

Chapter 3

Popular Revolt and Military Intransigence in Egypt

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Abstract

The popular uprising in Egypt in 2011 surprised many and raised expectations of substantive political reform. Yet, it might have been better to exercise caution about Egypt's post-uprising direction. As we have witnessed, there are few guarantees during a transition phase of regime change. The analysis in the following chapter underscores that the character of the post-Mubarak political outcome is largely the product of a polity snared in the capricious embrace of reactionary military elites and authoritarian legacies. It argues that the current situation, while disappointing to normative aspirations, was not wholly unexpected.

Key words: Arab Spring, Electoral authoritarianism, Egypt, Military embeddedness,

Introduction

The challenges confronting Egypt's Arab Spring were never going to be anything other than considerable. Many of us all too readily assumed that the toppling of the long-standing authoritarian ruler, Hosni Mubarak, was an irreversible turn towards democracy. That was a false assumption. It might be one thing to remove a despot but it is quite another to establish and sustain substantive democratic change over time without stagnation or reversal (Carnegie 2010, 3).

In recent years, numerous scholars have drawn attention to the emergence of what are commonly referred to as hybrid regimes (Casper 1995; Diamond 2002; Levitsky and Way 2010; McFaul 2002; Schedler 2002, 2006; Zakaria 1997). They exist somewhere on a spectrum between democracy and authoritarianism. Neither one thing nor the other. Outwardly, they may display some of the formal procedural features of democracy but they play by considerably different rules. In many cases, the perceived self-interests of 'reserved domains' end up playing significant roles in shaping events and outcomes (Carnegie 2009; 2012).

The less than encouraging outcome in Egypt since the uprising is largely down to the fact that during a transition period a country is not suddenly a *tabula rasa*, merely capable of projecting the most feasible solutions. Past developmental patterns, underlying societal conventions and reactionary forces can all constrain the possibility of progressive political change (Bermeo 1990; Collier and Collier 1991; Geddes 1999; Munck 1994; O'Donnell 1996; Whitehead 2002). The 'politics of transition' is as liable to stall or retreat into a semi-authoritarian condition as it is to progress into a more democratic outcome (Carnegie 2008; Ottaway 2003). In fact, varieties of electoral authoritarianism are a common form of political regime in the developing world today (Schedler 2006).

The following chapter details key stages in the post-Mubarak transition, to consider how and why Egypt's 'Arab Spring' turned out the way it did. It argues that substantive political change failed to emerge primarily because reactionary forces and the legacies of Egypt's authoritarian past weighed too heavy in the process. They drained the momentum and ability of the popular uprising to take hold and institute meaningful reform.

Translating frustrations into reform

While events in Tunisia acted as a catalytic stimulus that set in train a cathartic outpouring of societal frustration in Egypt, the problems that underpinned the popular uprising were more deep-seated. The protests may have focused attention on members of a dynastic family who had blatantly pursued massive personal gain for themselves and their associated cronies but what we also witnessed was a simultaneous convergence of multiple social, economic and political vectors bringing things into sharp relief. If we look at the conditions in Egypt, there were clear clues to the simmering anger and frustration.

Egypt suffers from massive inequalities in wealth distribution. Despite substantial wealth generation that narrow self-serving politico-business-military elites enjoy, some of which has trickled down to the middle classes, economic stagnation was and is rife. In Egypt millions struggle below the poverty line (25 to 26 percent of a population of 83.5 million) and there is a literacy rate of about 66 percent and the annual GDP per capita is little more than \$2,270 (UNICEF 2013). Combine this with rising prices of basic foodstuffs and high unemployment amongst a disenfranchised, marginalized and frustrated youthful population connected through social media and you have an extremely volatile mix. The constant and ongoing repression of dissent by the Internal Security Services in the run up to the ‘rigged’ 2010 parliamentary elections and the unrest generated by an intra-regime power struggle over who would succeed an ageing and ailing Mubarak were the final ingredients (*The Guardian* 2011). The failures of a corrupt, repressive and ossified autocratic regime were about to come home to roost.

