, it is a party that claims to be the heir to a party of the same name that existed before the dissolution of political parties following the 1952 revolution.

- 13 For additional details, see 'Ali al-Din Hilal and Usama Al-Ghazali Harb (eds), *Intikhabat*, pp. 32ff; Iman Farag, 'Le politique à l'égyptienne: lecture des élections législatives', *Monde arabe: Maghreb/Machrek*, no. 133, July–September 1991, pp. 19–33, in particular p. 25; the two sources do not always agree on the number of candidates.
- 14 According to the figures given in Hala Mustafa, *Al-Intikhabat*, p. 45. As mentioned in note 13, the various sources do not always agree on the number of candidates. The figures given by *Al-Ahram* on 8 December 1990 are slightly different from those given by Mustafa, partly because the former do not fully reflect the number of deputies elected as independents who then joined the parliamentary groups of their respective parties; nor do they include the deputies of four constituencies where the elections were annulled because of blatant irregularities and postponed to a later date.
- 15 Farag, 'Le politique à l'égyptienne'; Farag, 'Les législatives égyptiennes'; Mustafa *Al-Intikhabat*, p. 45; Zaki, *Civil Society*, pp. 81, 94.
- 16 'Ali al-Din Hilal and Usama al-Ghazali Harb (eds), *Intikhabat Majlis al-Sha'b 1990*, p. 6; Zaki, *Civil Society*, p. 80; Mustafa *Al-Intikhabat*, p. 45.
- 17 Mustafa *Al-Intikhabat*, p. 45; Farag, 'Le politique à l'égyptienne'; Farag, 'Les législatives égyptiennes'; J. A. Zahran, 'Al-Mustaqillun', in 'Ali al-Din Hilal and Usama al-Ghazali Harb (eds), *Intikhabat*, pp. 200ff. *Al-Ahram*, 8 December 1990, published the official results announced by the minister of the interior; however, these did not include the results of those constituencies where irregularities were too flagrant and the vote was to be re-run at a later date. The figures given by different sources are not always the same, partly because the number of deputies calling themselves independents changed over the course of the legislature.
- 18 Law No. 38, 1972, Article 15.
- 19 See the figures given by J. A. Zahran, 'Al-Mustaqillun', pp. 200f and M. Shuman, 'Hizb al-Tajammu' wa quwat al-yasar', in 'Ali al-Din Hilal and Usama al-Ghazali Harb (eds), *Intikhabat*, pp. 165f.
- 20 See, for example, Farag, 'Les législatives égyptiennes', pp. 173ff.
- 21 *Ibid.*, pp. 173–76.
- 22 Farag, 'Le politique à l'égyptienne', p. 30; Farag, 'Les législatives égyptiennes', pp. 171ff.
- 23 *Al-Ahram*, 30 October 1990; *Al-Jumhuriyya*, 30 November 1990
- 24 'Ali al-Din Hilal and Usama al-Ghazali Harb (eds), *Intikhabat*, pp. 123f; the *Tajammu'* alleged received £E100,000 and the Green Party £E10,000.
- 25 For an overview of these elections, see also Mustafa, *Al-Intikhabat*, Sandrine Gamblin (ed.), *Contours et détours*; Christophe Ayad, 'Les législatives de novembre–décembre 1995', *Les Cahiers de l'Orient*, no. 45 (1st quarter 1997), pp. 113–20.
- 26 According to Article 92 of the constitution, the term of each Assembly expires five years after its first sitting; the 1990 Assembly held its first sitting on 13 December 1990. The same article stipulated that the elections for the new Assembly must be held during the 60 days before the end of the term of the previous Assembly.
- 27 Law No. 73, 1956 on political rights, Article 22.
- 28 *Al-Hayat*, 1–6 September 1995, 15 September 1995, 17 September 1995. The indictment is based on Articles 30 and 86 of the penal code.
- 29 For details, see 'Amru al-Shubaki, 'Al-Ma'raka al-Intikhabiyya: Zawahir jadida', in Mustafa, *Al-Intikhabat*, p. 55.
- 30 Alain Rousillon, 'Pourquoi les Frères musulmans ne pouvaient pas gagner les élections: les limites de la pluralisation de la scène politique égyptienne', in Gamblin (ed.), *Contours et détours*, p. 120.
- 31 Constitution, Article 92; Law No. 73, 1956 on political rights, Articles 6–9.

- 32 Presidential decree no. 319/1995, *Jarida rasmiyya*, no. 42, 19/10/1995.
- 33 On this subject, see Dina Al-Khawaga, 'Le parti national-démocrate et les élections de 1995: La conjonction de nombreuses logiques d'action', in Gamblin, *Contours et détours*, pp. 83–99; May Kassem, *In the Guise of Democracy: Governance in Contemporary Egypt* (Reading: Ithaca Press, 1999), pp. 75–92.
- 34 For details, see Al-Khawaga, 'Le parti national-démocrate', p. 98.
- 35 Mustafa, *Al-Intikhabat*, p. 49.
- 36 Jama'a Tanmiyyat al-Dimuqratiyya (ed.), *Al-Taqrir al-sanawi al-awwal*, (Cairo, 1997) p. 42.
- 37 Observations by the author in Zagazig during the election campaign of 1995.
- 38 Observations by the author; see also Center for Human Rights Legal Aid (CHRLA), (ed) *CHRLA's Final Report on the Legislative Elections in Egypt 1995*, (Cairo, 1995) p. 32.
- 39 The Egyptian Organization for Human Rights (EOHR), *Press Statement: Democracy Jeopardized*, 6 December 1995, p. 5.
- 40 See, for example, EOHR, *Democracy Jeopardized*, p. 73; see also the opposition press for that period such as *Al-Wafid* and *Al-Sha'b*.
- 41 *CHRLA's Final Report*, p.25.
- 42 *Al-Hayat*, 28–30 November 1995.
- 43 Observations by the author that also inspired his study 'Desélectionné par le haut: le Wafd dans les élections législatives de 1995', in Gamblin (ed.), *Contours et détours*, pp. 129–49. For a systematic survey of the irregularities during the 1995 elections, see the four reports published by the non-governmental organizations in Egypt which were members of 'Al-Lajna al-Wataniyya al-Misriyya li-Mutaba'at al-Intikhabat al-Barlamaniyya 1995'. These organizations do not, however, all refer in the same manner to the name of this committee and sometimes fail to refer to it at all: Ibn Khaldun Center (ed.), *Taqrir lajna wataniyya misriyya li-mutaba'at al-intikhabat al-barlamaniyya 1995* (Cairo: Ibn Khaldun Center, 1995); EOHR (ed.), *Democracy Jeopardized – Nobody Passed the Elections: The Egyptian Organisation for Human Rights' Account of the Egyptian Parliamentary Elections 1995* (Cairo: 1996); Center for Human Rights Legal Aid (ed.), *CHRLA's Final Report* (Cairo: 1995); Al-Mahrusa (ed.), *Taqrir al-lajna al-misriyya li-mutaba'at al-intikhabat al-misriyya 31/11–7/12/1995* (Cairo: 1996).
- 44 The author's observations when accompanying officials and candidates in the constituencies of Sayyida Zaynab and Zagazig-City in the Delta.
- 45 Ahmad Al-Manis, 'Zahirat al-'unf fi intikhabat 1995', in Mustafa *Al-Intikhabat*, pp. 69–79.
- 46 See *Al-Waqa'i' al-misriyya*, no. 273 of 1/12/1995; no. 279 of 7/12/1995.
- 47 Mustafa Kamel Al-Sayyid, 'Comment analyser les élections législatives en Egypte?', in Gamblin, *Contours et détours*, pp. 7–17.
- 48 For example, Elisabeth Longuenesse, 'Logiques d'appartenances et dynamique électorale dans une banlieue ouvrière: le cas de la circonscription 25 à Halwân', in Gamblin, *Contours et détours*, pp. 229–65.
- 49 For the figures, see Mustafa, *Al-Intikhabat*, p. 45.
- 50 *Ibid.*
- 51 *Al-Hayat*, 29 November 1995; *Al-Wafid*, *Al-Ahram*, 2 December 1995.
- 52 Figures according to Mustafa, *Al-Intikhabat*, p. 45; the figure for 'true independents' given here excludes Muslim Brotherhood candidates, even though they were not permitted to stand for election under the label of their organization.
- 53 Alain Roussillon, 'Les nouveaux partis politiques', *Egypte/Monde arabe*, no. 2 (2nd quarter 1990), pp. 123–42.
- 54 Nifin Mus'ad, 'Al-mar'a wa intikhabat Majlis al-Sha'b 1995', in Waduda Badran (ed.), *Al-Mar'a wa intikhabat Majlis al-Sha'b 1995* (Cairo: Jami'at al-Qahira, Kulliat al-Iqisad wa al-'Ulum al-Siyasiyya, 1996), p. 149; in part Badran refers to H. Majahid, 'Al-Mar'a

- al-misriyya fi majalis al-niyabiyya', a paper presented at the conference 'Al-Mar'a al-misriyya wa tahdiat al-qurn al-hadi wa al-'ashrin' (Cairo: 1994), p. 150.
- 55 *Al-Musawwar*, 14 December 1990; *Nusf al-Dunya*, 16 December 1990.
- 56 *Nusf al-Dunya*, 19 November 1995.
- 57 Percentages for the 1984 elections according to Nifin Mus'ad, *Al-Mar'a wa intikhabat Majlis al-Sha'b 1995*, p. 150, quoting Majahid, 1994.
- 58 Percentages according to Mus'ad, *Al-Mar'a wa intikhabat Majlis al-Sha'b 1995*; for the quota, see Zaki, *Civil Society*, p. 208f.
- 59 Figures and percentages according to Rabi', 'Mawqi' al-mar'a fi intikhabat 1995', in Mustafa, *Al-Intikhabat*, p. 96. According to Mus'ad, *Al-Mar'a wa intikhabat Majlis al-Sha'b 1995*, p. 112, there were 87 female candidates in the 1995 elections and their share in the total number of candidates was 2.1 per cent. In the latter case, the ratio between female candidates and women elected would be even worse.
- 60 Figures and percentages according to 'Amru Hashim Rabi', 'Mawqi' al-mar'a fi intikhabat 1995', in Mustafa, *Al-Intikhabat*, p. 96.
- 61 Rabi', 'Mawqi', pp. 95–7.
- 62 Mus'ad, *Al-Mar'a wa intikhabat Majlis al-Sha'b 1995*, p. 123.
- 63 Zaki, *Civil Society*, p. 202; see also Ahmad Al-Muslimani, 'Mawqi' al-aqbat fi intikhabat 1995', in Mustafa, *Al-Intikhabat*, pp. 103–15.
- 64 Al-Muslimani, pp. 112–13.
- 65 *Ibid.*, pp. 105, 111, 114.
- 66 Ayman al-Sayyid 'Abd al-Wahhab, 'Al-Hizb al-watani al-dimuqrati', in 'Ali al-Din Hilal and Usama al-Ghazali Harb, *Intikhabat Majlis al-Sha'b 1990*, p. 149.
- 67 Every constituency sent two deputies to the People's Assembly, one of whom at least needed to be officially recognized as a 'worker' ('*amil*, pl. '*ummal*') or, in rural areas, as a 'peasant' (*fallah*, pl. '*fallahin*'). The candidate in question was the NDP's candidate for the second seat, which was open to candidates from any social category (*fi'at*).
- 68 Flier distributed on the day of the second round of the elections, in the author's possession. The Arabic text reads: 'La li al-majus ..., la li al-aqbat ..., la li al-nasari ..., wa na'am li al-murashshah al-watani, ibn al-Wayli'.
- 69 Article 96.
- 70 On these cases and others, see Mohammed Abdel Hamid, 'We're not Crooks', *Cairo Times*, 2 April 1998; 5 August 1999; 18 August 1999; 27 January 2000; *Al-Ahram*, 28 and 29 August 1996.
- 71 Jama'a Tanmiyyat al-Dimuqratiyya (ed.), *Taqiyim adawar in'iqad Majlis al-Sha'b, Al-Taqrir al-sanawi al-awwal: Dawr in'iqad al-thani min al-fasl al-tashri'i al-sabi'*, (Cairo: 1997), pp. 115–23.
- 72 *Al-Ahram Weekly*, 2 April 1998.
- 73 Al-Ahram (ed.), *Al-Taqrir al-istratiji al-'arabi 1990* (Cairo: Al-Ahram, 1991), p. 393.
- 74 Minutes (*madabit*) of the People's Assembly for the session 1989–90.
- 75 Al-Ahram (ed.), *Al-Taqrir al-istratiji al-'arabi 1993* (Cairo: Al-Ahram, 1994), p. 200.
- 76 Al-Ahram (ed.), *Al-Taqrir al-istratiji al-'arabi 1994* (Cairo: Al-Ahram, 1995), pp. 391–2.
- 77 Constitution, Articles 126, 127, 141.
- 78 Al-Ahram (ed.), *Al-Taqrir al-istratiji al-'arabi 1995* (Cairo: Al-Ahram, 1996), pp. 379–81; see also Gema Martín Muñoz, *Política y elecciones en el Egipto contemporáneo (1922–1990)* (Madrid: Agencia Española de Cooperación Internacional, 1992), pp. 353f.
- 79 Ruling by the Supreme Constitutional Court dated 15 April 1989; typed copy of judgment obtained from the court.
- 80 Al-Ahram (ed.), *Al-Taqrir al-istratiji al-'arabi 1995* (Cairo: Al-Ahram, 1996), pp. 379f.

- 81 Al-Ahram (ed.), *Al-Taqrir al-istratiji al-'arabi 1995*, pp. 280f; Al-Munazzama al-'Arabiyya li-Huquq al-Insan (ed.), *Al-Nashra al-akhbariyya*, no. 90, July 1995, p. 6.
- 82 *Al-Ahram*, 6 June 1998; *Al-Ahram Weekly*, 25 June 1998.
- 83 *Al-Ahram*, 15 October 1981.
- 84 *Al-Ahram*, 18 October 1987; *Monde arabe: Maghreb/Machrek*, no. 119, January–March 1988, p. 79.
- 85 Al-Ahram (ed.), *Al-Taqrir al-istratiji al-'arabi 1993* (Cairo: Al-Ahram, 1994), pp. 294–96; *Cairo Times* (citing Ministry of Interior sources), 10 June 1999; 30 September 1999.
- 86 Law No. 108, 1991, *Jarida rasmiyya*, no. 51, 17/12/1992, which amended Articles 9 and 26 of Law No. 40, 1977 (*qanun bi-nizam al-ahzab al-siyasiyya*), *Jarida rasmiyya*, no. 27, 7/7/1977.
- 87 Decision of the Committee, *Jarida rasmiyya*, no. 50, 14/12/1995. For the Hizb al-Wafaq al-Qawmi, see *Cairo Times*, 9 March 2000.
- 88 *Al-Hayat*, 13 March 1997, 22 March 1997.
- 89 See, for example, *Al-Hayat*, 8–10 May 1998; *Al-Ahram Weekly*, 7 May 1998, 14 May 1998.
- 90 *Al-Hayat*, 12 May 1998.
- 91 *Al-Hayat*, *Al-Ahram*, *Al-Wafid*, 22 and 23 September 1998; *Cairo Times*, 10 June 1999. For the Shari'a Party, see *Cairo Times*, 14 October 1999, 23 December 1999.
- 92 See Zaki, *Civil Society*, p. 78f.
- 93 *Cairo Times*, 14, 21 and 28 June, 2000.
- 94 Presidential address as reproduced in *Al-Ahram*, 13 October 1993.
- 95 For additional details, see, for example, Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani wa al-tahawwul al-dimugrati fi al-watan al-'arabi: al-taqrir al-sanawi 1994*, (Cairo: 1995), pp. 51ff.
- 96 For a summary of the conclusions, see Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani: al-taqrir al-sanawi 1994* (Cairo: 1995), pp. 51ff.
- 97 *Al-Wafid*, 22 October 1993.
- 98 *Al-Wafid*, 2 June 1994; *Al-Ahram*, 2 June 1994.
- 99 Law No. 38, 1972 on the People's Assembly, Article 11.
- 100 Interviews, Cairo, 1997.

