



## DETERMINING THE TENURE OF POLITICAL OFFICE HOLDERS: BETWEEN IMPEACHMENT AND REVOLUTION

By

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### Abstract

*World over, every elected political office holder is elected to hold office within a particular time frame. The duration of the tenure is dependent on the political system operated by a country and also the enabling laws governing the office. The law usually makes provision on how an elected officer can be removed from office. The centre piece of this paper is the ouster of Mohammed Morsi of Egypt. Since Egyptian President Mohamed Morsi was removed from office in July 2013, debates centering on whether the event was a military coup or a revolution have intensified. The attempt to name the event has deep implications for our assessment of Egypt's democratic future. The aim of this paper is to examine the concept of revolution viz-a-viz the 2013 ouster of Mohammed Morsi as president of Egypt. The objective of this paper amongst others is to differentiate between the political concepts of revolution and impeachment, both being a means of toppling a government. This paper argues that the removal of Morsi from office was a revolution, a continuation of the revolutionary process that began in 2011 that ousted Hosni Mubarak.*

**Keywords:** *Revolution, Coup, Impeachment, Egypt.*

### 1.0 Introduction

Egypt, a proud nation with an ancient history, lies at the heart of the Arab world and is often viewed as a bellwether for broader trends in the region. With a population of around 80 million and its location bridging both Africa to the Middle East and the Mediterranean to the Red Sea, Egypt has long played a pivotal role in the region and in a region that has seen more than its share of internal political crises – military coups, civil wars, and revolutions – Egypt stands out as having experienced remarkable continuity in its domestic political scene.<sup>1</sup>

On June 30, 2013, millions of Egyptians took to the streets demanding that their first democratically elected president, Mohamed Morsi, of the Muslim Brotherhood, step down and calling for new elections. Three days later, on July 3, the minister of defence - surrounded by the country's leading secular politicians, Salafist leaders, and the heads of Al-Azhar (the highest Islamic authority in Egypt) and of the Coptic Orthodox Christian Church - announced the President's ouster. The announcement sparked notably different responses around the country. Tahrir Square was filled with cheering crowds happy to be rid of what they considered to be an Islamist dictatorship. In other parts of Cairo, Nasr City and Ennahda Square, Brotherhood supporters started sit-ins to call for the return of the man they deemed

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<sup>1</sup> M Rezaei, 'Egypt and Democracy Dilemma' (2015) (9)(6) *African Journal of Political Science and International Relations*; 218.



their legitimate President. On August 14, 2013, security forces moved to break up the Brotherhood sit-ins. Hundreds were killed. Armed clashes occurred all across the country, with more victims. Coptic churches, Christian schools, Police stations, and Government offices were attacked, apparently by angry Brotherhood sympathizers. At the same time, other citizens, exasperated by the Brotherhood, joined the security forces in attacking them. The new interim government closed Islamist television stations and jailed Brotherhood leaders. It also passed a stringent law governing demonstrations and even jailed some secular activists who opposed this new limitation on political freedom. Yet the violence continued.<sup>2</sup>

Pro-Brotherhood demonstrations did not stop, nor did police repression of the demonstrators. Moreover, anti-government groups escalated armed attacks against police and military targets, leaving many victims.<sup>3</sup> The Brotherhood denied any role in those attacks and insisted that it had given up violence and was only protesting through peaceful means. Nevertheless, the interim authorities reacted to the attacks by declaring the Brotherhood a “terrorist organization,” effectively criminalizing all its members.<sup>4</sup>

## 2.0 Integrating Definitions Of ‘Revolution’

An interdisciplinary approach is the best one with which to approach such a complex and debatable topic. Inter-disciplinarity allows the researcher to “explore *any* theory or method or phenomenon that the researcher(s) think appropriate to the question being asked”.<sup>5</sup> Evidently, revolutions and military coups have numerous definitions. Each definition is a reflection of a particular discipline’s ideologies and insights. Each discipline examines revolution and military coup from a particular angle, yet not one of them explains the concept in its entirety. To better understand the debates, a fruitful approach is to integrate the definitions.