One of the most fascinating aspects of the Egyptian uprising was its crosscutting nature, traversing race, gender, religion and social status. The speed with which ‘horizontal bonds of solidarity’ formed between mostly student led activist groups and the wider populace was surprising and facilitated logistically by organising through social media technology and at Friday Prayers. The *Kefaya* (Enough) and April 6th movements provided further inspiration to Egyptians. The latter originated in 2008 in solidarity with striking workers in Al-Mahalla, a large industrial city located in the middle of Nile Delta, which is the epicentre of the textile industry in Egypt and has a history of labour unrest. Interestingly, the April 6th movement had been in contact with a Serbian group called *Otpor* (the student-led movement that helped bring down Slobodan Milosevic in 2000). The synthesis of this exchange obviously provided helpful tactical and strategic input in terms of setting up camp in the capital as a focal point, speaking

truth to the regime and remaining resolutely non-violent in the face of reprisals (*The Guardian* 2015).

Social media also provided a distributed networked platform to publicize geographically dislocated events (Beaumont 2011). The ability to send and receive information instantaneously about unfolding events through mobile phones facilitated the formation of important bonds of solidarity amongst disparate groups. Phone cameras became the “eyes and ears” of the uprising (Preston and Stelter 2011). The Mubarak regime worked tirelessly to obstruct mainstream news media’s access to certain events. They targeted access to phone lines and internet access in an attempt to prevent the message getting out. Nevertheless, they could not fully curb the use of social media, with tech savvy activists rerouting access through outside servers, which provided a logistical tool to keep the flow of information and conversation going. For instance, Facebook’s ‘event’ feature provided a platform to plan demonstrations. Listing the time, location and purpose of the demonstrations gave previously unconnected groups of people, who wanted to join in, their chance. Media technology enabled the protestors to share their experiences not only with each other but also with the rest of the world, in real time. The momentum generated by this means was sufficient to force Mubarak from office in 18 days.

Having said this, translating the popular social momentum for greater political freedoms, representation, the effective rule of law and better living conditions that brought down Mubarak into some form of representative capacity was always going to be an uphill task for Egyptians. What the Egyptian people faced was the difficult task of trying to create a different ‘social contract’. The forces of the uprising might have been large but they were weak in terms of capacity, experience and resources; debilitated by decades of repression and co-optation of political parties (CIHRS 2009; Kausch 2009; Stacher 2004). Trying to establish political organizational structures capable of gaining relevant representation was no easy task in a populace systematically depoliticized vis à vis the state (Blaydes 2008; Ebied 1989). Egyptian friends of mine used to call the political landscape a ‘millpond’ and ‘open prison’ where Mubarak’s police state had ‘removed the hope of there even being hope’. ‘Real’ politics had languished in a catatonic state choked by intimidation and fear.

In a transition period, political actors are in contestation not just to satisfy their immediate interests but also to define rules and procedures whose configuration will likely determine

winner and loser in the future. Other than the banned Muslim Brotherhood, there were few if any organized institutions autonomous of the state. Resuscitating such institutions was necessary if a progressive agenda was to influence the possibility of substantive reform. There was much at stake but time was short.

It became clear that the mainly progressive forces that fuelled the uprising, especially in Tahrir Square, did not have sufficient time, experience or resources to build capacity against powerful and organized reactionary actors (Carter Center 2012). The organizational 'deep-state'-supporting structures of the military establishment and the Mubarak regime's National Democratic Party (NDP) did not simply crumble; they actually remained largely intact (CIHRS 2011). There was a strong residual presence of reactionary forces acting as a constraint on potential democratic reform and conditioning the character of contestation between elites and oppositional forces. The following sections give more detail of this process.

Free and fair elections?

Despite concerted efforts to organize free and fair elections, they took place in circumstances of flux and instability. There was little point in assuming that elections, in isolation, would simply channel contests among political rivals and accord public legitimacy. There also had to be a corresponding reform of state institutions, policymaking procedures and an attendant recovery of civil liberties and political rights (enhanced freedom of expression, access to alternative information, and expansion of associational autonomy). But such reform and recovery was not evident. In many instances, press restrictions remained in place, harassment of democracy advocates and civil society groups continued and the ranks of political detainees swelled. All of which indicated a less than reform-friendly climate (CIHRS 2016).