3 Positive Liberties in the Wider Sense: Representation and Participation Elsewhere

- 1 For the administrative sub-division of Egypt and elected councils in the various administrative units, see James B. Mayfield, *Local Government in Egypt: Structure, Process and the Challenges of Reform* (Cairo: American University of Cairo Press, 1996), chapter 3; Hanan Hamdy Radwan, 'Democratization in Rural Egypt: A Study of the Village Local Popular Council', *Cairo Papers in Social Science*, vol.17, no. 1, (Cairo, spring 1994).
- 2 For more general information on the administration and the elective authorities of the communities and governorates, see Mayfield, *Local Government*; Radwan, 'Democratization in Rural Egypt'.
- 3 Radwan, 'Democratization in Rural Egypt', pp. 28–31; a party list or an individual candidate were elected if they obtained the absolute majority of votes cast in the first round or a relative majority of votes cast in the second round. The second round was open only to the two lists and candidates who performed best in the first round.
- 4 Ruling of the SCC dated 15 April 1989; typed copy provided by the Court.
- 5 Radwan, 'Democratization in Rural Egypt', pp.19f.
- 6 Kamal al-Minufi, 'Muqaddima', in Kamal al-Minufi (ed.), *Tahlil nata'ij al-intikhabat al-mahal-liyya 1997* (Cairo: Jami'at al-Qahira, Kulliyat al-Iqtisad wa al-'Ulum al-Siyasiyya and Friedrich Ebert-Stiftung, 1997), pp. 42–44.

- 7 Ruling of the SCC dated 3 February 1996; typed copy provided by the court.
- 8 Ruling of the SCC dated 3 February 1996; see also al-Minufi, 'Muqaddima', pp. 27f; Law No. 84, 1996 amending Law No. 43, 1979 on local administration.
- 9 In total, some 57,000 candidates sought election. Given the number of seats allocated by *tazkiyya*, only 34,000 candidates competed for 24,000 seats. Apart from the advantages granted to the candidates defined as 'workers' or 'peasants', all the seats on a council were open to all the candidates in that locality, so that candidates with the highest number of votes were, in theory, elected. See *Al-Ahram Weekly*, 10 April 1997, and al-Minufi, 'Muqaddima', p.35.
- 10 *Al-Ahram Weekly*, 17 April 1996.
- 11 al-Minufi, 'Muqaddima', pp. 39–44.
- 12 See Mayfield, *Local Government*, chapter 3.
- 13 See, for example, Markaz al-Musa'adat al-Qanuniyya li-Huquq al-Insan, *Bayan sahabi* (press release), 25 March 1997, 3 April 1997, 8 April 1997; and 'Isam al-Din Hasan, 'Intikhabat al-mahalliyyat ... wa al-sinariu al-mutakarrar', in *Musa'ada* (March 1997), p. 1.
- 14 *Al-Ahram Weekly*, 10 April 1996; *Al-Wafid*, 10 April 1994; *Al-Sha'b*, 15 April 1996.
- 15 Law No. 26, 1994, *Jarida rasmiyya*, no. 15 (*tabi'*) 14/4/1994
- 16 Law No. 58, 1978, *Jarida rasmiyya*, no. 36, 7/9/1978, article 25 which continued to figure in the law; Law No. 58, 1978, Article 11.
- 17 Old and new law, Article 6.
- 18 For the distribution of land, see François Ireton, 'The Evolution of Agrarian Structures in Egypt: Regional Patterns of Change in Farm Size', in Nicholas S. Hopkins and Kirsten Westergaard (eds), *Directions of Change in Rural Egypt* (Cairo: American University in Cairo Press, 1998), pp. 41–65. Ireton's figures were based on the agricultural census taken by the Ministry of Agriculture (*al-ta'dad al-zira'iyya*) in 1989/90.
- 19 See, for example, *Al-Ahram*, 6 July 1998.
- 20 Law No. 142, 1994, *Jarida rasmiyya*, no. 21 (*mukarrar*), 31/5/1994, amending Law No. 49, 1972, *Jarida rasmiyya*, no. 40, 5/10/1972.
- 21 The old law, Article 40, which was not amended in 1994.
- 22 Old and new laws, Article 43 amended in 1994 and Articles 22, 23 and 40, which were not amended in 1994.
- 23 Laws No. 49, 1972 and 142, 1994, Article 18.
- 24 *Al-Ahram Weekly*, 2 April 1998; *Al-Wafid*, *Al-Ahram*, 24–28 March 1998.
- 25 In actual fact, the right to vote was given to unionized workers who did not occupy 'leading positions' in public administrations, entities or companies. See, for example, decree no. 14/1996 issued by the minister of employment, Article 6.
- 26 The latter figure was given by Gamal Abdel Nasser Ibrahim, 'Représentation syndicale et transition liberale en Egypte: lecture des élections de 1996', *Egypte/Monde arabe*, no 33 (1st quarter 1998), pp.181–221.
- 27 For workers employed on fixed-term contracts, see Ibrahim, 'Représentation syndicale'.
- 28 Interviews, Cairo, 1997, 1998.
- 29 Samia Sa'id Imam, 'Al-Intikhabat al-'ummaliyya wa al-dawra al-'ashira li al-tanzim al-niqabi al-'ummali', in al-Minufi (ed.), *Tahlil nata'ij al-intikhabat al-'ummaliyya* (Cairo: Jami'at al-Qahira, Kulliyat al-Iqtisad wa al-'Ulum al-Siyasiyya and Friedrich Ebert-Stiftung, 1997), p. 58.
- 30 Interview with Sulayman Shafiq, Ashraf Shihab, Al-Badri al-Firjaly, 'Adil al-Dawi', and Hamdi Jum'a 'Abd al-Hamid, at the headquarters of Hizb al-Tajammu', Cairo, 16 October 1996; see also Ibrahim, 'Représentation syndicale'.
- 31 Marcelo M.Giugale and Hamed Mobarak (eds), *Private Sector Development in Egypt* (Cairo: American University in Cairo Press, 1996), pp. 8, 169–70.

- 32 In 1982–83, only 23 per cent of non-agricultural workers were working in the private sector; see Giugale and Mobarak, *Private Sector Development in Egypt*, p. 32.
- 33 See Nader Fergany, ‘Dynamics of Employment Creation and Destruction: Egypt, 1990–1995’, *Al-Mishkat Research Notes* (Cairo: Al-Mishkat Centre, January 1998).
- 34 See, for instance, Ulrich Wurzel, ‘Structural Adjustment in Egypt: Announcement and Implementation of the Privatization Programme 1990–1996’, *Asien, Africa, Lateinamerika*, vol. 27, pp. 111–35.
- 35 Law No. 35, 1976, *Jarida rasmiyya*, no. 22 (*tabi*), 28/5/1976; Law No. 1, 1981, *Jarida rasmiyya*, no. 2, 8/1/1981; Law No. 12, 1995, *Jarida rasmiyya*, no. 13 (*tabi*), 30/3/1995.
- 36 Laws No. 35, 1976 and 12, 1995, Articles 32–34, 37.
- 37 Ibrahim, ‘Représentation syndicale’.
- 38 The old and the new law, Articles 19 and 36
- 39 Ruling of the SCC dated 15 April 1995; typed copy provided by the court.
- 40 Amendment of Article 36 of Law No. 35, 1976 by Law No. 12, 1995; decree no. 146/1996 of the minister of employment, in *Al-Waqa’i’ al-misriyya*, no. 208, 15/9/1996
- 41 Law No. 12, 1995, Articles 23, 36.
- 42 See decree no. 35/1996 of the president of the General Federation of Trade Unions of Egypt (*Qiyar ra’is al-Ittihad al-‘Amm li-Niqabat ‘Ummal Misr raqm 35/1996* (Cairo, June 1996); see also the template for applications to be submitted by candidates for union councils at company level reproduced in the supplement (*mulhaq*), ‘Dalil al-intikhabat al-niqabiyya wa majalis idara al-sharikat (al-dawra al-jadida: 1996–2001)’, to the magazine *Al-‘Amal*, published by the Ministry of Employment, no. 390, October 1996, p. 23; see also *Al-Ittihad al-‘Amm li-Niqabat ‘Ummal Misr: Al-lajna al-mushtarika li-tanzim intikhabat tashkilat al-munazzamat al-niqabiyya*, ‘Al-Ta’limat al-khassa bi-ijra’at tarshih wa intikhabat a’da’ majalis idarat al-munazzamat al-niqabiyya li al-dawra al-niqabiyya 1996–2001’, reproduced in ‘Dalil.’, pp. 11ff.
- 43 For a detailed study of the union elections in 1996 and their political and economic context, see Ibrahim, ‘Représentation syndicale’.
- 44 Interview with Khalid ‘Ali ‘Umar, lawyer to the CHRLA, Cairo, 9 July 1998.
- 45 *Ibid.*
- 46 See, for example, *Al-Sha’b*, 5 November 1996; interview with the lawyer for the candidates of the Tajammu’ Party, Sayyid Abu Zayd Sulayman, Cairo, 3 November 1996.
- 47 *Al-Wajid*, 6 November 1996; *Al-Ahali*, 1 January 1997.
- 48 The accusations found in the report on the elections by the Tajammu’ Party (*Al-Ahali* 1 January 1997) were confirmed by my own interviews in 1996 and 1997 with participants in the elections and with observers.
- 49 Old and new law, Article 1.
- 50 Decree no. 146/1996 issued by the minister of employment, Article 6, reproduced in ‘Dalil’.
- 51 See the communiqués published by Markaz al-Musa’adat al-Qanuniyya li-Huquq al-Insan (CHRLA), Cairo, 24 September 1996, 29 September 1996 and 4 October 1996. The most important of these, the one dated 4 October 1996, was entitled ‘Wa ma zala al-tahayul mustamirran min ajl al-istib’ad al-jama’i li al-murashshahin fi intikhabat al-niqabat al-‘ummiyya’; during the election campaign the opposition press was full of examples of this type.
- 52 See, for example, the CHRLA communiqué dated 4 October 1996 mentioned in note 51.
- 53 Interview with members of the workers’ secretariat of the Tajammu’ Party, 28 October 1996; interview with Sayyid Abu Zayd Sulayman, 3 November 1996. According to Ibrahim, ‘Représentation syndicale’, altogether 14 candidates were discarded in 1996.
- 54 See the communiqués issued by the CHRLA.

- 55 Interview with Jamal 'Abd al-Nasir Ibrahim (Gamal Abdel Nasser Ibrahim), Cairo, 2 August 1998.
- 56 Trade union, member of the Federation of Trade Unions of Egypt, not to be confused with the Professional Syndicate of Journalists (Niqabat al-Sahafin)
- 57 Interviews, Cairo, 3–4 November 1996; for the conditions to be a candidate, see, for example, decree 146/1996 issued by the minister of employment, cited in note 50.
- 58 Report on the elections by the Tajammu' Party, in *Al-Ahali*, 1 January 1997; interviews, Cairo, 1996, 1997.
- 59 Report by the Tajammu' Party, *ibid*.
- 60 Ibrahim mentions the figure of 150,000 candidates alone for the union councils at company level, see Ibrahim, 'Représentation syndicale'.
- 61 Report by the Tajammu' Party on the elections, *Al-Ahali*, 1 January 1997.
- 62 According to *Al-Sha'b*, 5 November 1996, for example, the number of Islamists elected exceeded the number of those elected who represented other political tendencies, except of course for the NDP; according to *Al-Sha'b*, 3 December 1996, the number of Labour Party candidates alone who got elected was 91, including all levels of the trade union apparatus. For the success of the 'Tajammu', see *Al-Ahali*, 30 October 1996 and 6 November 1996.
- 63 *Al-Ahali*, 1 January 1997; Ibrahim, 'Représentation syndicale'.
- 64 According to *Al-Ahali*, 13 November 1996 and *Al-Ahali*, 1 January 1997, in 1996 13 out of the 23 councils at the level of branch unions were 'elected' by *tazkiyya*.
- 65 *Al-Ahali*, 13 November 1996.
- 66 For instance, *Al-Wafd*, 4 November 1996. *Al-Wafd*, 6 November 1996, claimed that in the large public-sector companies in Kafr al-Dawwar even 95 per cent of the members of the union councils were replaced in 1996. According to Ibrahim, 'Représentation syndicale', in almost every company 90 per cent of members of union councils were replaced in that year.
- 67 Ibrahim, 'Représentation syndicale'.
- 68 Report of the Tajammu' Party; Ibrahim, *ibid*.
- 69 Numbers vary according to sources and estimates; see also Ibrahim, 'Représentation syndicale'.
- 70 The law concerned is Law No. 98, 1992; for additional information, see Elisabeth Longuenesse, 'Le "syndicalisme professionnel" en Egypte entre identités socio-professionnelles et corporatisme', *Egypte/Monde arabe*, no. 24 (4th quarter 1995), p. 167.
- 71 Law No. 100, 1993, *Jarida rasmiyya*, no. 7, 18/2/1993.
- 72 Law No. 5, 1995, *Jarida rasmiyya*, no. 6, 13/2/1995.
- 73 Details in Al-Ahram (ed.), *Al-Taqrir al-istratiji al-'arabi 1992* (Cairo: Al-Ahram, 1993), p. 336; Zaki, *Civil Society*, p. 254.
- 74 Amani Qandil, 'Al-Jama'at al-mihniyya wa al-musharika al-siyasiyya', in Mustafa Kamil al-Sayyid, (ed.), *Haqiqat al-ta'addudiyya al-siyasiyya fi Misr: Dirasat fi al-tahawwul al-rasmali wa al-musharika al-siyasiyya* (Cairo: Madbuli, 1996), pp. 347f.
- 75 Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi: Al-taqrir al-sanawi 1993*, (which covers 1992), (Cairo: 1994), pp. 66ff.
- 76 See, for example, Al-Ahram (ed.), *Al-Taqrir al-istratiji al-'arabi 1995* (Cairo: Al-Ahram, 1996), p. 433f; *Cairo Times*, 8 July 1999; *Al-Ahram Weekly*, 13 May 1999.
- 77 For the conflicts between professional syndicates and the regime, see, for example, Al-Ahram (ed.), *Al-Taqrir al-istratiji al-'arabi 1995* (Cairo: Al-Ahram, 1996), pp. 428–34; Al-Ahram (ed.), *Al-Taqrir al-istratiji al-'arabi 1996* (Cairo, Al-Ahram, 1997), pp. 318f; Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani, al-taqrir al-sanawi 1994* (Cairo: 1995), pp. 54ff.
- 78 The court ruled on 28 January 1996; see *Al-Hayat*, 28–30 January 1996; Al-Ahram (ed.), *Al-Taqrir al-istratiji al-'arabi 1996* (Cairo: Al-Ahram, 1997), pp. 318; for more recent developments see, for example, *Al-Ahram Weekly*, 2 July 1998, 21 October 1999.