Political Scientist, Samuel Huntington writes that revolutions are about “a rapid, fundamental, and violent domestic change in the dominant values and myths of a society, in its political institutions, social structure, leadership and government activity and policies”.<sup>6</sup> Huntington’s definition offers a political analysis on the possible changes brought about by revolutions. His definition centre on revolutionary outcomes, but only implicitly explores their cause. Like Huntington, sociologist, Theda Skocpol describes revolutions as rapid, violent and radical.<sup>7</sup> She writes that revolutions are “rapid, basic transformations of a society’s state and class structures; and they are accompanied and in part carried through by class-based revolts from below”.<sup>8</sup> Skocpol’s argument touches on spontaneous revolts based on class discontent, such as those seen in France, Russia and China. However, it fails to explain “the

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<sup>2</sup> P Noonan, ‘Revolution and Treaty Termination’ 1984 2(2) *Penn State International Law Review*. 23

<sup>3</sup> Rezaei (n. 1)

<sup>4</sup> Human Rights Watch (2013) argues that there is no hard evidence linking the Brotherhood to terrorism and that therefore the terrorism tag is politically motivated.

<sup>5</sup> S Rick, ‘The Interdisciplinary Research Process’ F. Allen, T. Newell, H. William and R. Szostak, (eds) *Case Studies in Interdisciplinary Research*. (Washington: SAGE Publications 2012) p. 3-19

<sup>6</sup> S Huntington, ‘Political Orders in Changing Societies’ (New Haven: Yale University Press 1968) p. 17

<sup>7</sup> T Skocpol, ‘States and Social Revolutions: A Comparative Analysis of France, Russia and China (Cambridge: Cambridge University Press 1979) p. 302.

<sup>8</sup> Skocpol (n. 7)



contribution of urban forces, or of coalitions”,<sup>9</sup> as well as the contribution of cultural influences in revolutions.<sup>10</sup> By contrast, sociologist, John Foran defines revolution from a cultural point of view. He believes that “collectively shared values to explicit ideologies” play a large role in causes and outcomes of revolutions.<sup>11</sup>

Some scholars such as historian Crane Brinton and sociologists Diana Russell and Timothy Wickham-Crowley included military involvement in their definitions. Brinton believes the military plays a strong and fundamental role in the success of revolutions. He sees that “no revolutionists have ever succeeded until they have got a predominance of effective armed forces on their side”.<sup>12</sup> This definition opens doors for discussion about flexible revolutionary processes. In spite of the fact that all the above positions reveal aspects important to our understanding of revolutions, they do not act independently from one another. In attempts to effectively conceptualize the event, it is imperative to find a definition that unites all these disciplinary insights. All disciplines “accept only a minority of the theories and methods they might embrace”.<sup>13</sup> Conceptually integrating the above definitions will offer a more useful analogy. Conceptual integration involves “finding those that have similar meanings in different theories and merging them into common language”.<sup>14</sup>

The common ground in these theorists’ definitions is that they offer a cause, an outcome and a process. Although Huntington and Skocpol do not offer explicit causes to revolutions, their definitions provide assumptions of some kind of societal deterioration. The use of adjectives like, “rapid”, “violent” and “transformation” implies some sort of popular discontent. The term ‘violent’ does not necessarily mean the physical sense, but certainly implies aggressiveness or insistence. Huntington, Foran and Skocpol’s definitions introduced the idea of commonality. Demands based on “dominant values”, “class” and “shared values” are integral to the popular discontent. Hence, a discontented popular movement with aggressively shared demands against an unstable regime causes revolutions. They involve a flexible process that ends once the movement’s demands are met and the regime collapses.

### 3.0 The Impeachment Question

With a long constitutional history dating back to 1882 when it was an Ottoman province, Egypt is considered the oldest constitutional state in the Arab world.<sup>15</sup> Under the monarchy system, Egypt had two constitutions, 1923 and 1930, neither of which installed Egypt as a constitutional monarchy.<sup>16</sup> In other words, in the Egyptian Kingdom the king was not a symbolic figurehead, but rather a strong

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<sup>9</sup> J Foran, ‘Theories of Revolution Revisited Towards a Fourth Generation? The Sociology Theory in Perspective’ (1993) 4 *Journal of Sociological Sciences*. 22.