The organizational structures of the old regime had not just vanished. There was a strong residual presence of 'old' actors contesting for power and returning to the political arena in different ways. While the National Democratic Party (NDP) was discredited and partially fragmented in the immediate aftermath of Mubarak's downfall, its underlying institutional organization and the interests it represented remained largely intact. NDP acolytes and cronies of the Mubarak regime still stalked the corridors of power. Egyptians scornfully called them *fuloul* (a remnant).

Then in June 2012 came the lamentable decision by the judges of the Constitutional Court (appointed under Mubarak) to disband the newly elected (Islamist dominated) parliament and allow the ex-prime-minister under Mubarak, Ahmed Shafiq, to run for the presidency. Even with the electoral success of the Muslim Brotherhood's Freedom and Justice Party (FJP) and the inauguration of Mohamed Morsi as the new president on 30 June 2012, the Constitutional Court's decision essentially gave a green light to General Tantawi and the Supreme Council of the Armed Forces (SCAF) to make an audacious power grab. Many Egyptians are well aware of how practiced the SCAF is at presenting an illusion of change for the wider populace, the international community and associated media while nothing really changes.

After the ouster of elected President Mohamed Morsi and his Freedom and Justice party (FJP) in a coup d'état in July 2013, the SCAF essentially manufactured a 'Hobson's choice' for the next presidential election with their 'man', the former Defence Minister, General Abdel Fattah el-Sisi standing against Hamdeen Sabahi of Egyptian Popular Current (interim president Adly Mansour declined to run). Sisi was duly elected at the end of May 2014 with 97 percent of the vote (BBC 2014b). He was able to capitalize on a wave of popular fear over disintegration and chaos and he promised stability. In reality, General el-Sisi's accession to power heralded a swift and brutal crackdown against supporters of Morsi and the Muslim Brotherhood as well as protestors and leading 'dissenting' voices of the 'Arab Spring'.

Consequently, Egypt went without a Parliament for two years until the High Elections Committee (HEC) announced the composition of the 2015 parliamentary elections. There were 596 seats with 448 elected under an individual voting system, 120 elected from the party lists and 28 appointed by el-Sisi. The seven electoral lists were from the Egyptian Front, *Forsan Misr* (The Knights of Egypt), The Independent Current, *Fi Hob Misr* (For the Love of Egypt), *Nedaa Misr* (The Call of Egypt), the Nour Party and *al-Sahwa al-Wataneya* (The National Awakening) (IFES 2015). Although the *Salafi* Nour Party contested nearly 60 percent of the seats, its popularity was dented by its support for Morsi's removal. Significantly, with the leading party from the previous elections, the Muslim Brotherhood's Freedom and Justice Party, now banned and large numbers of its leading members languishing in jail, the stage was clear for some 'old' actors to contest for power and return to the political arena in a different guise. Many former members of the National Democratic Party (NDP) staged their return and ran as independent candidates. Moreover, the Egyptian Front is dominated by figures from *al-*

Haraka al-Wataneya (The National Movement) founded by Mubarak's former prime minister, Ahmed Shafiq. Former NDP member Ahmed al-Fadali also heads the Independent Current. The elections did little more than shore up el-Sisi's authority (*The Guardian* 2015a). Forcibly removing political opponents outside legitimate general elections and reinstating emergency laws was no sign of democratic progress. Key measures of democratic consolidation are peaceful transfers of power from incumbent to opposition via free and fair elections and civilian control over the military.

A return to the barracks?

Dismantling the most repressive structures of Mubarak's authoritarian regime and trying to reduce excessive military involvement in the political economy of Egypt was always going to be difficult. Although the military presented itself as the guardian of the nation and provisional protector of the protestors during the uprising, its calculations ran deeper. The military establishment essentially abandoned Mubarak because they saw him as a liability to their interests. With protests spreading countrywide and Mubarak's grip on power loosening in the face of this popular pressure, the only way to avert further crisis was to remove him from the heart of the body politic.

After the fall of Mubarak, there was little to persuade the military establishment to 'return to the barracks'. They never really let their grip on power go and they remained largely beyond the influence of the protests. There was very limited time and only a small window of opportunity for protesters and activists to push for concessions and step-by-step reforms that would have allowed for a gradual phasing out of military embeddedness in Egypt's body politic. The protesters may have broken through a fear barrier of threats, both psychological and physical, but improved civilian rule over the military failed to materialize. In reality, Morsi's attempt to remove members of the senior leadership of the SCAF early in his presidency was a fatal miscalculation for himself and the country. It was the precursor to a reactionary backlash.