- 79 Ahmad Abdallah, *The Student Movement and National Politics in Egypt, 1923-1973* (London: Al-Saqi, 1985).
- 80 Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi: Al-Taqrir al-sanawi 1993* (which covers 1993), (Cairo: Ibn Khaldun Center, 1994), pp. 80–82.
- 81 *Al-Wafid, Al-Hayat*, 20–26 November 1993.
- 82 Ibn Khaldun Center, *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi: Al-Taqrir al-sanawi 1995* (which covers 1994), (Cairo, 1995), p. 74; *Al-Wafid, Al-Hayat*, 6–8 December 1994.
- 83 Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi: Al-Taqrir al-sanawi 1996* (which covers 1995), (Cairo, 1995), p. 85.
- 84 Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi: Al-Taqrir al-sanawi 1997* (which covers 1996), (Cairo, 1997), p. 64.
- 85 The role and functioning of agricultural cooperatives in the period we are concerned with, as well as the possibilities of participating in these cooperatives, have not been studied in great detail. The only publication focusing on some of these issues is Mohamed H. Abdel Aal, 'Farmers and Cooperatives in the Era of Structural Adjustment', in Nicholas S. Hopkins and Kirsten Westergaard (eds), *Directions of Change in Rural Egypt* (Cairo: The American University in Cairo Press, 1998), pp. 279–302. For the privileged access of wealthier peasants to the resources administered by the cooperatives, see, for example, R. H. Adams, *Development and Social Change in Rural Egypt 1952–1982* (Syracuse, NY: Syracuse University Press, 1986); Graham Dyer, *Class, State and Agricultural Productivity in Egypt: Study of the Inverse Relationship between Farm Size and Land Productivity* (London and Portland, Or: Frank Cass, 1997), pp. 85–97; Samir Radwan and E. Lee, *Agrarian Change in Egypt: An Anatomy of Rural Poverty* (London: Croom Helm, 1986); Alan R. Richards, *Egypt's Agricultural Development, 1800–1980* (Boulder, Co: Westview Press, 1982).
- 86 Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi: Al-Taqrir al-sanawi 1995* (which covers 1994), (Cairo: 1995), p. 62.
- 87 For elections in the sports clubs, see, for example, relevant sections in the annual reports of the Ibn Khaldun Center, such as Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi: Al-Taqrir al-sanawi 1997* (which covers 1996), (Cairo: 1997), p. 64.
- 88 For one of the few studies on the subject, see Wafa al-Sherbini, 'Elections dans les clubs sportifs: l'exemple des dernières élections au club d'Héliopolis, in CEDEJ (ed.), *Démocratie et démocratisations dans le monde arabe* (Cairo: Les Dossiers du CEDEJ, 1992), pp. 301–16.

4 Negative Liberties: The State against Individuals and Groups

- 1 *Al-Ahram Weekly*, 27 February 1997.
- 2 *Al-Ahram Weekly*, 27 February 1997; *Al-Ahram*, 23 and 24 February 1997.
- 3 *Al-Ahram Weekly*, 27 February 1997.
- 4 Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi: Al-Taqrir al-sanawi 1997* (which covers 1996), (Cairo: Ibn Khaldun Center, 1997), p. 25.
- 5 *Al-Sha'b*, 20 February 1998.
- 6 *Al-Hayat*, 21 February 1998.
- 7 The *iftar* is the meal just after sunset, which, during the month of Ramadan, marks the daily breaking of the fast
- 8 *Al-Hayat*, 23 February 1998; also *Al-Ahram Weekly*, 26 February 1998. In Arabic the slogans read: 'Zay ma qulna min zaman, hiyya harb 'ala al-Islam' and 'Laysa hubban bi-Saddam

- walakin ta'atufan ma'a atfal al-'Iraq'. History more or less repeated itself after Iraq was bombed by US and British forces in December 1998. On 17 December 1998, students of the American University in Cairo, who first demonstrated on campus, sought to penetrate into the street where they were violently pushed back and beaten by police. More fortunate were a few hundred students of Cairo University who the same day managed to demonstrate in the district of Duqqi, while a few demonstrators who were not students managed to assemble in front of the US Embassy in Garden City; see, for example, *Cairo Times*, 24 December 1998, pp. 3, 5.
- 9 See, for example, Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi: Al-Taqrir al-sanawi 1997* (which covers 1996), (Cairo: Ibn Khaldun Center, 1997), p. 67; the scenario was the same during the demonstrations against the bombing of Iraq in February 1998, see *Al-Ahram Weekly*, 26 February 1998.
 - 10 For a more detailed description of this gathering which took place on 10 June 1992, see, for example, the political chronology in *Egypte/Monde arabe*, no. 10 (2nd quarter 1992), p. 175.
 - 11 See, for example, the summary of events in Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi: Al-Taqrir al-sanawi 1995* (which covers 1994), (Cairo: Ibn Khaldun Center, 1995), pp. 54–55.
 - 12 See, for example, *Al-Ahram Weekly*, 25 March 1999; *Cairo Times*, 1 April 1999.
 - 13 For the details, see *Egypte/Monde arabe*, no. 11 (3rd quarter 1992), pp. 259f; Ray Bush, 'Facing Structural Adjustment: Strategies of Peasants, the State, and the International Financial Institutions', in Nicholas S. Hopkins and Kirsten Westergaard (eds), *Directions of Change in Rural Egypt* (Cairo: The American University in Cairo Press, 1998), pp. 99–101; Ray Bush, *Economic Crisis and the Politics of Reform in Egypt* (Boulder, CO: Westview Press, 1999), pp. 143–51; Detlev Müller-Mahn, 'Spaces of Poverty: The Geography of Social Change', in Hopkins and Westergaard, *Directions of Change*, p. 257; Reem Saad, 'A Moral Order Reversed? Agricultural Land Changes Hands, Again', paper presented at the conference 'Structures politiques et logiques d'action face à la libéralisation économique,' Cairo, CEDEJ, 28–30 Oct. 1999.
 - 14 The events took place on 30 April 1997; interviews, Cairo, May 1997.
 - 15 See in particular the reports published by EOHR, such as EOHR (ed.), *The Human Rights Situation in Egypt: The Annual Report for 1994*, (Cairo: 1995), p. 48; Al-Munazzama al-Misriyya li-Huquq al-Insan (ed.), *Halat huquq al-insan fi Misr: al-taqrir al-sanawi li al-'am 1996* (Cairo: 1997), p. 35.
 - 16 See the annual and thematic reports published by EOHR; interviews, Cairo, April 1998, including Jasir 'Abd al-Raziq, 2 April 1998.
 - 17 Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi: al-taqrir al-sanawi 1996* (Cairo: 1997), pp. 43, 63 and *al-taqrir al-sanawi 1994* (Cairo: 1995), p. 66.
 - 18 Al-Munazzama al-Misriyya li-Huquq al-Insan (ed.), *Halat huquq al-insan fi Misr, al-taqrir al-sanawi li al-'am 1996*, (Cairo: 1997), pp. 35, 38f, 41f; interview with Mahmud Qandil of EOHR, Cairo, 28 March 1998.
 - 19 *Al-Ahram*, 28 July 1994.
 - 20 Middle East Watch (ed.), *Egypt: Arrest and Detention Practices and Prison Conditions* (New York, NY: Middle East Watch, March 1992), p. 7.
 - 21 See, for example, *Cairo Times*, 24 December 1998, p. 3; in April 1999 'Adli released some 1,000 administrative detainees, see *Le Monde*, 29 April 1999.
 - 22 *Ibid.*; see also US Department of State, *Egypt Country Report on Human Rights Practices for 1996* (Washington, DC: 30 January 1997), p. 19.
 - 23 Interviews, Cairo, 1997 and 1998 with Hisham Mubarak and Jasir 'Abd al-Raziq, former and executive directors of CHRLA, and Ahmad Sayf al-Islam 'Abd al-Fattah, lawyer to the CHRLA; documentation of the Markaz Huquq al-Insan li-Musa'adat al-Sujana' in Imbaba, Cairo.

- 24 EOHR (ed.), *The Human Rights Situation in Egypt: The Annual Report for 1994*, (Cairo: 1995), pp. 32, 48ff; Human Rights Watch Middle East (ed.), *Egypt: Hostage-taking and Intimidation by Security Forces* (New York: Human Rights Middle East Watch, January 1995).
- 25 Al-Munazzama al-Misriyya li-Huquq al-Insan (ed.), *Halat huquq: al-taqir al-sanawi li al-'am 1996*, pp. 45ff; CHRLA, *Mid-Year Report* (Cairo: February 1996), pp. 8ff; US Department of State (ed.), *Egypt Country Report*, pp. 17f.
- 26 Law No. 97, 1992, *Jarida rasmiyya*, no. 29 (*mukarrar*), 18/7/1992.
- 27 New Articles 86, 86a, 86b, etc. of the penal code, introduced in 1992. The new Article 86 replaced the former Article 86 concerning crimes of *lèse-majesté* which was repealed in 1957.
- 28 Law No. 97, 1992, Article 5.
- 29 Articles 86ff of the penal code and Article 3 of Law No. 105, 1980 on State Security Courts after their amendment by Law No. 96, 1992.
- 30 Articles 86–88 of the penal code as amended by Law No. 97, 1992; Article 7 of Law No. 105, 1980 on State Security Courts after its amendment by Law No. 97, 1992.
- 31 Al-Munazzama al-Misriyya li-Huquq al-Insan, *Qa'ima bi al-qadaya wa al-ahkam al-'askariyya* (Cairo: 1998); *Egypte/Monde arabe*, no. 25 (1st quarter 1996), pp. 177ff; M. Rishmawi and L. Hastings (eds), *Attacks on Justice: The Harassment and Persecution of Judges and Lawyers, January 1996–February 1997*, Centre for the Independence of Judges and Lawyers (Geneva: 1997), p. 123.
- 32 Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani: Al-Taqrir al-sanawi 1997* (covering 1996), (Cairo: 1997), p. 25.
- 33 On 7 October, an arrest warrant for four days was served against Hilmi Murad and the two journalists. 'Adil Husayn was interrogated for 12 hours on 9 October 1993, see Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani: Al-Taqrir al-sanawi 1993*, p. 104.
- 34 *Al-Hayat*, 25 and 26 December 1994; *Egypte/Monde arabe*, no. 21 (1st quarter 1995) pp. 244ff.
- 35 *Al-Ahram Weekly*, 31 July 1997; *Al-Ahali*, 1 October 1997.
- 36 *Al-Hayat*, 19 June 1997 and 17 July 1997; interview with Hazim Munir, Cairo, 19 July 1997, the author of the articles in *Al-Hayat*; Markaz al-Musa'adat al-Qanuniyya li-Huquq al-Insan, press release dated 31 August 1997.
- 37 This is the case of 'Izz al-Din Najib, see *Al-Hayat*, 2 October 1997; for other individuals concerned, see *Al-Ahali*, 1 October 1991.
- 38 Interview, Jasir 'Abd al-Raziq, then executive director of CHRLA, Cairo, 9 July 1998.
- 39 *Al-Hayat*, 10 February 1995, 30 November 1995; *Al-Ahram*, 26 August 1996 and 28 September 1996; see also the background article in *Al-Hayat*, 2 March 1995.
- 40 See, for example, Human Rights Watch Middle East (ed.), *Al-Taqrir al-sanawi li-'am 1996* (New York, NY: Human Rights Middle East Watch, March 1996), p. 90f.
- 41 Interview, Jasir 'Abd al-Raziq, Cairo, 2 April 1998.
- 42 Article 17b, Law No. 3, 1998, *Jarida rasmiyya*, no. 3 (*mukarrar*), 18 January 1998.
- 43 This is the case of the village Al-Kushah in the governorate of Suhaj (Sohag); for police action, see *Cairo Times*, 1 October 1998; for the arrest of Hafiz Abu Sa'ada and subsequent developments, see *Le Monde*, 3 December 1998, 9 December 1998, 17 February 2000 and 23 March 2000.
- 44 Law No. 93, 1995, *Jarida rasmiyya*, no. 21 (*mukarrar*) 28/5/1995.
- 45 Law No. 93, 1995 comprised amendments to the penal code and to Law No. 76, 1970, on the creation of the Journalists' Syndicate (*Niqabat al-Sahafin*), but did not change the law on the press (*qanun bishan sultan al-sahafa*), which is Law No. 148, 1980.
- 46 For the modalities, see the press as well as Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani: Al-Taqrir al-sanawi 1997* (which covers 1996), (Cairo: 1997), p. 45.
- 47 Modification of several articles of the penal code by Law No. 93, 1995, in particular Articles 188 and 303; for a non-exhaustive comparison of the old and the new dispositions, see Ibn

- Khaldun Center (ed.), *Al-Mujtama' al-madani ...: Al-Taqrir al-sanawi 1996* (which covers 1995), (Cairo: 1996), pp. 37–50.
- 48 Article 5 of Law No. 93 which abrogated Article 135 of the penal procedure code and Article 67 of the law on the journalists' syndicate.
- 49 See, for example, Center for Human Rights Legal Aid (CHRLA): *One Step Forward, Two Steps Back: Comments on the New Press Bill* (Cairo: March 1996).
- 50 See Markaz al-Musa'adat al-Qanuniyya li-Huquq al-Insan (ed.), *Fi dhikri murur 'am 'ala qanun 93 li-sana 1995: ma'an ... nuwasil ma'rakat isqut qanun ightial al-sahafa*, (Cairo: Markaz al-Musa'adat al-Qanuniyya li-Huquq al-Insan, May 1996): also *Al-Sha'b*, 28 May 1996.
- 51 See, for example, *Al-Sha'b*, January and February 1996, 24 May 1996, 31 May 1996.
- 52 *Al-Sha'b*, 28 May 1996.
- 53 For the mobilization against the law, see Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani ...: Al-Taqrir al-sanawi 1996* (which covers 1995), (Cairo: 1996), pp. 33–55; also *Al-Mujtama' al-madani ...: Al-Taqrir al-sanawi 1997* (which covers 1996), (Cairo: 1997), pp. 39–47.
- 54 CHRLA, *One Step Forward*.
- 55 Law no. 95/1996, *Jarida rasmiyya*, no. 25 (*mukarrar alif*), 30/6/1996.
- 56 Law No. 95, 1996; *Al-Ahram*, 13 June 1996, 16 June 1996, 18 June 1996; *Al-Sha'b* and *Al-Wafd*, 14 June 1996.
- 57 Law No. 96, 1996, *Jarida rasmiyya*, no. 25 (*mukarrar alif*), 30/6/1996; for the alternative text drafted by the journalists, see Markaz Musa'adat al-Qanuniyya li-Huquq al-Insan, *Ma'raka hurriyat al-sahafa*, (Cairo, 1995), pp. 121–43.
- 58 *Al-Sha'b* being published twice weekly, three editions were banned; see *Al-Ahram*, 11 September 1997; *Al-Ahram Weekly*, 11 September 1997. For a general account of the conflict between al-Alfi and *Al-Sha'b*, see *Al-Sha'b*, 10–13 November 1997; *Al-Ahram Weekly*, 13 November 1997.
- 59 Constitution, Articles 5, 7–22, 207.
- 60 Interviews, Cairo, 1997; see also *Al-Ahram Weekly*, 5 March 1998.
- 61 *Al-Hayat*, 23 February 1998; *Cairo Times*, 18 February 1999; interviews, Cairo, 1998.
- 62 There is also a lack of secondary sources which collect relevant data in a systematic and methodologically sound manner. Despite the efforts of their authors, the publications of the local human rights organizations or *Index on Censorship* are not sufficiently detailed and comprehensive to form the basis for such an enterprise.
- 63 See in particular *Al-Ahram Weekly* and *Al-Ahram Hebdo*, both of which are published by the public-sector conglomerate Al-Ahram.
- 64 *Al-Hayat*, 26 February 1998; *Al-Ahram Weekly*, 5 March 1998.
- 65 For the campaign against Wali, see, for example, *Cairo Times*, 15 April 1999.
- 66 For the history of the affair, see, for example, *Al-Ahram*, 13 July 1997; *Al-Ahram Weekly*, 4 December 1997.
- 67 *Al-Sha'b*, 2 July 1996; *Al-Wafd*, 3 July 1996.
- 68 *Al-Wafd* and *Al-Hayat*, 1–3 August 1996.
- 69 Law No. 238, 1996, *Jarida rasmiyya*, no. 1 (*tabi'*), 2/1/1997 amending Article 10 of Law No. 272, 1959; decree issued by the minister of religious affairs, no. 11 alif/1997, in *Al-Waqa'i' al-misriyya*, no. 29, 3/2/1997.
- 70 See *Monde arabe:Maghreb/Machrek*, no. 141 (July–September 1998), p. 71.
- 71 See also *Al-Hayat*, 29 January 1997.
- 72 See, for example, *Al-Ahram Weekly*, 12 December 1996.
- 73 *Al-Ahram Hebdo*, 29 October 1997.
- 74 Law No. 3, 1998 amending Law No. 159, 1981, *Jarida rasmiyya*, no. 3. (*mukarrar*), 18/1/1998; see also *Al-Ahali*, 21 January 1998; *Al-Hayat*, 21 January 1998; *Al-Ahram Hebdo*, 21 January 1998.

