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THE PRAETORIAN STATE IN THE ARAB SPRING†

KHALED ABOU EL FADL*

First, I have to say that it is always emotional to come back to the place where you studied. I graduated from Penn Law School, and although a lot has changed in the school since then, my years at Penn were amazing. I actually joined UCLA when the Dean of UCLA Law School was from Penn as well. So Penn graduates, law school graduates, perhaps there is a future career for you in teaching law. But, moving along from the sentimentalities of law school and legal education to a different type of sentimentality, I think.

The bulk of my comments today will be on the Egyptian revolution as a case study, while making a variety of notes on the other revolutions taking place in the region. There is a rich body of literature for those who read in this field on the sociology and the political theories of revolution: When do revolutions occur? What revolutions tend to succeed? What revolutions tend to not succeed? And especially in this literature, there are attempts to theorize what types of revolutions under what conditions produce successful and stable democracies. Theda Skocpol and Barrington Moore for example, and many others, wrote quite influential works in this field.¹

† This essay is based on the transcription of the keynote lecture of Dr. Khaled Abou El Fadl at the *University of Pennsylvania Journal of International Law* Symposium entitled "Democracy in the Middle East," delivered on November 11, 2011.

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¹ See, e.g., THEDA SKOCPOL, *STATES & SOCIAL REVOLUTIONS: A COMPARATIVE ANALYSIS OF FRANCE, RUSSIA, & CHINA* (1979) (examining the causes and outcomes of the 1789 French Revolution, the Russian Revolution of 1917, and the Chinese Revolution of 1911); THEDA SKOCPOL, *SOCIAL REVOLUTIONS IN THE MODERN WORLD* (1994) (a collection of essays updating Skocpol's earlier work by examining dozens of armed insurrections occurring since 1956, and identifying the ingredients that make regimes more or less susceptible to revolution); BARRINGTON MOORE, *SOCIAL ORIGINS OF DICTATORSHIP AND DEMOCRACY: LORD AND PEASANT IN THE MAKING OF THE MODERN WORLD* (1st Edition ed. 1993) (1966)

However, the literature on what one might call subaltern, post-colonial societies, and revolutions occurring in these types of societies, is not nearly as rich—in fact, it is quite impoverished. As a result, quite a bit of what we do is in the category of commentary, rather than engaging systematic analytical paradigms through which we try to draw some principles to understand which revolutions produce what and why.

One of the significant factors in the revolutions that have taken place in the Middle East is what a political scientist Amos Perlmutter once called the “Praetorian State,” which means basically militarized societies, or states where there is a large military, and the military is not, so-to-speak, in the barracks.² Rather, the military has become part of the bureaucratic state and a substantial force in creating the middle class. It also signifies the rootedness of the military in the administrative structure as well as the oppressive powers of the state. Egypt, Syria, Libya, Yemen, and other countries, including those that some have termed subaltern nation states, fit within exactly that description—where the military is like an octopus that has its tentacles in various aspects.

In the Egyptian context, for instance, it is well known that most governors are ex-military, and most mayors are ex-military. In fact, part of the infrastructure of the country is the expectation that after spending twenty or so years in the military, upon retirement the government will appoint you, not just as a governor or a mayor (which after all constitute a limited numbers of posts) but even appoint you on the boards of *private* companies. I could give you a million examples, but just one example, I think, will make the point.

There is a very successful company in Egypt called Oriental Weavers that makes rugs, and it is one of the few companies in Egypt that actually exports a good part of its products, including to the United States. And quite typical of numerous businesses in countries such as Egypt, Syria, Jordan, and so on, is that retired army officers are on the board of directors, and in fact, are even

(arguing that a political order becomes democratic vis-à-vis fascist and communist dictatorships depending on whether the revolution, which all societies undergo, originates in the landed aristocracy, the bourgeoisie, or the peasantry).

² See AMOS PERLMUTTER, EGYPT: THE PRAETORIAN STATE (1974) (depicting Nasser’s regime, where the political leadership of the ruling class emerges from the ranks of the army, against the backdrop of praetorian political systems generally).

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managers at various levels. When you talk to the people who run these businesses, it is quite clear why they hire or accept “the recommendation” to appoint retired army officers—because they do not want to clash with the state. It is a part of the cost of business. If you receive a friendly suggestion that you should appoint General such and such to your board of directors, or give them some managerial position, it takes a suicidal soul to say no. This is part of the reality that the revolutions—whether in Tunisia, Egypt, Syria, Yemen—have to confront and deal with.