The swift denunciation and military-led ousting of the elected Morsi government indicated that the SCAF never really relinquished the political power it had granted itself under the 17 June 2012 addendum to the Constitutional Declaration. The addendum gave the SCAF the legislative powers of the recently dissolved People's Assembly and key powers previously held

by the Egyptian President. It also formalized the SCAF as a governing institution within the constitutional framework. Although circuitously elected president, el-Sisi and his administration are essentially the same group of Egyptian generals that formed the backbone of the Mubarak regime. In fact, the Egyptian military is still Washington's favoured institution for holding onto Egypt and maintaining a regional status quo conducive to its interests and that of local and global capital. There has been little change in the form of government. The el-Sisi 'military junta' represents little more than the continuation of Mubarak's so-called civilian administration.

Transitional justice

After the events symbolized by Tahrir Square, distrust in institutions such as the judiciary and police were 'open wounds' in need of healing. If substantive change had really been a serious consideration, political elites would have moved quickly to reign in the arbitrary power and nefarious practices of the internal security services (*Mukhabarat*) but they did little. While public demand was strong, leaders of emerging oppositions tried to negotiate and seize the opportunity provided by the uprising to push for concessions from a disoriented regime but they were kept at arms-length.

Apart from the efforts of civil society groups and activists, serious considerations about transitional justice and what form that might take and the steps needed to achieve it were in short supply; too many skeletons in the cupboards. The SCAF was busy ensuring its immunity and that no retrospective prosecutions would eventuate for the armed forces (CIHRS 2013). The SCAF and established political elites displayed little appetite for initiatives such as the establishment of some form of truth and reconciliation commission as seen in places like South Africa or East Timor. Despite some superficial judicial proceedings and the show trial of 'Mubarak & Sons', key issues of who would be brought to justice for past crimes, and how far back into the past that justice process would reach were never truly resolved. The mortar needed to rebuild respect for the rule of law and combat endemic corruption, cronyism, and nepotism failed to arrive.

Constitutional reform

In the decades before the uprising the Mubarak regime was skilled in using the constitution to its advantage, especially by renewing the State of Emergency powers that had been in

continuous force since the assassination of President Anwar Sadat in 1981. Although Mubarak repeatedly vowed to amend the Emergency Law (no. 162 of 1958) to end the permanent State of Emergency, he never did so, primarily because that law allowed him to maintain his grip on power (Kausch 2009, 12-13).

Under the State of Emergency, state security agencies had sweeping powers of arrest, detention and special trial. Habeas corpus and constitutional rights were suspended, with censorship effectively legalized. Shielded by the mirage of a constitutional mandate, Mubarak implemented several laws that allowed the regime to regulate the freedoms of political parties by limiting their financial resources, activities and functions. Moreover, the regime controlled the registration process of newly established parties. It also employed constitutional means to exert control over the media and access to it. Although the constitution guaranteed media freedom in Egypt, Mubarak's regime still exerted major control over it through the Emergency Law and Press Law (No. 20 of 1936). This allowed the Minister of Interior Affairs to prevent 'subversive' publications and broadcasts while detaining journalists deemed to be the same (Ibrahim et al. 2003, 3-4). As such, the regime exerted a draconian control over the media and forms of civil and political organization under the pretext of maintaining public order (CIHRS 2009).

After Mubarak's ouster the constitutionally mandated enactment of Emergency Law (no. 162 of 1958) reached its expiry date on midnight 31 May 2012 and with it Egypt's state of emergency also expired. Yet, a mere two weeks later, on 13 June 2012, the Justice Ministry issued a decree effectively re-imposing *de facto* martial law by extending the arrest, detention and military trial powers of the security forces. In December 2012, after two rounds of polling, electoral approval for a new Constitution was a mere 63 percent on a 30 percent turnout (BBC 2012, 23 December). While the 2012 Constitution did introduce changes to Mubarak's 2007 Constitution, both its formation and content were contentious. Many members of the Constituent Assembly withdrew during the process after then President Morsi issued a decree giving himself wide-ranging powers. The Cairo Administrative Court even referred the legality of the Constituent Assembly to the Supreme Constitutional Court.