- 75 *Al-Ahram Weekly*, 12 March 1998.
- 76 *Al-Ahram Weekly*, 5 March 1998; *Cairo Times*, 19 March 1998.
- 77 *Al-Hayat*, 3 June 1998; *Cairo Times*, 28 May 1998, 11 June 1998, 23 July 1998; interview with Christophe Ayad of *Libération*, Cairo, 17 July 1998. For the latest twist in this saga, see *Cairo Times*, 17 February 2000.
- 78 *Cairo Times*, 19 March 1998.
- 79 *Al-Hayat*, 9 March 1998; *Al-Ahram Weekly*, 12 March 1998; *Cairo Times*, 19 March 1998.
- 80 *Al-Hayat*, 9 March 1998; *Al-Ahram Weekly*, 12 March 1998; *Cairo Times*, 19 March 1998.
- 81 *Al-Ahali*, 25 March 1998; *Al-Ahram Weekly*, 26 March 1998, 28 May 1998; *Al-Hayat*, 2 April 1998, 4 April 1998.
- 82 *Al-Ahram*, 5 July 1998.
- 83 Interviews, Cairo, 1997, 1998, including Christophe Ayad of *Libération*, 17 July 1998 and Muhsin Muhammad of *Al-Jumhuriyya*, 21 July 1998.
- 84 *Al-Ahram Weekly*, 2 April 1998. The law in question is Law No. 20, 1998, *Ḥarida rasmiyya*, no. 13 (*mukarrar*), 31/3/1998, new Article 42.
- 85 Hamdi Batran, *Yawmiyyat dabit fi al-aryaf* (Cairo: Dar al-Hilal, 1988). The title of the book is a variation on the famous *Yawmiyyat na'ib fi al-aryaf*, by Tawfiq al-Hakim. For an English translation of the latter, see Tawfik Hakim, *Maze of Justice: Diary of a Country Prosecutor* (London: Saqi, 1989).
- 86 *Al-Ahram Weekly*, 23 July 1998; *Cairo Times*, 1 October 1998.
- 87 See *Al-Ahram Weekly*, 25 February 1999.
- 88 See, for example, *Cairo Times*, 4 March 1999; 15 April 1999; 19 August 1999; the sentence was confirmed in April 2000, see *Cairo Times*, 20 April 2000.
- 89 *Cairo Times*, 19 August 1999; the sentence was confirmed in April 2000; see *Cairo Times* 20 April 2000.
- 90 See Richard Jacquemond, 'Quelques débats récents autour de la censure', *Egypte/Monde arabe*, no. 20 (4th quarter 1994), p. 25, who refers to 'une sorte de 'loi des libertés décroissantes' qui veut que plus le média est d'audience large, plus il est sévèrement contrôlé'.
- 91 *Ibid.*
- 92 *Index on Censorship*, London.
- 93 Yves Gonzalez-Quijano, *Les gens du livre: champ intellectuel et édition dans l'Égypte républicaine (1952–1993)*, thèse de troisième cycle, Institut d'Études Politiques de Paris, sous la direction de Rémy Leveau (1993), pp. 424–54.
- 94 As quoted in Gonzalez-Quijano, p. 428.
- 95 Gonzalez-Quijano, pp. 426–30.
- 96 Gonzalez-Quijano, pp. 427–8, 438.
- 97 Gonzalez-Quijano, pp. 437–8.
- 98 For these and other examples, see Gonzalez-Quijano, pp. 431–43.
- 99 For the details, see Jacquemond, 1994, p. 32.
- 100 For the case of Abu Zayd, see 'L'affaire Abu Zayd, universitaire poursuivi pour apostasie', *Monde arabe: Maghreb/Machrek*, no. 151, January–March 1996, p. 18, and Baudouin Dupret, 'Le procès: l'argumentation des tribunaux', *ibid.*, pp. 19–22.
- 101 See, for instance, *Cairo Times*, 28 May 1998; see also the article by Salah Muntasar in *Al-Ahram*, 13 May 1998.
- 102 For the purges of books at AUC, see, for example, *Cairo Times*, 18 March 1999, 15 April 1999; *Al-Ahram Weekly*, 18 March 1999; for a response from the university, see *MESA Newsletter* (August 1999), XXI, no. 3, pp. 15f.
- 103 *Al-Waḥid*, 12 July 1996

- 104 *Cairo Times*, 19 March 1998. For the events surrounding Haydar's novel, see *Al-Ahram Weekly*, 13 and 25 May 2000.
- 105 In this context, see also the list of censored publications in Nabil 'Abd al-Fattah and Diya' Rashwan (eds), *Al-Halat al-diniyya*, (Cairo: Al-Ahram), vol. 1 (1996), vol. 2 (1997).
- 106 The example is borrowed from Jacquemond, 'Quelques débats', pp. 35–6, which gives a detailed account of the episode.
- 107 *Ibid.*, p. 35.
- 108 Reem Saad, 'Shame, Reputation and Egypt's Lovers: A Controversy over the Nation's Image', *Visual Anthropology*, 10 (1998), nos 2–4, pp. 401–12.
- 109 *Al-Hayat*, 10–16 May 1994; Dina El-Khawaga, 'Le débat sur les Coptes: le dit et le non-dit', *Egypte/Monde arabe*, no. 20, (4th quarter 1994), pp. 67–76. See also Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani ...: Al-Taqrir al-sanawi 1995* (covering 1994), pp. 95–97.
- 110 For the internal workings and contemporary history of Al-Azhar, see Malika Zeghal, *Gardiens de l'Islam: les ouléma d'Al-Azhar dans l'Egypte contemporaine* (Paris: Presses de la Fondation Nationale des Sciences Politiques, 1996); Malika Zeghal, 'Gad al-Haqq et Tantawi: les cheikhs à l'épreuve du pouvoir', *Cahiers de l'Orient*, (1st quarter 1997), no. 45, pp. 81–95.
- 111 *Al-Hayat*, 9 May 1998, 3 July 1998, 17 June 1998; *Al-Ahram Weekly*, 11 June 1998, 23 July 1998. For the ensuing legal battle, see, for example, *Al-Ahram Weekly*, 24 June 1999.
- 112 See Aïcha Chellali, 'Le voile à l'école: enjeux d'un décret, avatars d'un procès', *Egypte/Monde arabe*, no. 20, (4th quarter 1994), pp. 133–141; Kilian Bälz, 'La reconstruction séculière du droit islamique: la Haute Cour Constitutionnelle égyptienne et la 'bataille du voile' dans les écoles publiques', *Droit et Société*, no. 39, (1988), pp. 277–91.
- 113 Decree issued by the minister of education no. 113/1994, dated 17 May 1994, quoted by Bälz.
- 114 Judgment dated 18 May 1996, referred to by Bälz.
- 115 See Chellali, 'Le voile à l'école'.
- 116 See, for example, *Al-Ahram*, *Al-Wafid*, *Al-Sha'b*, 23–28 January 1997; Amr Hamzawi, 'Processes of Local Reconstruction of Global Events and Messages: Case Studies from Egypt', paper presented at the conference 'Structures politiques et logiques d'action face à la libéralisation économique' (Cairo: CEDEJ), 28–30 October 1999.

5 The Scope and Limits of Deliberalization

- 1 Law No. 32, 1964, *Jarida rasmiyya*, no. 37, 12/2/1964; Law No. 36, 1994, *Jarida rasmiyya*, no. 22, 2/6/1994.
- 2 For details and a discussion of this thesis, see Sarah Ben Nefissa, 'La libéralisation de la vie associative et la relation Etat/société en Egypte', in CEDEJ (ed.), *Age libéral et néo-libéralisme: VIe rencontres franco-égyptiennes de science politique* (Cairo: Les Dossiers du CEDEJ, 1996), pp. 99–119; for unknown reasons the author dated these amendments to 1993.
- 3 See Ben Nefissa, 'La libéralisation de la vie associative et la relation Etat/société en Egypte'.
- 4 Law No. 153, 1999, *Jarida rasmiyya*, no. 21 (*tabi' ba*), 27/5/1999.
- 5 See, for example, *Cairo Times*, 27 May 1999; *Al-Ahram Weekly*, 20 May 1999, 27 May 1999; *Al-Ahram*, *Al-Wafid* and other papers, 20–31 May 1999.
- 6 Law No. 153, 1999, Article 11; Law No. 32, 1964, Article 2.
- 7 Law No. 153, 1999, Articles 25, 26, 34 and 38; Law No. 32, 1964, Articles 48, 54, 55 and 57.
- 8 Law No. 153, 1999, Article 17; Law No. 32, 1964, Article 23;
- 9 Law No. 153, 1999, Articles 6 and 7; Law No. 32, 1964, Articles 11 and 42.
- 10 *Cairo Times*, 20 April 2000; *Cairo Times*, 8 June 2000.
- 11 *Cairo Times*, 8 February 2000.

- 12 Judgment issued by the administrative tribunal for Cairo dated 24 June 1997 and judgment no. 5257 of the 43rd legal year of the State Council dated 28 December 1997, in *Europäische Grundrechte-Zeitschrift*, 1998, pp. 24–27.
- 13 *Al-Ahram*, *Al-Hayat*, 26–29 January 2000; *International Herald Tribune*, 28 January 2000.
- 14 *Al-Hayat*, 5 July 2000; *Al-Ahram Weekly*, 6 July 2000; *Cairo Times*, 6 July 2000.
- 15 See, for example, *Al-Ahali*, 24 September 1997.
- 16 Interviews with judges, professors of law and lawyers, Cairo, 1997 and 1998, including Yahya al-Jamal (Gamal), 15 July 1998.
- 17 République Arabe d’Égypte, *Rapports présentés par la Cour de Cassation à la Troisième Conférence des Ministres Francophones de la Justice* (Cairo: 30 October –1 November 1995), p. 14, quoting the ruling of the Court of Cassation dated 28 July 1992 concerning case no. 288 of the 58th legal year.
- 18 See the lists compiled and regularly updated by the Markaz Huquq al-Insan li-Musa‘adat al-Sujana’ (Human Rights Center for the Support of Prisoners) in Imbaba, Cairo, and the documents appended to these lists.
- 19 *Al-Ahali*, 31 December 1997 and 7 January 1998; *Al-Ahram Weekly*, 8 January 1998.
- 20 For these issues, see Adel Omar Sherif and Kevin Boyle (eds), *Human Rights and Democracy: The Supreme Constitutional Court of Egypt* (London: Kluwer Law International, 1996).
- 21 For the judgments of the Supreme Constitutional Court, see Jumhuriyya Misr al-‘Arabiyya, Al-Mahkama al-Dusturiyya al-‘Ulya, *Al-Ahkam alati asdaratha al-mahkama*, (Cairo: n.d.), 8 vols, cont. For the court and its jurisprudence, see also Sherif and Boyle, *Human Rights and Democracy*; and *Egypte/Monde arabe* no. 35, which is entirely dedicated to these issues.
- 22 Figures given by the former president of the court, ‘Awad Murr, in an address to the conference ‘Democracy and the Rule of Law’ convened by the court and the British Council (Cairo: 7–9 December 1997).
- 23 *Al-Ahram*, 12 July 1998.
- 24 Constitution, Article 147.
- 25 *Cairo Times*, 10 February 2000.
- 26 At a meeting between Mubarak and around 30 businessmen on 26 February 1998, *Cairo Times*, 19 March 1998.
- 27 See the new composition of the board of the chamber in *Business Monthly* (Cairo: June 1997), p. 66.
- 28 *Al-Ahram Weekly*, 7 August 1997.
- 29 See, for example, *Al-Ahali*, 24 September 1997.
- 30 For activities and figures, see *Business Monitor International: Egypt 1998*, edited by Max Rodenbeck (London: Business Monitor International Ltd., 1998), pp. 91–113.
- 31 *Al-Ahram Weekly*, 4 October 1997, summarizes Law No. 8, 1997; interview with Max Rodenbeck, Cairo, 18 September 1998.