As I will elaborate later, this Praetorian State structure turns out to be significant in a variety of ways, but one of the most important aspects is the culture of these militarized bureaucracies—or bureaucratic military—that becomes a part of the very mechanics of the state itself. The military is a frequent topic of discussion after the Egyptian revolution. Its primary role is not to fight wars, and not even to expect to fight wars, but to run the country. And part of the military creed (*al-'aqīda al-'askariyya*) that is explicitly and openly taught in military schools—whether in Egypt, Syria, or Tunisia—is that it is *only* the military mind that is incorruptible and that can achieve concrete results. Therefore, part of the military’s ideological makeup is the expectation that it is essential, not to defending the country, but to running the country. And here the expression that one often hears repeated after revolutions—“when is the military going to return to the barracks,” or “when is the military going to be limited to the barracks”—becomes rather complicated because the military has never really been limited to the barracks in the first place.

Importantly, the military is ideologically rooted, in a complicated way, in two distinct cultures. Perhaps, of course, real specialists will tell you that the military is rooted in multiple cultures, but two main cultures concern me and are important for this discussion. First, the military is rooted in the general cumulative, inherited Islamic culture that the rest of society shares—but not fully. Second, as the expression goes, “one foot is rooted in that shared culture with the rest of society, while another foot is rooted in a unique subculture of the military creed,” or what they call *al-'aqīda al-'askariyya*. *Al-'aqīda* literally means “belief,” or a system of belief; so the second culture is that unique subculture, or the system of belief that the military teaches.

I will recount my personal experience with the Egyptian revolution and tie it into my broader comments about the military

and the complexity of its role and potential effect on the so called Arab Spring.

Of course, like most people who are Egyptian, my reaction after the Egyptian revolution was sheer jubilation. I do not get very excited too often in life, but the day Mubarak stepped down, I was excited. I cracked a smile. Now, of course, if you observe the Tunisian revolution and then the Egyptian revolution, you are struck by several things. You are struck by the reluctance (and the initial reluctance even in the Libyan revolution) of the populace to resort to violence. In the case of Egypt and Tunisia, there is even a *commitment* and *dedication* not to respond with violence. There is an attempt to hold on to what one can call a myth that the populace and the military are united. In the Egyptian expression, as the demonstrators would often yell out, "*Al-sha'b wa gaysh id wahda*,"—that the people and the army are one hand. And, of course, people use this rallying cry to appeal to the army not to use violence against the demonstrators. It did not go very far in Libya, it did not go anywhere in Yemen, and it did not go anywhere in Bahrain, although in all of these revolutions, that slogan was attempted. It was successful to an extent in Tunisia and Egypt.

But at the same time, there is this rallying cry; it is mixed with expressions that would appear remarkably radical to those who thought Islamic societies are static and despotic. Many of the campaigns and slogans spoke clearly of liberty and dignity, and spoke of them as God-given rights. And as some of you might remember, many of the rallying cries during these revolutions used expressions like, "*Allāhu Akbar*," God is great. There is a whole fascinating discourse about martyrdom that deserves its own study—wherein referring to the many of those who joined the revolution and were killed, the discourse was steeped in theological paradigms of martyrdom. For example, a friend of mine woke up and told his mother, "I'm going to become a martyr," and kissed everyone in his family goodbye, saying, "Don't be sad for me, I'm going to be martyred." Of course it is fascinating that martyrdom means being killed while engaging in peaceful demonstrations and peaceful resistance, and not while engaging in any violent activity. Furthermore, whether in the Egyptian or Tunisian or Libyan context, the theology of *jihad* was used quite heavily. Here, *jihad* is the idea that one is engaged in a struggle that is ultimately favorable in God's eye, and that if one is killed during the struggle, he or she dies a martyr.

In the midst of all of this, one might notice a worrisome factor. One of the images of the Egyptian revolution was that of multitudes of people on a bridge, attempting to pray while being sprayed with water. Or, take for example, the various images of people attempting to perform their prayers while being attacked by security forces, or run over by cars. In the case of Libya and Yemen, there was the bombardment of mosques. These images underscored—and this again reflects many of the discourses that I have heard and engaged in after the revolution in Egypt—the extent to which the military and security forces are steeped in the same notion of religious sanctities (*hurumāt*). It is a critical sociological concept that the military and the security forces have a different notion of *hurumāt* or religious sanctities than the populace. The fact that the military would attack people in prayer, or would attack a mosque, or kill some of the prominent, well-respected religious leaders in demonstrations, was a reminder that the military, very much like the military during the colonial age and shortly after the post-colonial age, is of a different cultural orientation than the populace which it rules. There is a substantial body of literature on this point, but the revolutions served as a very stark reminder.