<sup>10</sup> K B Clifton, ‘Theory and History of Revolution’ (1996) 7(3) *Journal of World History*. P. 21-37.

<sup>11</sup> *Ibid*

<sup>12</sup> C Brinton, *Anatomy of Revolution* (New York: W.W. Norton and Company 1938); A Callinicos, ‘Spectres of Counter-Revolution’ (2013) *International Socialism Spectres of Counter-Revolution*; 140

<sup>13</sup> Rezaei (n. 1)

<sup>14</sup> S Henry and N L Bracy, ‘Integrative Theory in Criminology Applied to the Complex Social Problem of School Violence’ A. F. Repko, W. H. Newell, and R. Szostak, *Case Studies in Interdisciplinary Research*. (Washington: SAGE Publications 2012) 259-282

<sup>15</sup> *Egyptian Constitutions*, MIDAN MASR, available at <<http://www.midanmasr.com/en/default.aspx?PageID=15>> accessed 10 May 2020.

<sup>16</sup> *Ibid*



political actor who ruled the state and was heavily involved in its administration.<sup>17</sup> However, he was immune from accountability.<sup>18</sup>

After the abolition of the monarchy and the declaration of the Republic in 1952, Egypt underwent the drafting and application of six constitutions - 1956, 1958, 1964, 1971, 2012, and 2014 - in which the President and his cabinet were recognized as active participants in the day-to-day administration of the state under a semi-Presidential system of governance.<sup>19</sup> However, the many Presidential powers envisioned in these constitutions, as well as practiced under most of them, revealed the President to be the sole executive, aided by only a symbolic involvement of the cabinet.<sup>20</sup>

Most of the constitutions adopted in the Egyptian Republic were guided by the themes of democracy, human dignity, and political accountability, as they were the outcome either of bitter battles against colonial powers (the 1954 and 1956 Constitutions),<sup>21</sup> or the overthrow of authoritarian regimes (the 1971 and 2012 Constitutions).<sup>22</sup>

#### 4.0 The 2014 Constitution of Egypt

The Muslim Brotherhood's gateway into Egypt's political life was the 2011 Revolution. After their recognition as a banned group during Mubarak's era changed to a recognized political power, they established a political party (The Freedom and Justice Party), which dominated the 2012 parliament with the Salafists, and their candidate Mohamed Morsi winning the presidency.<sup>23</sup>

However, right from the start, it seemed that Morsi's days in the Presidency were limited. Morsi's dramatic fall started with his 2012 Constitutional Declaration. On November 22, 2012, Morsi issued a constitutional declaration immunizing the Constituent Assembly responsible for drafting the 2012 Constitution from being dissolved by the judiciary, as well as immunizing its work from being challenged in courts,<sup>24</sup> in violation of the 2011 Constitutional Declaration issued by the SCAF that it would serve as the country's fundamental law pending the drafting of a new constitution.<sup>25</sup> Moreover, the declaration dismissed the Prosecutor General Abdul Majid Mahmoud, who was appointed by Mubarak, and replaced him with one of Morsi's allies in violation of the Judicial Authority Act.<sup>26</sup> Morsi's declaration ordered a retrial for those accused of killing the protesters in Mubarak's era by the

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<sup>17</sup> *Ibid*

<sup>18</sup> *Ibid*

<sup>19</sup> S Choudhry and R Stacey, *Chapter 5: Semi-Presidential Government in Tunisia and Egypt*, *Constitution Building: A Global Response*. (2013) available at <[http://www.idea.int/publications/constitution-building-a-globalreview/upload/cbgr\\_c5.pdf](http://www.idea.int/publications/constitution-building-a-globalreview/upload/cbgr_c5.pdf)> accessed 15 May 2022

<sup>20</sup> *Ibid*

<sup>21</sup> S Henry and N L Bracy (n 13)

<sup>22</sup> *Ibid*

<sup>23</sup> Freedom and Justice Party, *Encyclopedia Britannica* (2015), available at <<http://www.britannica.com/topic/Freedom-and-Justice-Party>> accessed 17 April 2022.