6 The Logics of Deliberalization

- 1 For a solid empirical analysis of the statements of Islamist groups in Egypt and their mutual relations, see Hisham Mubarak, *Al-Irhabiyun qadimun! Dirasa muqarana bayna mawqif ‘al-Ikhwana al-Mustlimin’ wa ‘Jama‘at al-Jihad min qadiyyat al-‘urf (1928–1994)*, (Cairo: Al-Mahrusa, 1995); also Hisham Mubarak, ‘Pieces of the Puzzle: How has Egypt’s Fractured Islamist Movement Come About?’, *Cairo Times*, 8 January 1998; relevant sections in Nabil ‘Abd al-Fattah and Diya’ Rashwan (eds), *Al-Halat al-diniyya fi Misr* (Cairo: Al-Ahram), vol. 1 (1996), vol. 2 (1997).
- 2 The thesis of a division of labour between the Muslim Brotherhood and the armed Islamist groups was defended by the regime and its officials. See, for example, the statements of the

- former minister of the interior, 'Abd al-Halim Musa, *Al-Ahram*, 7 January 1993, cited by Hisham Mubarak, *Al-Ihbabiyun qadimun*, p. 434; for similar statements by his successor, Hasan al-Alfi, see Roussillon, 'Pourquoi les Frères Musulmans', p. 120; later, on 16 February 1998, al-Alfi's successor, Habib al-'Adli, followed the same line, see *Al-Hayat*, 17 February 1998. This point of view was also shared by Rif'at al-Sa'id of the Tajammu' in his *Safha min tarikh Jama'at al-Ikhwān al-Muslimin* (Cairo: Al-Amal li al-Taba'a wa al-Nashr, 1990). For a discussion of it, see Mubarak, 1994, pp. 433–6.
- 3 E. Burke III, 'Islam and Social Movements: Methodological reflections', in E. Burke III and Ira Lapidus (eds), *Islam, Politics and Social Movements* (Berkeley and Los Angeles, CA: University of California Press, 1988), pp. 19ff; Jean-Noël Ferrié, 'Les paradoxes de la réislamisation en Egypte', *Monde arabe: Maghreb/Machrek*, no. 151 (January–March 1996), pp. 3–5. For the diversity of Islamist groups, see also Bassma Kodmani-Darwish and May Char-touni-Dubarry (eds), *Les Etats arabes face à la contestation islamiste* (Paris: Institut français des relations internationales/Armand Colin, 1997).
 - 4 Michel Foucault, *L'ordre du discours* (Paris: Gallimard, 1971), pp. 36f; Ferdinand de Saussure, *Discours de linguistique générale* (Paris/Lausanne: Payot, 1916).
 - 5 For the events and their context, see, for example, Eric Denis, 'La mise en scène des 'ashwa'yyat: premier acte: Imbaba, décembre 1992', *Egypte/Monde arabe*, no. 20, 4th quarter 1994, pp. 117–32; see also *Al-Ahram*, *Al-Hayat*, *Al-Wafd*, 8 December 1992 and subsequent issues.
 - 6 Challenging the dominant thesis of the Islamist offensive, the thesis of recapture or reconquest is explored by Alain Roussillon, 'Changer la société par le Jihad; 'sédition confessionnelle' et attentats contre le tourisme: rhétoriques de la violence qualifiée d'islamique en Egypte', in Baudouin Dupret (ed.), *Le phénomène de la violence politique: perspectives comparatistes et paradigme égyptien* (Cairo: Les Dossiers du CEDEJ, 1994), pp. 295–319.
 - 7 Foda was assassinated on 6 June 1995. For details see, for example, the chronologies of *Monde arabe: Maghreb/Machrek*, nos 136 and 137 (1992) and *Egypte/Monde arabe*, nos 9 and 10 (1992); also Al-Ahram (ed.), *Al-Taqrir al-istratiji al-'arabi, 1992* (Cairo: Al-Ahram, 1993), p. 325.
 - 8 For this subject and the many shady practices of the police in their fight against Islamist groups, see the 'confessions' of a police officer, Hamdi al-Batran, *Yaumiyyat dabit fi al-aryaf* (Cairo: Dar al-Hilal, 1997). This book contributed to the modification of the police law in 1998. Abuses were facilitated by the large number of pre-signed arrest warrants held by the police who needed only to fill in the name of the person to be arrested; interview with Ahmad Sayf al-Islam 'Abd al-Fattah, Cairo, 22 July 1998.
 - 9 Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi: Al-Taqrir al-sanawi 1993* (Cairo: 1994), pp. 87ff; *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi: Al-Taqrir al-sanawi 1997* (covering 1996), (Cairo: 1997), pp. 48–52.
 - 10 Al-Munazzama al-Misriyya li-Huquq al-Insan (ed.), *Hisad al-'umf fi al-tis'inat* (Cairo: Al-Munazzama al-Misriyya li-Huquq al-Insan, 1998), p. 8, which gives more complete figures than the organization's previous publications, such as *Halat huquq al-insan fi Misr, al-taqrir al-sanawi li-'am 1992* (annual report for 1992), (Cairo: 1993), pp. 23–33; *Halat huquq al-insan fi Misr, al-taqrir al-sanawi li-'am 1993* (Cairo: 1994), pp. 25–33; *Halat ... al-taqrir al-sanawi li-'am 1994* (Cairo: 1995), p. 33; *Halat ... al-taqrir al-sanawi li-'am 1996* (Cairo: 1997), p. 6. *Halat ... al-taqrir al sanawi li-'am 1997* (Cairo: 1998), p. 35; *Halat ... al-taqrir al-sanawi li-'am 1998* (Cairo: 1999), pp. 39–52.
 - 11 For the attempt on the life of Naguib Mahfuz's life and its consequences, see, for example, Raymond Stock, 'How Islamist Militants Put Egypt on Trial', *Financial Times*, 4 and 5 March 1995, p. III, and 'They Say it is His Birthday', *Egypt Today* (December 1996), pp. 77–83.

- 12 See, for example, Ibn Khaldun Center, *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi: Al-Taqrir al-sanawi 1994* (Cairo: 1995) p. 70; Roussillon, 'Changer la société', 1994, p. 296.
- 13 Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi: Al-Taqrir al-sanawi 1993*, (Cairo: 1994), pp. 87ff; *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'arabi: Al-Taqrir al-sanawi 1997* (covering 1996), (Cairo: 1997), pp. 48–52; Al-Munazzama al-Misriyya li-Huquq al-Insan (ed.), annual reports cited in note 10, pages cited *ibid.*; Al-Munazzama al-Misriyya li-Huquq al-Insan (ed.), *Bayan bi-a'dad al-qatl li-sana 1996* (Cairo: Al-Munazzama al-Misriyya li-Huquq al-Insan, 1996); Al-Munazzama al-Misriyya li-Huquq al-Insan (ed.), *Hisad al-'unf fi al-tis'inat* (Cairo: Al-Munazzama al-Misriyya li-Huquq al-Insan, 1998), pp. 7–8.
- 14 For instance the Specter–Wolf and Nickles Bills debated in 1998, see *Al-Ahram Weekly*, 2 April 1998; 2 July 1998. For a historical perspective on the situation of the Copts, see Thomas Philipp, 'Copts and Other Minorities in the Development of the Egyptian Nation-State', in Shimon Shamir (ed.), *Egypt from Monarchy to Republic: A Reassessment of Revolution and Change* (Boulder, CO: Westview Press, 1995), pp. 131–50.
- 15 Arab Republic of Egypt, Council of Ministers, Office of the Minister of State, *Economic Profile, Statistical Data Book* (Cairo: January 1997), pp. 46f; however, unpublished figures by the International Monetary Fund indicated a substantial decline in revenues from tourism in the year 1992/93, which would relegate it to sixth place.
- 16 Unpublished IMF figures for current account revenues for 1992/93 (in US\$ millions): export revenues: 3,417, of which oil and gas were 1,803; royalties from the Suez Canal: 1,941; tourism: 1,571; workers' remittances: 4,960; official transfers: 1,902; surplus of the account: 2,193.
- 17 Jumhriyyat Misr al-'Arabiyya, Wizarat al-Takhtit (ed.), *Al-Khitta al-khamsiyya al-thalitha li al-tamniyya al-iqtisadiyya wa al-ijtima'iyya 1992/93-1996/97 wa khitta 'amiha al-awwal 1992/93*, vol. 1 (Cairo: Jumhriyya Misr al-'Arabiyya, April 1992), p. 179.
- 18 Details in Al-Ahram (ed.), *Al-Taqrir al-istratiji al-'arabi 1992* (Cairo: Al-Ahram, 1993), p. 336; Zaki, *Civil Society*, p. 254.
- 19 On this subject, see Alain Roussillon, 'Pourquoi les Frères musulmans ne pouvaient pas gagner les élections: les limites de la pluralisation de la scène politique égyptienne', in Sandrine Gamblin (ed.), *Contours et détours*, pp. 101–27; Alain Roussillon, *L'Égypte et l'Algérie au péril de la libéralisation* (Cairo: CEDEJ, 1996), section entitled: 'Logiques et enjeux de la pluralisation politique'.
- 20 The first figure is given by Zaki, *Civil Society*, p. 254, the second by Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani ...: Al-Taqrir al-sanawi 1993* (Cairo: 1994), p. 66.
- 21 Calculations based on the figures quoted earlier, which are taken from Mustafa (ed.), *Al-Intikhabat al-barlmaniyya fi Misr 1995*, p. 45, and from 'Ali al-Din Hilal and Usama al-Ghazali Harb (eds), *Intikhabat Majlis al-Sha'b 1990*, p. 200. Together with the ten deputies appointed by the president, the deputies belonging to the NDP (both those elected as official party candidates and those elected as independents) occupied 82.22 per cent of the seats in the 1990 Assembly.
- 22 For the sources of the figures, see *ibid.* Together with the ten deputies appointed by the president, the deputies belonging to the NDP (both those elected as official candidates and those elected as independents) occupied 94.05 per cent of the seats in the 1995 Assembly.
- 23 For the crisis and its origins, see, for example, Nazih N. Ayubi, 'The 'Fiscal Crisis' and the Washington Consensus: Towards an Explanation of Middle East Liberalizations', in Louis Blin (ed.), *L'économie égyptienne: libéralisation et insertion dans le marché mondial* (Paris: L'Harmattan, 1993), pp. 25f; Nazih N. Ayubi, *Over-stating the Arab State: Politics and Society in the Middle East* (London: I. B. Tauris, 1995), pp. 345ff; Clement M. Henry, *The Mediterranean*

- Debt Crescent: Money and Power in Algeria, Egypt, Morocco, Tunisia and Turkey* (Gainesville, FL: University of Florida Press, 1996), pp. 26f; Ibrahim M.Oweiss, 'Egypt's Economy: The Pressing Issues', in Ibrahim M.Oweiss (ed.), *The Political Economy of Contemporary Egypt* (Washington, DC: Center for Contemporary Arab Studies, Georgetown University, 1990), pp. 3–49; Roger Owen and Sevket Pamuk, *A History of Middle East Economies in the Twentieth Century* (London: I. B.Tauris, 1998), pp. 30–50, 127–49; Bent Hansen, 'Planning and Growth in the UAR (1960–1965)', in P. J. Vatikiotis (ed.), *Egypt since the Revolution* (London: George Allen and Unwin, 1968) pp. 14–39; Eric Davis, *Challenging Colonialism: Bank Misr and Egyptian Industrialization, 1920–1941* (Princeton, NJ: Princeton University Press, 1982). For a comparative perspective, see also Said al-Naggar (ed.), *Adjustment Policies and Development Strategies in the Arab World* (Washington, DC: IMF, 1987); John Page, 'From Boom to Bust – and Back? The Crisis of Growth in the Middle East', in Nemet Shafiq (ed.), *Prospects for Middle Eastern and North African Economies – From Boom to Bust and Back* (New York, NY: St Martin's Press, 1998), pp. 133–58; Alan Richards, 'The Political Economy of Dilatory Reform: Egypt in the 1980s', in Tim Niblock and Rodney Wilson (eds), *The Political Economy of the Middle East* (Cheltenham: Edward Elgar, 1999), vol. 4; Ray Bush, *Economic Crisis and the Politics of Reform in Egypt* (Boulder, CO: Westview Press, 1999), pp. 9–28.
- 24 For example, the figures published by the World Bank, *World Development Indicators on CD-Rom* (Washington, DC: The World Bank, 1997, 1999, 2000), frequently correct figures published earlier by the Bank.
- 25 See Louis Blin (ed.), *L'économie égyptienne: libéralisation et insertion dans le marché mondial* (Paris: L'Harmattan, 1993); Françoise Clément, 'Vers une économie libérale? Introduction', *Egypte/Monde arabe*, no. 9 (1st quarter 1992), pp. 7–13; Arvind Subramanian, 'The Egyptian Stabilization Experience: An Analytical Retrospective', *Working Paper*, no. 18 (Cairo: Egyptian Centre for Economic Studies), October 1997.
- 26 Revised figures of the World Bank, see The World Bank, *World Development Indicators on CD-Rom* (Washington, DC: The World Bank, 1999).
- 27 See Louis Blin (ed.), *L'économie égyptienne*, Arvind Subramanian, 'The Egyptian Stabilization Experience'.
- 28 See Tim Niblock, 'International and Domestic Factors in the Economic Liberalization Process in Arab Countries', in Tim Niblock and Emma Murphey (eds), *Economic and Political Liberalization in the Middle East* (London: British Academic Press, 1993), especially pp. 58–68; Mahmud Al-Sayyid Mansur, 'La libéralisation du secteur agricole', *Egypte/Monde arabe*, no. 21 (1st quarter 1995), pp. 174–82; Sami Aziz and Françoise Clément, 'La libéralisation du commerce extérieur égyptien et l'accord du GATT', *Egypte/Monde arabe*, no. 21, (1st quarter 1995), pp. 196–207.
- 29 See Niblock, 'International and Domestic Factors', pp. 58–68; Mahmud Al-Sayyid Mansur, 'La libéralisation du secteur agricole'; Aziz and Clément, 'La libéralisation du commerce extérieur'.
- 30 For the beginnings of privatization, see, for example, Nazih N. Ayubi, *Over-stating the Arab State*, pp. 342–52; Marsha Pripstein Posusney, 'The Political Environment', pp. 3–8.
- 31 The World Bank, *World Development Indicators*. For the period beginning 1985/86, see Gouda Abdel-Khalek, 'Economic Reform or Dutch Disease: On the Microeconomic Effects of ERSAP', paper presented at the University of Cairo (June 1997), table 2, which gives higher rates of growth only for 1987/88 and 1988/89; see also Arvind Subramanian, 'The Egyptian Stabilization Experience', table 1, based on IMF figures. Higher figures published by the Ministry of Planning seem to confuse real GDP with nominal GDP, see Arab Republic of Egypt, Council of Ministers, Office of the Minister of State, *Economic Profile* (January 1997), p. 22. For the rate of population growth, see Jumhuriyya Misr al-'Arabiyya, Al-Jihaz

- al-Markazi li al-Ta'biya al-'Amma wa al-Ihsa' (Central Agency for Public Mobilization and Statistics, (CAPMAS), *Al-Kitab al-ihsa'i al-sanawi 1991–1996* (Cairo: June 1997), p. 15.
- 32 The World Bank, *World Development Indicators*, 2000.
- 33 One of the first publications seriously concerned with distributive aspects of economic change in that period is Heba Handoussa and Gillian Potter (eds), *Employment and Structural Adjustment: Egypt in the 1990s* (Cairo: The American University in Cairo Press, 1991).
- 34 Government of Egypt, Institute of National Planning, *Egypt: Human Development Report 1996* (Cairo: 1996), pp. 29–32, 66. This report is largely based on Heba al-Laithy and M. O. Osman, *Profile and Trend of Poverty and Economic Growth*, (Cairo: Institute of National Planning, 1996). See also the update of this study by Heba El-Leithy [Heba al-Laity], 'Poverty Estimates Based on Expenditure Surveys', paper presented at the workshop 'Social Security and Income Generation Projects for Vulnerable Groups with Special Focus on Working Children and Female Headed Households' (American University in Cairo, Social Research Center, 13–15 December 1997), especially pp. 11, 39, 45.

In these three studies the different poverty lines are calculated in terms of consumption expenditure per capita, based on the Household Income and Expenditure Surveys of the Central Agency for Public Mobilization and Statistics (Al-Jihaz al-Markazi li al-Ta'biya al-'Amma wa al-Ihsa' (CAPMAS) for 1991/92 and 1995/96, as well on its Household Budget Survey of 1981/82.