Now, at some point after the initial euphoria, which I felt in the United States, my jubilation put me on a plane to Egypt. I reached Egypt after Mubarak had stepped down, but when there were still various demonstrations in Tahrir Square taking place. At that time, there were regular demonstrations to affirm and consolidate the revolution, and to make sure that the revolution was not usurped.

One of the most notable things about not just the Egyptian revolution, but also the Tunisian, the Yemeni, and the Syrian revolutions, was the critical role of Friday congregational prayers. Nearly every major demonstration was organized around Friday prayer, and usually the Imam would give a fiery sermon about liberty and freedom and the centrality of liberty and freedom to God's law. After the Friday sermons, the demonstrations would take place.

In that context, while I was in Egypt, I had the opportunity to observe firsthand another critical development. Initially in Egypt, there was great disappointment with the position of al-Azhar (the major religious institution in Egypt) vis-à-vis the revolution—basically, its silence. Sometime in June 2011, the Shaykh of al-

Azhar³ announced an initiative to meet with intellectuals of all orientations—leftists, right-wing groups, Marxists, and Islamists—to produce what would later on become known as *wathīqat al-Azhar*, or the “Azhar Declaration.”⁴ This was a very important document in the history of Islamic theology and Islamic law, and it produced a variety of reactions. After meeting for about two months, everyone present signed on to the Azhar Declaration. I will only highlight some of the most important points here.

First, the Azhar Declaration underscored a particular line of reformers in Islām. It named people like Ḥasan al-Aṭṭār, Rifā’a al-Taḥṭāwī, Muḥammad ‘Abduh, Muṣṭafā al-Marāghī, ‘Abdullah Darrāz, and Maḥmūd Shaltūt. It emphasized that there are shared principles between those who work with Islamic commitments and those who work with secular principles, or even atheistic principles, and called them “common goals.” It stated that these common goals are so anchored in Islamic theology that it is the obligation of a Muslim to work towards these common goals and ignore the differences. What were these common goals?

The document included about eleven principles; this is not an exhaustive list but among the most important were:

- 1) that Islām does not know theocracy;
- 2) that Islām rejects a theocratic state;
- 3) that Islām mandates a national constitutional democratic state;
- 4) that the constitution must be drawn by the people and represent the will of the people;
- 5) that Islām affirms rights and obligations, and importantly, refers to international human rights treaties as unequivocally affirmed by Islām and quintessential to Islamic theology;
- 6) that people have an absolute right to run and administer their countries, and have an absolute right to free elections, freedom of speech, and freedom of belief; and
- 7) that it is a sin to call someone a traitor or *kāfir* (infidel) in Islam.

³ The Shaykh of al-Azhar is a very influential religious position, akin to the grand Imam, or the equivalent of the Pope in a Muslim context.

⁴ See *al-Azhar Declaration on the Future of Egypt*, OFFICE OF THE GRAND IMAM, AL-AZHAR AL SHARIF (June 2011), available at <http://www.bibalex.org/Attachments/english/elazhar.pdf>.

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This declaration was signed in June 2011, and seemed like nothing short of an historic event. Its signing was covered by numerous newspapers and magazines. Of course, the Western media largely ignored it, but its impact within the politics of the region was significant, often in rather surprising ways.

At that time, there seemed to be two parties that were distinctly unhappy with the Declaration of Azhar (*wathīqat al-Azhar*). The first perhaps is not surprising: the party of Wahhābī Islām, or Saudi-backed Islām, whom I refer to as the puritans in my writings.⁵ On one Friday, they held a two-million-man march to demonstrate their power and to denounce the Declaration of Azhar as a corruption and heretical document. They called for the expulsion of the Shaykh of al-Azhar, Aḥmad al-Ṭayyib. This display, in turn, resulted in a counter-two-million-man march to demonstrate the power of the counterforce to the puritans.

The second group that became quite unhappy with the Declaration of Azhar was the military. What I witnessed from that point on was a fascinating process, by which, to put it bluntly, Saudi Arabia came out quite in the open about its support of puritanical groups and what it considers to be its stand or defense against the corruptions of liberal Azharī Islām. At the popular level, mainstream Egyptians did not consider the Declaration of Azhar to be at all novel. Especially in August 2011 and into September, the military, in confronting the appearance of the puritanical groups, seemed to become more and more stubborn in granting concessions to the revolutionary forces in Egypt.

Just to provide some broad outlines, initially in June, the military announced that it was willing to meet with all Egyptian intellectuals for discussions about the future of Egypt. In the first meetings we attended, certain generals would basically lecture us about democracy and government, to which we objected. We then had a few sessions where there actually was some give and take. After the Declaration of Azhar, what increasingly became the party line represented by the military was: you people—meaning the intellectuals and the people who support the Egyptian revolution—do not know how dangerous our region is. You do not understand the dangers posed by the puritanical Islamic groups. You do not understand the dangers posed by an independent Azhar (greater independence for al-Azhar was one of

⁵ See KHALED ABOU EL FADL, *THE GREAT THEFT: WRESTLING ISLAM FROM THE EXTREMISTS* (2005) for a detailed discussion on Wahhābī Islām.

the principles that the Declaration demanded). You do not understand the dangers of being drawn into a war with Israel.