After the coup d'état to remove Morsi in 2013, the Supreme Constitutional Court suspended the 2012 Constitution. On 14 August 2013, interim president Adly Mansour reinstated a temporary state of emergency and curfew following deadly clashes between security forces and

supporters of deposed President Morsi and the Muslim Brotherhood. This remained in place until a revised constitution in 2014 achieved an electoral approval rate of approximately 98 percent on a 38.5 percent turnout (BBC 2014a). The 2014 Constitution does provide some limitations on the imposition of emergency regulations in comparison to the previous two constitutions. Nonetheless, the draconian and repressive Emergency Law No. 162 of 1958 remains the applicable juridical instrument in such instances. As el-Sisi declared to CNN in 2015 that “Egypt enjoys unprecedented freedom of expression”, thousands languished in detention without trial and the country was ranked second worst for the incarceration of journalists, with at least 23 behind bars (CPJ 2015). There were also limited constitutional reforms of overly centralized political power structures and insufficient limitations on the power of the executive. Steps toward effective representation and the reduction of power asymmetries failed to materialize. Constitutionally de-coupling the corrupt and corrupting nexus between politics, business and the military could have laid foundations for future democratic legitimacy and an effective check to facilitate peaceful civilian transfers of power. Dictatorship and tyranny by another name is still dictatorship and tyranny. What is important is what something is and not what it is called.

Radical Islamist ascendancy

A major concern for future political developments in Egypt was the spectre of radical Islamist ascendancy. Previously and although banned, the Muslim Brotherhood had been able to organize around and prosper off the deficiencies of Mubarak’s regime. It stepped in where the regime so abjectly failed, including the provision of education, health and sanitation for the poorest in society. In doing so, it had managed to build up a country-wide organizational structure and a solid popular support base. Yet, the electoral success of the Muslim Brotherhood’s Freedom and Justice Party (FJP) and the time in office of Mohamed Morsi as the new president was short.

Despite the electoral success of Islamist parties in the first post-Mubarak elections, the tenor of the uprising suggested that the majority of people were against the institution of a form of Islamist theocracy. Popular discontent and protests began to grow over the increasingly autocratic and inept style of Morsi’s presidency and the FJP’s air of Islamist theocracy. The SCAF leveraged the situation to full effect to their advantage. They were able to (re)present to a fearful electorate the narrative that Mubarak and the military establishment had long spun

about themselves in Egypt; that their strong arm is the lone bulwark and protector against a fanatical Islamist takeover.

Unfortunately, the irony of liberal-secularist groups' annoyance and critical disdain of Morsi's style of leadership and the failures of his party's rule is that it led those groups into taking a disastrous shortcut. Their tacit support of military action to undermine Muslim Brotherhood supremacy in Egypt was a Faustian pact that ushered in the return of a ruler with an iron fist. It was a perverse form of exchange. The military unconditionally retained its reserved economic domains and privileged status as a reward for stepping in. The international community also seemed quite willing to recognize a regime that maintained stability (regardless of how they achieved it) and prioritized western interests at the expense of the democratic and participatory desires of Egypt's people.

Conclusion

As mentioned in the introduction to this chapter, varieties of electoral authoritarianism are a common form of political regime in the developing world today. While there is no denying the significance of the uprising in Egypt, an unfettered triumphalism was premature. The uprising was an entrance into uncertainty characterized by opportunity but also fraught with considerable danger.

This chapter foregrounded the ways in which the process stalled and detailed the subsequent reversion back into an authoritarian condition. It showed that the forces and interests of Egypt's past weighed heavy in its post-uprising political landscape and limited the ability of the uprising's popular momentum to be translated into effective political reform.

This situation broadly conforms to a less than appetizing insight from the democratization literature: short-lived and turbulent events may remove a despot but they are less likely to deliver wide-ranging and substantive change. The real work and the real difficulties start after the downfall of the dictator. Unfortunately, there was no quick and simple remedy in Egypt's case. The perceived self-interests of its reserved domains ended up playing a significant role in shaping the current outcome. Egypt's 'Arab Spring' yielded some strange fruit, indeed.

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