The amounts that correspond to each of the thresholds are the same in the three studies. As the Human Development Report explains, the amounts given for 1995/96 were obtained in a classic manner: 'In order to estimate the poverty incidence, the poverty gap and the severity of poverty, we relied on an absolute poverty line. The cost of food basket per household member was calculated for 1995/96 at £E702 in urban areas and £E512 in rural areas (£E594 at the national level). Two poverty lines were set at £E814 (lower poverty line) and £E1098 (upper poverty line) per household member per year. The lower poverty line was derived by adding non-food expenditure spent by the individual whose total expenditure equalled the food-based poverty line. The upper poverty line was estimated as the total expenditure per household member whose food expenditure equalled the food poverty line. Individuals whose expenditure was less than £E814 but above £E594 are deemed to be "poor" while the individuals whose expenditure is below £E594 are deemed to be "ultra poor". A further distinction has been made between "poor" and "moderately poor" population groups. The latter consists of individuals whose expenditure was more than £E814 but less than £E1098. This distinction can be explained on the basis of this group's affordability of non-basic non-food expenditure' (p. 29). The comparison over time is based on the index of consumer prices by categories of expenditure as well as a test of robustness based on Lorenz curves (pp. 29–31).

- For the merits and limitations of quantitative studies on poverty in Egypt, see Ragui Assaad and Malak Rouchdy, *Poverty and Poverty Alleviation Strategies in Egypt: A Report Submitted to the Ford Foundation* (Cairo: Ford Foundation, January 1998), pp. 8–9, 29–31, 70–73, published in revised form as Ragui Assaad and Malak Rouchdy, 'Poverty and Poverty Alleviation Strategies in Egypt', *Cairo Papers in Social Science*, vol. 22, no. 1 (1999); Ulrich Bartsch, 'Interpreting Household Budget Surveys: Estimates for Poverty and Income Distribution in Egypt', *ERF Working Paper WP9714* (Cairo: Economic Research Forum for the Arab Countries, Iran and Turkey, ERF, 1997).
- 35 Heba El-Leithy, 'Poverty Estimates', p. 45, which differs slightly from figures for expenditure by deciles and from Gini coefficients provided by the *Human Development Report*, p. 66.
- 36 According to a study that sets the poverty line at £E727 per person in urban areas and £E641 per person in rural areas at 1990/91 prices, the part of the poor in urban populations increased

- from 30.4 per cent in 1981/82 to at least 35.9 per cent in 1990/91; in rural populations, it rose from 29.7 per cent to at least 54.5 per cent. For the evolution of income distribution during the same period, the study notes that the principal losers were the 40 per cent of households corresponding to the deciles which occupy the middle of the scale, followed by the 30 per cent at the bottom of the scale, while the 30 per cent at the top of the scale saw their condition improve; see Karima Korayem, 'Structural Adjustment, Stabilization Policies and the Poor in Egypt', *Cairo Papers in Social Sciences*, vol. 18, no. 4, (1996), pp. 5, 21, 25, which is based on Karima Korayem, *Poverty and Income Distribution in Egypt* (Cairo: The Third World Forum, 1994).
- 37 Louis Blin, 'Le programme de stabilisation' *Egypte/Monde arabe*, no. 9 (1st quarter 1992); Niblock, 'International and Domestic Factors', pp. 69–71.
- 38 See, for example, Louis Blin, 'Le programme de stabilisation', pp. 13–46; Simon Bromley and Raymond Bush, 'Adjustment in Egypt? The Political Economy of Reform', *Review of African Political Economy*, no. 60 (1994), pp. 201–13; Heba Handoussa, 'The Role of the State: The Case of Egypt', *ERF Working Paper WP 9404* (Cairo: Economic Research Forum for the Arab Countries, Iran and Turkey, 1994), pp. 21ff; Arvind Subramanian, *The Egyptian Stabilization Experience*, p. 3; Niblock, 'International and Domestic Factors', pp. 69–71; Ayubi, *Over-stating*, pp. 346ff; Hans Löfgren, 'Egypt's Program for Stabilisation and Structural Adjustment: An Assessment', in 'The Economics and Politics of Structural Adjustment in Egypt', *Cairo Papers in Social Science*, vol. 16, no. 3, (1993), pp. 20–37; Rodney Wilson, 'Whither the Egyptian Economy?' in Niblock and Wilson, *Political Economy*, vol. 1.
- 39 Subramanian, *The Egyptian Stabilization Experience*; Ayubi, *Over-stating*, pp. 346ff; World Bank Middle East and North African Economic Studies, *Egypt in the Global Economy: Strategic Choices for Savings, Investments and Long-Term Growth* (Washington, DC: The World Bank, 1998); Howard Handy et al., *Egypt Beyond Stabilisation: Toward a Dynamic Market Economy*, Occasional Papers 163 (Washington, DC: International Monetary Fund, 1998); The World Bank, *Development Finance and World Development Indicators*, 1999; Bush, *Economic Crisis*, pp. 29–62.
- 40 Ulrich G. Wurzel, 'Structural Adjustment in Egypt: Announcements and Implementation of the Privatization Program 1990–1996', in *Asien, Afrika, Lateinamerika*, XXVII, pp. 111–35; Ulrich G. Wurzel, 'Ägyptische Privatisierungs politik 1990/91–1997/98 im Konflikt von Entwicklungshilfe-Geber und Nehmerinteressen', (Münster: LIT, 2000); Mokhtar Khattab, 'Constraints to Privatization: the Egyptian Experience', *Working Papers* No. 38 (Cairo: Egyptian Center for Economic Studies, ECES, 1999); information provided by Max Rodenbeck, Cairo.
- 41 Ayubi, *Over-stating*, pp. 346–52; Louis Blin, 'Le programme de stabilisation'; Marsha Pripstein Posusney, *Labour and the State* p. 213; Wurzel, 'Structural Adjustment'; Wurzel, *Ägyptische Privatisierungspolitik*.
- 42 *Al-Ahram*, 8 June 1998; *Al-Ahram Weekly*, 11 June 1998; *Le Monde*, 12 June 1998.
- 43 For the decimal figures calculated by the IMF, see Subramanian, *The Egyptian Stabilization Experience*, table 1; for the non-decimal figures, see The World Bank, *World Development Indicators*; the trend is confirmed by Gouda Abdel-Khalek, *Economic Reform*, table 2. For the population growth rate, see *Al-Kūtab al-ihsā'i al-sanawi*, p. 15; The World Bank, *World Development Indicators*.
- 44 Government of Egypt, Institute of National Planning, *Egypt: Human Development Report 1996*, p. 136; The World Bank, *World Development Indicators*. For a systematic critique of the economic reform programme in Egypt, and its premises and general orientation, see Bush, *Economic Crisis*.
- 45 Samir Radwan, 'Towards Full Employment, Egypt in the 21st Century', *ECES Distinguished Lecture Series*, no. 10, (Cairo: The Egyptian Centre for Economic Studies, 1997), p. 13; Ishac Diwan, 'Globalization, EU Partnership and Income Distribution in Egypt', *Working Paper*, no. 12 (Cairo: The Egyptian Centre for Economic Studies, 1997), p. 2.

- 46 Arvind Subramanian, *The Egyptian Stabilization Experience*, p. 35.
- 47 Jumahuriyya Misr al-'Arabiyya, *Al-Jihaz al-Markazi li al-Ta'biya al-'Ammah wa al-Ihsa (CAPMAS), Nashrat ahkam al-ikhlas wa halat al-bartushu 1995* (Cairo: Matabi' al-Jihaz al-Markazi, May 1995), p. 53f which also shows that the years 1984 and 1986–7 saw other significant increases in the growing number of bankruptcies: 225 cases in 1981, 240 in 1982, 359 in 1983, 664 in 1984, 613 in 1985, 1,100 in 1986, 1,552 in 1987 and 1,456 in 1988.
- 48 For the conservative calculations or estimates of unemployment, see Ahmad Noshi, 'Principaux résultats', p. 151, who refers to the quarterly labour force sample surveys conducted by CAPMAS, as well as the Government of Egypt, Institute of National Planning, *Human Development Report 1996*, p. 133. According to Nadir Fergany, 'Recent Trends in Open Unemployment in Egypt', *Research Notes 01*, (Cairo: Al-Mishkat Centre, 1993), more than 17 per cent of the active population was unemployed in 1993, a figure that was partly confirmed by Ishac Diwan, 'Globalization, EU Partnership and Income Distribution in Egypt', *ECES Working Paper*, no. 12 (Cairo: The Egyptian Centre for Economic Studies, March 1997), p. 2, which gives an unemployment rate of between 12 and 17 per cent. Simon Commander and Ragui Assaad, 'Egypt', in Susan Horton *et al.* (eds), *Labor Markets in an Era of Adjustment*, vol. 2 (Washington, DC: Economic Development Institute of the World Bank, 1994), p. 339, calculated an unemployment rate of 12 per cent even for 1986. While the Egyptian Ministry of Planning considered that the unemployment rate in the fiscal years 1992/3 to 1995/6 was no more than 9.4–10 per cent, it nevertheless recognized the increase of this rate from 4.2 per cent in 1986/7 to 8.4 per cent in 1990/91, see Arab Republic of Egypt, *Economic Profile*, p. 22. For a discussion of figures from various sources, see Massoud Karshenas, 'Structural Adjustment and Employment in the Middle East and North Africa', *ERF Working Paper WP*, no. 9420 (Cairo: ERF, 1994), pp. 27–33; for a detailed historical analysis, see Philippe Fargues, 'La montée du chômage en Egypte (1960–1995)', *Egypte/Monde arabe*, no. 33 (1st quarter 1998), pp. 147–79.
- 49 For the higher figures, see Ahmad Noshi, 'Principaux résultats des trois premières années du programme de stabilisation et d'ajustement structurel', *Egypte/Monde arabe*, No. 21, 1st quarter 1995, pp. 149–55; p. 151, who refers to the quarterly labour force sample surveys conducted by CAPMAS between 1990 and 1994. For the lower figures, see Samir Radwan, 'Towards Full Employment, Egypt in the 21st Century', p. 9, who refers to a similar survey conducted in May 1995.
- 50 Nader Fergany, 'Dynamics of Employment Creation and Destruction: Egypt, 1990–1995', *Al-Mishkat Research Notes*, no. 11 (Cairo: Al-Mishkat Centre, January 1998).
- 51 *Human Development Report 1996*, pp. 25, 29–32, 38; Heba El-Leithy, 'Poverty Estimates', pp. 11, 39, 45.
- 52 For expenditure by deciles and Gini coefficients, see Heba El-Leithy, 'Poverty Estimates', p. 45, which in several ways corrects the *Human Development Report*, p. 66. For instance, according to El-Leithy, the nine lower deciles accounted for 78.51 per cent of total expenditure in 1981/82, for 71.83 per cent in 1990/91 and for 78.88 per cent in 1995/96.
- 53 *Egypt: Human Development Report 1996*, pp. 30–31.
- 54 Gaurav Datt, Dean Jolliffe and Manohar Sharma, 'What Do We Know About Poverty in Egypt? An Analysis of Household Survey Data for 1997' (International Food Policy Research Institute [IFPRI], Washington, DC, 1996), pp. vi–ix, pp. 29ff. The study is based on the Egypt Integrated Household Survey conducted by IFPRI in collaboration with the Ministry of Internal Commerce and Supplies and the Ministry of Agriculture. The five poverty lines, varying from £E73.22 to £E122.05 per person per month, accounted for regional differences in price levels as well as for different food requirements in urban and

- rural areas. However, differences with other studies more generally reflect different data and methodologies. For comments on that study, see Assaad and Rouchdy, 'Poverty.', p. 71, note 73. In a revised version of their report, Datt, Joliffe and Sharma estimate that 26.5 per cent of Egyptians are poor, see Gauran Datt, Dean Joliffe and Manahar Sharma, *A Profile of Poverty in Egypt*, International Food Policy Research Institute (Washington, DC: March 1998), pp. 13–19.
- 55 Nader Fergany, 'The Growth of Poverty in Egypt', *Al-Mishkat Research Notes*, no. 12 (Cairo: Al-Mishkat Centre, January 1998).
- 56 P. W. Cardiff, *The 1995/96 Household Income, Expenditure and Consumption Survey, Final Analysis Report* (USAID and US Bureau of Census, 1997). As the title of the study indicates, it is based on the same data as the Human Development Report cited above. For a critique, see Assaad and Rouchdy, 'Poverty', p. 72.
- 57 See, for example, Richard H. Adams Jr., 'Evaluating the Process of Development in Egypt, 1980–97', *International Journal of Middle East Studies*, xxxii (2000), pp. 255–75; Ray Bush, 'Coping with Adjustment and Economic Crisis in Egypt's Countryside', *Review of African Political Economy*, xx (1995), no. 66, pp. 499–516; Ray Bush, 'Facing Structural Adjustment: Strategies of Peasants, the State, and the International Financial Institutions', in Hopkins and Westergaard (eds), *Directions of Change*, pp. 88–109; Detlev Müller-Mahn, 'Spaces of Poverty: The Geography of Social Change in Rural Egypt', in Hopkins and Westergaard, *Directions of Change*, pp. 256–76; Detlev Müller-Mahn, *Fellachendörfer: Sozialgeographischer Wandel im ländlichen Ägypten* (Stuttgart: Erdkundliches Wissen, 1999); Reem Saad, 'A Moral Order Reversed? Agricultural Land Changes Hands, Again', Paper delivered at the conference 'Structures politiques et logiques d'action' (CEDEJ, Cairo, 28–30 October 1999); Cassandra, 'The Impending Crisis in Egypt', *Middle East Journal*, XLIX, no. 1, pp. 9–27; Alia El-Mahdy and Hala El-Said, 'Les petites industries de la ville du 10-Ramadan: situation de la main d'oeuvre', *Egypte/Monde arabe*, no. 33 (1st quarter 1998), pp. 55–66; Jochen Möller, 'Working and Living in 10th of Ramadan City: The Perspective of Workers in Small Industries', *Egypte/Monde arabe*, no. 33, (1st quarter 1998), pp. 67–79. See also Hasanayn Kishk, 'Pauvreté et paupérisation en milieu urbain: une enquête préliminaire', *Egypte/Monde arabe*, no. 33 (1st quarter 1998), pp. 81–111. For a highly critical assessment, see Muhammad 'Abd al-Shafi' 'Isa, 'Al-Ab'ad al-ijūma'iyya li al-takif al-haykali wa al-khawsasa fi Misr', in Markaz Dirasat al-Wahda al-'Arabiyya (ed.), *Al-Islahat al-iqtisadiyya wa siyasat al-khawsasa fil-buldan al-'arabiyya: buhuth al-nadwa al-fikriyya alati nazzamaha al-markaz al-watani bi al-dirasat wa al-tahlil al-khassa bi al-takhtit, al-Jaza'ir* (Beirut: Markaz Dirasat al-Wahda al-'Arabiyya, 1999), pp. 275–93; Günter Meyer, 'Entwicklungsprobleme der produzierenden Kleingewerbes in Kairo: Überleben im Zeichen der Strukturangepassung', *Geographische Rundschau*, xli (1999), pp. 697–704.
- 58 Nadia Khouri-Dagher, *Approvisionnement alimentaire et ordre social en Egypte dans les années 1980: l'Etat, le peuple des villes et la question du quotidien*, thèse de doctorat en socio-economie du développement sous la direction d'Ignacy Sachs (Ecole des Hautes Etudes en Sciences Sociales, Paris, n.d.), quote translated from p.160.
- 59 While larger transactions are hardly discussed except in the press, informal small-scale activities and their social context are discussed in a number of qualitative and quantitative studies, for example, M. P. Martin, 'Les modes informels du changement', *Etudes* (April 1980); Diane Singerman, *Avenues of Participation: Family, Politics and Networks in Urban Quarters of Cairo*, Princeton, NJ, Princeton University Press, 1995, Unni Wikan, *Life among the Poor in Cairo* (London: Tavistock, 1980); Diane Singerman and Homa Hoodfar (eds), *Development, Gender and Social Change in Cairo: A View from the Household* (Bloomington, IN: Indiana University Press, 1996); Homa Hoodfar, *Between Marriage and the Market: Intimate Politics and Survival in Cairo* (Berkeley, CA: University of California Press, 1996); Nicholas S. Hopkins, 'Informal