One of the issues at the time was the so-called “oil deal,” under which Egypt would export oil to Israel at prices far below the market, and one of the revolutionary demands was the renegotiation of that contract. There are many stories of corruptions and payoffs in conjunction with this oil deal, in which I suspect some of the military to be involved. But, while in June we were told that we could discuss the oil deal and that an elected government could renegotiate the terms, in August we were solemnly informed that any attempt to renegotiate the terms would lead to Israel waging war on Egypt, and therefore it must remain untouchable.

The list of untouchables seemed to increase, until we reached a point where the military said, “Yes, we are willing to transition to democracy; however, there are high state interests (*maṣāliḥ ‘ulyā*)—such as the army, Camp David, many business issues, the position of America, and the relationship with Saudi Arabia—that cannot be left to the vagaries of the democratic process.”⁶ Here we are left with a basic fundamental question, which I actually posed to one of the generals: if these are high state interests that cannot be left to an autonomous democratic process, and must be guaranteed by the military, how much space is left for a democracy?

In fact, one of the things that has developed—and this reflects the current reality in Egypt—is that you can write articles and you can criticize God. You can speak profanely about Islām and Sharī’a. But you cannot criticize the military. There are currently about 6,000 people who are undergoing military trials in Egypt because they have written things that are perceived to be critical of the military or that question the position or the privileges of the military. So how much space is left for a democracy to work in? What does it mean to speak of a democratic revolution in a praetorian state; in a state in which the military has become its own monstrous interest?

The military is a possessor of sacred knowledge. It is a possessor of that knowledge which it calls high national interests—knowledge as to a special relationship with Israel, with the United

⁶ The military informed us that this is the position of the United States, and that the United States informed the military that the military must guarantee certain non-negotiable interests such as certain privileges for the American military in Egypt and Camp David, as well as some other interests that I am restricted from mentioning.

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States, with China, or with Saudi Arabia – and it becomes a form of sacrilege to attempt to open up these issues for discussion or for renegotiation. Of course, this situation is not entirely new or novel. We all too often forget that there was a similar revolutionary constitutional movement at the beginning of the twentieth century in Iran. There was another constitutional revolution at the beginning of the twentieth century in Egypt. And ultimately, these revolutions were aborted by the military, whether the national military on its own, or the national military with foreign aid.

In raising these issues, I am not trying to end on a pessimistic note. What I am saying is that understanding revolutionary movements and democracy is not as simple as studying whether there is a merchant class or a strong middle class, or whether the religious institution is cooperating or not cooperating. One of the things that you quickly confront in the Middle East is the extent to which the region itself is permeated with claims of various interests of various powers, and this has become a true mythology – a mythology that you cannot unpack. For example, there were so many times in meetings with the military when we were told, “if you are not careful, Saudi Arabia is ready to bankrupt us. If you do not modify the Azharī language about liberal Islām, Saudi Arabia will withdraw X amount of money from Egypt and the Egyptian economy will collapse.” That is a mythology that people on the ground have to negotiate, often under horrendous conditions.

When I left Egypt, at least four or five of those who used to attend those meetings with me ended up in prison, subject to military trials (one has since been released). The expected sentence is a three- to six-year prison term for each of them. Why? I do not know; no one knows. But my sincere hope is that there will be more honesty in our discourse about the real problems that confront us on the ground when we talk about the establishment of a democratic order.

My expectation, especially as to Egypt, is that there will be a re-explosion, meaning that matters will not be left with the military citing what I call its sacred texts of national interests. The streets will explode again. And they will explode again, but yet we will be confronted with the same negotiated issues. If you have any brilliant solutions for these issues, please let me know so that I can use them on my next trip to Egypt, and hope that I emerge alive, or at least emerge, unlike my friends.

In conclusion, and on a more optimistic note, it is remarkable that, in the midst of such a huge military bureaucracy and in the presence of all this mythology and the obscurities and ambiguities about who holds what power, people continue to go to the streets and sacrifice their lives week after week after week. That to me is sheer resolve, and in my view, if anyone has earned the right to live in dignity, and with the right to self-determination and liberty, it seems like the people of that region have. They have proven it in paying the highest price. We can no longer speak about "if democracy." The will for democracy has been demonstrated time and time and time again.