- Sector in Egypt', *Cairo Papers in the Social Sciences*, vol.14, no. 4 (1991); Helmi Tadros, Mohamed Fetecha and Allen Hibbard, 'Squatter Markets in Cairo', *Cairo Papers in the Social Sciences*, vol. 13, no. 1 (1990); Jörg Gertel (ed.), *The Metropolitan Food System of Cairo* (Saarbrücken: Verlag für Entwicklungspolitik, 1995).
- 60 For analyses of the social consequences of adjustment and stabilization policies, see also Mustapha Kamel Al Sayyid, 'Social Aspects of Structural Adjustments in Africa', in Alia El Mahdi (ed.), *Aspects of Structural Adjustment in Africa and Egypt* (Cairo: University of Cairo, Markaz Dirasat wa-Buhuth al-Duwal al-Namiyya, 1997), pp. 101–29. More generally, see Paul Mosley, Jane Harrigan and John Toye, *Aid and Power: The World Bank and Policy-based Lending* (London: Routledge, 1991), 2 vols, in particular vol. 1, p. 302, which contains a summary of the conclusions of the case studies in vol. 2; the latter also refers to the vast amount of literature from the 1980s concerned with the same issues. Joan M. Nelson, 'Poverty, Equity and the Politics of Adjustment', in Stephen Haggard and Robert R. Kaufman (eds), *The Politics of Economic Adjustment* (Princeton, NJ: Princeton University Press, 1992), pp. 222, 228f.
- 61 For instance, the director-general of the IMF, Michel Camdessus, stated in May 1991 that the reforms agreed between the Egyptian government and the IMF would entail a period of austerity of some three to five years, see *Egypte/Monde arabe*, no. 6 (2nd quarter 1991), pp. 208–43.
- 62 For official Egyptian arguments, see Ulrich G. Wurzel, *Ägyptische Privatisierungspolitik*; Marsha Pripstein Posusney, *Labor and the State in Egypt: Workers, Unions, and Economic Restructuring*, New York, NY: Columbia University Press 1997, pp. 208–43.
- 63 For the social effects of the privatizations, see Wurzel, *Ägyptische Privatisierungspolitik*, Pripstein Posusney, *Labour and the State*.
- 64 Interview with Yusuf Butrus-Ghali, then minister of state for the affairs of the Council of Ministers and later minister of the economy, Cairo, 4 March 1997.
- 65 For the 1977 riots and their context, see, for example, John Waterbury, *The Egypt of Nasser and Sadat*, pp. 226, 229ff.
- 66 See, for example, John Waterbury, 'Twilight of the State Bourgeoisie?', *International Journal of Middle East Studies*, xxiii, no. 1 (February 1991), pp. 1–17.
- 67 See in particular Mustafa Kamel Al-Sayyid, 'Privatization: The Egyptian Debate', *Cairo Papers in Social Science*, vol. 13, no. 4 (Cairo: 1990); Pripstein Posusney, 'The Political Environment'; Ibrahim Awad, 'Socio-Political Aspects of Economic Reform: A Study of Domestic Actors' Attitudes towards Adjustment Policies', in Heba Handoussa and Gillian Potter (eds), *Employment and Structural Adjustment in Egypt in the 1990s* (Cairo: The American University in Cairo Press, 1991), pp. 275–94.
- 68 Pripstein Posusney, *Labor and the State in Egypt*, pp. 230ff.
- 69 Pripstein Posusney, 'The Political Environment.'
- 70 Huwayda 'Adli, 'Al-Haraka al-'ummaliyya wa aliyat muqawamat al-ifqar, 1987–1993 (Cairo: Centre for Trade Union and Workers Services n.d.), p. 4f, cited after Nicola Christine Pratt, *The Legacy of the Corporatist State: Explaining Workers' Responses to Economic Liberalization and Privatization in Egypt*, unpublished M.Sc. dissertation (University of Exeter, 1997), p. 41.
- 71 Gamal Abdel Nasser Ibrahim, 'Représentation syndicale et transition libérale en Egypte: lecture des élections de 1996', *Egypte/Monde arabe*, no. 33 (1998), pp. 181–221. Pratt, *The Legacy*, p. 40ff.
- 72 Ibn Khaldun Center (ed.), *Al-Mujtama' al-madani wa al-tahawwul al-dimuqrati fi al-watan al-'Arabi: Al-Taqrir al-sanawi 1994* (Cairo: 1995), pp. 56–59; for the strike at Kafr al-Dawwar, see also Françoise Clément, 'Libéralisme, restructuration du secteur public et réforme du code du travail', in CEDEJ (ed.), *Age libéral et néo-libéralisme: VIe rencontres franco-égyptiennes de science politique* (Cairo: Les Dossiers du CEDEJ, 1996), p. 244.

- 73 Documentation in the author's possession, collected by Ashraf Shihab, editor at *Al-Ahali*.
- 74 See, for example, *Cairo Times*, 29 October 1998.
- 75 See Platt, *The Legacy*, p. 41.
- 76 Markaz al-Musa'adat al-Qanuniyya li-Huquq al-Insan (CHRLA ed), *Fi dhikri murur 'am 'ala qanun 93 li-sana 1995: ma'an... nuwasil ma'raka isqat qanun iqtial al-sahafa* (Cairo: CHRLA, May 1996); interview with Jasir 'Abd al-Raziq, Former executive director of CHRLA, Cairo, 9 July 1998. For rumours about President Mubarak's sons, see Kassem, *In the Guise of Democracy*, p. 63.
- 77 Most authors concerned with the modern and contemporary political economy of Egypt give examples of corruption: see, for example, John Waterbury, *The Egypt of Nasser and Sadat*. The issue is analysed in greater detail by Eric Gobe, *Les hommes d'affaires égyptiens: Démocratisation et secteur privé dans l'Égypte de l'infatāh*, (Paris: Karthala, 1999). See also Zaki, *Civil Society*, pp. 226–9.
- 78 For corruption in the period of further economic liberalization in the 1990s, see, for example, *Cairo Times*, 26 June 1997, pp. 12–13; see also earlier remarks in chapter two of this book on the role of money in elections.
- 79 *Al-Ahram Weekly*, 23 October 1997.
- 80 Interview with Arvind Subramanian, former representative of the IMF in Cairo, 1997.
- 81 Marcelo M. Giugale and Hamed Mobarak, *Private Sector Development*, pp. 8, 169–70.
- 82 See especially Clement Henry Moore, 'Money and Power: The Dilemma of the Egyptian Infatāh', *Middle East Journal*, XL, no. 4, pp. 634–50; also Ayubi, *Over-stating*.
- 83 For studies that emphasise social discontent, see, for example, Rémy Leveau, 'Des crises à la guerre', in Rémy Leveau (ed.), *L'Algérie dans la guerre* (Bruxelles: Editions Complexe, 1995), pp. 13–23; Séverine Labat, Rémy Leveau, Luis Martínez and Omar Steele, 'Conclusion', in Leveau (ed.), *L'Algérie*, pp. 135–50; Olivier Carré, *L'utopie islamique dans l'Orient arabe* (Paris: Presses de la Fondation Nationale des Sciences Politiques, 1991), p. 164; Olivier Roy, 'Islam: qu'est-ce que le néofondamentalisme?', *Esprit* (July–August 1990), p. 9; Emmanuel Siwan, *Radical Islam: Medieval Theology and Modern Politics*, 3rd edition (New Haven, Ct: Yale University Press 1996), p. 126; John L. Esposito and John O. Voll, *Islam and Democracy* (Oxford: Oxford University Press, 1996), p. 190; Olivier Roy, *The Failure of Political Islam* (London: I.B.Tauris, 1994), pp. 48–59, 89; Gilles Kepel, 'Intellectuels et militants de l'Islam contemporain', in Gilles Kepel and Yann Richard (eds), *Intellectuels et militants de l'Islam contemporain* (Paris: Seuil, 1990), p. 18; Asef Bayat, 'Revolution without Movement, Movement without Revolution: Comparing Islamic Activism in Iran and Egypt', *Comparative Studies in Society and History*, XL, no. 1 (January 1998), pp. 136–68.
- 84 Mamoun Fandy, 'Egypt's Islamic Group: Regional Revenge?', *Middle East Journal*, XLVIII, no. 4 (autumn 1994), pp. 607–25.
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- 86 Quotes translated by the author from Gilles Kepel, *La revanche de Dieu: Chrétiens, juifs et musulmans à la reconquête du monde* (Paris: Points Actuel, Editions du Seuil, 1991), pp. 261, 263. (Original edition, Seuil, 1990). For similar views see also R. Hrair Dekmejian, *Islam in Revolution: Fundamentalism in the Arab World* (Syracuse, NY: Syracuse University Press, 1985), p. 8; Dale F. Eickelman and James Piscatori, *Muslim Politics* (Princeton, NJ: Princeton University Press, 1996), pp. 109–35; Youssef M. Choueiri, *Islamic Fundamentalism* (London: Pinter Publishers, 1990); P. J. Vatikiotis, *Islam and the State* (London: Routledge, 1991); Salwa Ismail, 'Confronting the Other: Identity, Culture, Politics and Conservative Islamism in Egypt',

- International Journal of Middle East Studies*, XXX, no. 2 (1998), pp. 199–225; Michael Gilsenan, *Recognizing Islam: An Anthropologist's Introduction* (London: Croom Helm, 1982), pp. 215–26; Nazih N. Ayubi, *Political Islam: Religion and Politics in the Arab World* (London and New York, NY: Routledge, 1991); James P. Piscatori, *Islam in a World of Nation-States* (Cambridge: Cambridge University Press, 1986), pp. 26ff, 37.
- 87 See Saad Eddin Ibrahim, 'Anatomy of Egypt's Militant Islamic Groups: Methodological Notes and Preliminary Findings', *International Journal of Middle East Studies*, XII, 1980, reprinted in Saad Eddin Ibrahim, *Egypt, Islam and Democracy: Twelve Critical Essays*, (Cairo: The American University in Cairo Press, 1996), pp. 18f, 24f; Gilles Kepel, *Le prophète et le pharaon: les mouvements islamistes dans l'Égypte contemporaine* (Paris: La Découverte, 1984), especially pp. 205–12 and pp. 224–5 where the author identifies sympathisers and members of Islamist groups as those 'qui, issus, de milieux restés analphabètes jusqu'à cette jeune génération, se sont trouvés propulsés dans le système éducatif.'
- 88 Saad Eddin Ibrahim, 'Anatomy', pp. 25f.
- 89 Thus Bruno Etienne, *L'islamisme radical*, (Paris: Hachette, 1987), pp. 108, 118; Friedemann Büttner, 'Der fundamentalistische Impuls und die Herausforderung der Moderne', *Leviathan*, no. 4 (1996), pp. 469–92; Aziz Al-Azmeh, *Islams and Modernities* (London: Verso, 1993), pp. 72–73; Sami Zubaida, *Islam, the People and the State: Essays on Political Ideas and Movements in the Middle East* (London, I. B. Tauris, 1993); P. J. Vatikiotis, *Islam and the State*.
- 90 Roy, *L'échec*, p. 75.
- 91 Fuad Ajami, *The Arab Predicament: Arab Political Thought and Practice since 1967* (Cambridge: Cambridge University Press, 1981); Bruno Etienne, *L'islamisme radical*; John L. Esposito, *The Islamic Threat: Myth or Reality* (Oxford: Oxford University Press, 1992); James P. Piscatori, *Islam in a World*, pp. 26ff; see also Baber Johansen, 'Islam und Staat: Abhängige Entwicklung, Verwaltung des Elends und religiöser Antiimperialismus', *Argument Studienhefte 54* (Berlin: Argument, 1982).
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- 93 Among the representatives of this approach influenced by Weber and the Chicago School, see, for example, Fredrik Barth, 'Introduction', in Fredrik Barth (ed.), *Ethnic Groups and Boundaries: The Social Organization of Culture* (London: Allen & Unwin, 1969), pp. 9–38; Leo A. Despres (ed.), *Ethnicity and Resource Competition in Plural Societies* (Den Haag: Mouton, 1975); Nathan Glazer and Daniel Patrick Moynihan (eds), *Ethnicity: Theory and Experience* (Cambridge, Ma: Harvard University Press, 1975); Jean-François Bayart, *L'illusion identitaire* (Paris: Fayard, 1996).
- 94 See, for example, Saad Eddin Ibrahim, 'An Islamic Alternative in Egypt: The Muslim Brotherhood and Sadat', *Arab Studies Quarterly*, no. 4 (1981), reprinted in Saad Eddin Ibrahim, *Egypt, Islam and Democracy: Twelve Critical Essays*, pp. 36f.
- 95 Law No. 20, 1998, *Jarida rasmiyya*, no. 13 (*mukarrar*), 31/3/1998.
- 96 Michel Seurat, 'Les populations, l'Etat et la société', in André Raymond (ed), *La Syrie d'aujourd'hui* (Paris: Editions du CNRS, 1980), p. 122.
- 97 See Roger Owen, *State Power and Politics in the Making of the Modern Middle East*, London, Routledge, 2nd ed., 2000, pp. 35–38, pp. 243–48.
- 98 Owen, *State, Power and Politics*, pp. 243–248.
- 99 Ayman al-Sayyid 'Abd al-Wahab, 'Al-Hizb al-watani al-dimuqrati', in Hilal and al-Ghazali Harb, *Intikhabat* p. 149; Mustafa, *Al-Intikhabat* p. 49.
- 100 See, for example, *Al-Ahram Weekly*, 2 September 1999, 23 September 1999, 30 September 1999.

7 Outlook: The 200 Elections and Beyond

- 1 For the ruling of the SCC and connected legal changes (partly adopted after advance notification of the executive by the court), see *Cairo Times*, 20/2/2000 and 8/7/2000; for the elections, see the Egyptian press of October and November 2000, including its English-speaking weeklies; for the election results, cf *Al-Ahram*, *Al-Hayat*, 16/11/2000; *Al-Ahram Weekly*, 16/11/2000.

8 Contemporary Egypt: Historiography and Theory

- 1 For policies of macroeconomic stabilization and structural adjustment, see for instance, Rainer Tetzlaff, *Weltbank und Währungsfonds – Gestalter der Bretton-Woods-Ära* (Opladen: Leske und Budrich, 1996); Gerald K. Helleiner, 'Structural Adjustment and Long-Term Development in Sub-Saharan Africa', in Hans Singer and R. Tandun (eds), *Adjustment and Liberalization in the Third World* (New Delhi: Oxford University Press, 1995), pp. 121–56; Paul Mosley, Jane Harrigan and John Toye (eds), *Aid and Power: The World Bank and Policy-Based Lending*, vol. 1, pp. 3–61 (London: Routledge, 1991); Hans Singer, 'Structural Adjustment Programmes: Evaluating Success', in Jan Willem Gunning (ed.), *Trade, and Development* (London: Macmillan, 1994), pp. 172–84; Philippe Hugon, *L'économie de l'Afrique* (Paris: La Découverte, 1993), pp. 84–8; Philippe Hugon, 'Les politiques d'ajustement structurel', in *Encyclopédie économique* (Paris, Economica, 1990); Lance Taylor, 'Stabilization, Adjustment and Reform', in Lance Taylor (ed.), *The Rocky Road to Reform: Adjustment, Income Distribution, and Growth in the Developing World*, (Cambridge, MA: MIT Press, 1993), pp. 39–94. For Egypt, see chapter 6 in this book, 'The Logics of Deliberalization'.
- 2 See, in particular, Guillermo O'Donnell, Philippe Schmitter and Laurence Whitehead (eds), *Transitions from Authoritarian Rule: Prospects for Democracy*, 4 vols (Baltimore, MD: Johns Hopkins University Press, 1986); Larry Diamond, Juan Linz and Seymour M. Lipset (eds), *Democracy in Developing Countries* (Boulder, CO: Lynne Rienner, 4 vols, 1988–89; Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman, Oklahoma: University of Oklahoma Press, 1991).
- 3 See, for example, Clement Henry Moore, 'Money and Power: The Dilemma of the Egyptian Infatih', *Middle East Journal*, XL, no. 4 (Autumn 1986), pp. 634–650; Gudrun Krämer, *Ägypten unter Mubarak*, pp. 44–54; Ali E. Hillal Dessouki, 'L'évolution politique de l'Égypte: pluralisme démocratique ou néo-autoritarisme?', *Monde arabe: Maghreb/Machrek*, no. 127, January–March 1990, pp. 7–16.
- 4 Gema Martín Muñoz, *Política y elecciones en el Egipto Contemporáneo (1922–1990)*, chapter 3.
- 5 O'Donnell, Schmitter and Whitehead, *Transitions from Authoritarian Rule*, was published in 1986.
- 6 Martín Muñoz, *Política y elecciones*, pp. 427–31.
- 7 Gunter Schubert and Rainer Tetzlaff (eds), *Blockierte Demokratien in der Dritten Welt* (Opladen: Leske und Budrich, 1998).
- 8 Schubert and Tetzlaff, 'Erfolgreiche und blockierte Demokratisierung in der postkolonialen und postsozialistischen Weltgesellschaft – Eine Einführung', in Schubert and Tetzlaff, *Blockierte Demokratien*, p. 16.
- 9 *Ibid.*, p. 22.
- 10 Cilja Harders, 'Die Furcht der Reichen und die Hoffnung der Armen': Ägyptens schwieriger Weg zur Demokratie', in Schubert and Tetzlaff, *Blockierte Demokratien*, pp. 267–95.
- 11 For the 1970s and the early 1980s, see John Waterbury, *The Egypt of Nasser and Sadat*; for the 1980s, see Raymond A. Hinnebusch, *Egyptian Politics under Sadat: The Post-Populist Development of an Authoritarian-Modernizing State*; for the entire period see Friedemann Büttner and Veronika Büttner, 'Ägypten'.

- 12 On that subject see, for instance, Raymond A. Hinnebusch, 'Liberalization in Syria: The Struggle of Economic and Political Rationality', in Eberhard Kienle (ed.), *Contemporary Syria between Cold War and Cold Peace* (London: British Academic Press, 1994), pp. 97–113; Michael Bratton and Nicolas van de Walle, 'Toward Governance in Africa: Popular Demands and State Responses', in Goran Hyden and Michael Bratton (eds), *Governance and Politics in Africa* (Boulder, CO: Lynne Rienner, 1992).
- 13 Guy Hermet, Juan Linz and Alain Rouquié, *Des élections pas comme les autres*, (Paris: Presses de la Fondation Nationale des Sciences Politiques, 1972); see also *Middle East Report*, no. 209, Winter 1998, in particular the contribution by Marsha Pripstein Posusney, 'Behind the Ballot Box: Electoral Engineering in the Arab World', pp. 12–15, 42.
- 14 See Afaf Lutfi al-Sayyid Marsot, *Egypt's Liberal Experiment, 1922–1936* (Berkeley, CA: University of California Press, 1977), and below in the present chapter. For the authoritarian character of the 'liberal' monarchy and for authoritarianism as a salient feature of political regimes in Egypt after the First World War, see Afaf Lutfi al-Sayyid Marsot, *Egypt's Liberal Experiment*; Afaf Lutfi al-Sayyid Marsot, *A Short History of Modern Egypt* (Cambridge: Cambridge University Press, 1985); P.J. Vatikiotis, *The History of Modern Egypt* (London: Weidenfeld & Nicholson, 1991), 4th ed.; Charles Tripp, 'Egypt 1945–52: The Uses of Disorder', in Michael J. Cohen and Martin Kolinsky (eds), *Demise of the British Empire in the Middle East: Britain's Responses to Nationalist Movements* (London: Frank Cass, 1998), pp.112–41; Jacques Berque, *L'Égypte: impérialisme et révolution* (Paris: Gallimard, 1967); Gabriel Ben-Dor, 'The Continuity of the Egyptian State and the Ambiguity of the Revolution', in Shimon Shamir (ed.), *The Building of Consensus in Egypt's Transition Process* (Cairo: The American University in Cairo Press, 1999).
- 15 For instance, Nadav Safran, *Egypt in Search for Political Community* (Cambridge, MA: Harvard University Press, 1961); Manfred Halpern, *The Politics of Social Change in the Middle East and North Africa* (Princeton, NJ: Princeton University Press, 1963); R. Hair Dekmejian, *Egypt under Nasser* (Albany, NY: State University of New York Press, 1971); P. J. Vatikiotis, *The Egyptian Army in Politics* (Bloomington, ID: University of Indiana Press, 1961).
- 16 See, for instance, the criticisms developed by Edward Said, *Orientalism* (London: Routledge & Kegan Paul, 1978), and the numerous contributions to the ensuing debate, in particular by Sadiq Jalal al-'Azam, 'Orientalism and Orientalism in Reverse', *Khamsin: Journal of Revolutionary Socialists in the Middle East*, no. 8, 1981, pp. 5–26.
- 17 Thus Derek Hopwood, *Egypt: Politics and Society, 1945–1990*, 3rd ed. (London: Harper Collins, 1991); Ibrahim Amin Ghali, *L'Égypte nationaliste et libérale: de Moustapha Kamel à Saad Zaghloul (1892–1927)* (Den Haag: Martinus Nijhoff, 1969); in a sense also Raymond Baker, *Egypt's Uncertain Revolution under Nasser and Sadat* (Cambridge, MA: Harvard University Press, 1978), for whom the precarious and 'uncertain' character of the revolution does not imply continuity with the pre-revolutionary period.
- 18 Hopwood, *Egypt*, p. 195.
- 19 Raymond A. Hinnebusch, *Egyptian Politics under Sadat*. (Cambridge: Cambridge University Press, 1985), pp. 10, 36–7.
- 20 Springborg, *Sayed Bey Marei, Family, Power and Politics in Egypt: Sayed Bey Marei – His Clan, Clients and Cohorts*. (Philadelphia, Pa, University of Pennsylvania Press, 1982).
- 21 For the events, see, for instance, Büttner and Büttner, 'Ägypten'; Waterbury, *The Egypt of Nasser and Sadat*; Hinnebusch, *Egyptian Politics under Sadat*.
- 22 P. J. Vatikiotis, *The Egyptian Army in Politics* (Bloomington, IN: University of Indiana Press, 1961); Büttner and Büttner; 'Ägypten', Waterbury; *Egypt under Nasser and Sadat* Hinnebusch, *Egyptian Politics*.
- 23 For the social origins of the Free Officers, see Ahmad Hamrush, *Qissa thawra 23 yuliyy*, Beirut, Al-Mu'assasa al-'Arabiyyn li Al-Dirasal wa al-Nashr, 5 vls., 1974–1978; John

- Waterbury, *The Egypt of Nasser and Sadat*, pp. 272–7; Joel Gordon, *Nasser's Blessed Movement* (New York, NY: Oxford University Press, 1992), pp. 42–3.
- 24 Leonard Binder, *In a Moment of Enthusiasm: Political Power and the Second Stratum in Egypt* (Chicago, IL: University of Chicago Press, 1978), for example pp. 374ff; for a more cautious assessment of the role of the second stratum, see Waterbury, *The Egypt of Nasser and Sadat*, pp. 272–97.
- 25 For a summary of events and developments, see Büttner and Büttner, 'Ägypten'; Waterbury, *The Egypt of Nasser and Sadat*; Hinnebusch, *Egyptian Politics under Sadat*.
- 26 See, for instance, Friedemann Büttner, 'Political Stability without Stable Institutions: The Retraditionalization of Egypt's Polity', *Orient*, XX, no. 1 (March 1979), pp. 53–67.
- 27 For instance, Moore, 'Money and Power'; Nazih N. Ayubi, *Bureaucracy and Politics*; Nazih N. Ayubi, *Over-stating the Arab State*. See also Büttner and Büttner, 'Ägypten'; Waterbury, *The Egypt of Nasser and Sadat*; Hinnebusch, *Egyptian Politics under Sadat*.
- 28 Olivier Carré, 'Pouvoir et idéologie dans l'Égypte de Nasser et de Sadat (1952–1975)', in Groupe de recherche et d'études sur le Proche-Orient, M.C. Aulas et al. (eds), *L'Égypte d'aujourd'hui: permanence et changements 1805–1976* (Paris: Editions du CNRS, 1977), pp. 243–66; Marlin Nasr, *Al-Tasawwur al-qawmi al-'arabi fi fikr Jamal 'Abd al-Nasir 1952–1970* (Beirut: Markaz al-dirasat al-wahda al-'arabiyya, 1981); Eberhard Kienle, 'Arab Unity Schemes Revisited: Interest, Identity and Policy in Syria and Egypt', *International Journal of Middle East Studies*, XXVII, no. 1 (1995), pp. 53–71; Michael Doran, *Pan-Arabism Before Nasser: Egyptian Power Politics and the Palestine Question* (Oxford and New York: Oxford University Press, 1999).
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- 40 For a discussion of this type of questions, see, for instance, Stephan Haggard and Robert Kaufman (eds), *The Politics of Economic Adjustment* (Princeton, NJ: Princeton University Press, 1992), which includes valuable references to earlier studies; see also Stephan Haggard, 'The Politics of Adjustment: Lessons from the IMF's Extended Fund Facility', in Miles Kahler (ed.), *The Politics of International Debt* (Ithaca, NY: Cornell University Press, 1986), pp. 157–86; John Williamson (ed.), *The Political Economy of Policy Reform* (Washington, DC: Institute for International Economics, 1994); Joan M. Nelson, 'Conclusion', in Joan M. Nelson (ed.), *Economic Crisis and Policy Choice: The Politics of Adjustment in the Third World* (Princeton, NJ: Princeton University Press, 1990), pp. 321–61; Barbara Stallings, 'Politics and Economic Crisis: A Comparative Study of Chile, Peru and Columbia', in Nelson, *Economic Crisis*, pp. 113–67; Rüdiger Dornbusch, *Stabilization, Debt and Reform: Policy Analysis for Developing Countries* (Hemel Hempstead: Harvester Wheatsheaf, 1993); Sebastian Edwards, *The Sequencing of Structural Adjustment and Stabilization* (San Francisco, CA: International Center for Economic Growth, 1992).
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- 44 See, in particular, Seymour Martin Lipset, 'Some Social Requisites of Democracy: Economic Development and Political Legitimacy', *American Political Science Review*, LIII, March 1959, pp. 65–105; see also James S. Coleman, 'Conclusion: The Political Systems of Developing Areas', in Gabriel A. Almond and James S. Coleman (eds), *The Politics of Developing Areas* (Princeton, NJ: Princeton University Press, 1960), p. 544; Robert Wade, *Governing the Market: Economic Theory and the Role of Government in East Asian Industrialization* (Princeton, NJ: Princeton University Press, 1990), p. 375; Huntington, *The Third Wave*, pp. 59–72.

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- 47 For growth rates in the 1970s, see World Bank, Development Indicators on CD-Rom, 1997 and following years (Washington, DC: The World Bank). From this source it appears that GNP per capita after the stagnation at the beginning of that decade increased by 7 per cent in 1975, 12 per cent in 1976 and 10 per cent in 1977; for the 'bread riots' and their economic causes, see chapter 6, 'The Logics of Deliberalization'.
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- 52 For a detailed presentation and analysis of structural adjustment programmes, see, for example, Rainer Tetzlaff, *Weltbank*; Gerald K. Helleiner, *Structural Adjustment*; Paul Mosley et al., *Aid and Power*; Hans Singer, 'Structural Adjustment Programmes'.
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- 54 Thomas C. Callaghy, 'Lost between State and Market: The Politics of Economic Adjustment in Ghana, Zambia, and Nigeria', in Nelson, *Economic Crisis*, pp. 257–319.
- 55 Stephan Haggard, 'The Political Economy of Stabilization – The Politics of Adjustment: Lessons from the IMF's Extended Fund Facility', in Miles Kahler (ed.), *The Politics of International Debt* (Ithaca, NY: Cornell University Press, 1986), p. 181: "The conventional wisdom that an "elective affinity" exists between authoritarianism and IMF stabilization programs is

- oversimplified ...'; Robert R. Kaufman, 'Democratic and Authoritarian Responses to the Debt Issue: Argentina, Brazil and Mexico', in Kahler (ed.), *The Politics of International Debt*, pp. 187–217.
- 56 Haggard, 'The Political Economy', p. 182. A far stronger link between adjustment and authoritarianism is established by Yusuf Bangura and Peter Gibbon, 'Introduction', in Y. Bangura, P. Gibbon and Arve Ofstad (eds), *Authoritarianism, Democracy and Adjustment: The Politics of Economic Reform in Africa* (Uppsala: Nordiska Afrikainstitutet 1992), pp. 1–36.
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- 62 *Business Monitor International*, p. 74.
- 63 For such studies, see, for example, Haggard and Kaufman, 'Economic Adjustment and the Prospects for Democracy', in Haggard and Kaufman, *The Politics of Economic Adjustment*, p. 341; James Bill and Robert Springborg, *Politics in the Middle East*, 4th ed. (New York, NY: Harper Collins, 1994), p. 450; Ilya Harik and Dennis Sullivan (eds.), *Privatization and Liberalization in the Middle East* (Bloomington, ID: University of Indiana Press, 1993).
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- 79 See, for instance, *Cairo Times*, 12 November 1998.
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- 105 For the 'transitions' to democracy of the 1980s, see in particular O'Donnell, Schmitter and Whitehead, *Transitions from Authoritarian Rule*, Huntington, *The Third Wave*. For a more cautious assessment of this 'wave' of transitions, see Dirk Berg-Schlosser, 'Vormarsch der Demokratie in der Dritten Welt?', in Deutsches Übersee-Institut (ed.), *Jahrbuch Dritte Welt 1986: Daten, Übersichten, Analysen* (München: Beck, 1986), pp. 63–74; Dirk Berg-Schlosser, 'Zu den Bedingungen von Demokratie in der Dritten Welt', in Franz Nuscheler (ed.), *Dritte-Welt-Forschung: Entwicklungstheorie und Entwicklungspolitik, Politische Vierteljahresschrift, Sonderheft 16* (Opladen, Leske und Budrich, 1985), pp. 233–66. See also Klaus von Beyme and Claus Offe (eds), 'Politische Theorien in der Ära der Transformation', *Politische Vierteljahresschrift (PVS), Sonderheft*, XXXVI, no. 26, 1995.
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