<sup>24</sup> Art. 5 of the Constitution of the Arab Republic of Egypt, 2012

<sup>25</sup> "The text of law forbids any action or administrative decision from being absolved of judicial oversight." Art. 21 Constitution of the Arab Republic of Egypt, 2012.

<sup>26</sup> *Ibid* at Art. 3. "The Supreme Judicial Council considers all matters related to the appointment, promotion, transference, delegation, and loaning of judges and public prosecutors. [T]he General Prosecutor could [resign his office] asking to return to the judiciary." Law No. 46 of 1972 (Civil Code), *Al-Jarida al-Rasmiyya*, 28 Oct. 1972, No. 77(2) & 119 (Egypt).



Egyptian courts.<sup>27</sup> Furthermore, the declaration immunized Morsi's Presidential Decrees from judicial oversight<sup>28</sup> and authorized him to take any necessary measures to protect the revolution.<sup>29</sup>

### 5.0 Impeachment in the 2014 Constitution of Egypt

Article 159 of the 2014 Constitution provides,

A charge of violating the provisions of the Constitution, high treason or any other felony against the President of the Republic is to be based on a motion signed by at least a majority of the members of the House of Representatives. An impeachment can only be issued by a two-thirds majority of the members of the House of Representatives and after an investigation to be carried out by the Prosecutor General. If there is an impediment, he is to be replaced by one of his assistants.<sup>30</sup>

In fact, it seems that President Morsi's misconduct (when in violation of the 2011 Constitutional Declaration he immunized his Presidential Decrees as well as the work of the Constituent Assembly from judicial oversight) was the motive that urged the drafters to include "violation of the constitution" as an impeachable offense when committed by the President. Furthermore, listing violation of the constitution as an impeachable offense enhances the political sense of the process of Presidential impeachment, given that criminality overshadows offenses like high treason and felony in the content of the Egyptian legislation and jurisprudence.

Article 159 of the 2014 Constitution requires that the Impeachment resolution shall be signed by a majority of the members of the House of Representatives. Furthermore, a simple majority in the House seems sufficient to impeach the President simply because a decision to impeach represents the indictment against the President, not the conviction. In case an impeachment decision is reached, Article 159 requires "the President of the Republic to cease all work [in which]. This is treated as a temporary impediment preventing the President from carrying out Presidential duties until a verdict is reached in the case."<sup>31</sup>

According to Article 160, if the President encounters a temporary impediment that renders him unable to exercise his official duties, the Prime Minister should take over the Presidency.<sup>32</sup> Consequently, if the President is impeached in the House, the Prime Minister should assume the office of Presidency until a verdict is reached.<sup>33</sup> Interestingly, the Article states that the House can only be convened to vote on impeaching the President after the Prosecutor General has investigated the case. The Article is extremely vague regarding whether the Prosecutor General should replace the committee of investigation found in Law No. 247/1956, responsible for investigating the impeachment resolution and for filtering any partisan interest or malicious motive. Further, the 2014 Constitution followed the same

<sup>27</sup> Art. 1 Constitution of the Arab Republic of Egypt, 2012

<sup>28</sup> *Ibid* Art. 2

<sup>29</sup> *Ibid* Art. 6

<sup>30</sup> Art. 159, Constitution of the Arab Republic of Egypt, 2014.

<sup>31</sup> *Ibid* Art. 159

<sup>32</sup> *Ibid* Art 160

<sup>33</sup> *Ibid*

course of the 2012 constitution regarding the appointment of the Prosecutor General, stating that the Prosecutor General is to be selected by the Supreme Judicial Council and appointed by a presidential decree,<sup>34</sup> which again guarantees the involvement of the president in the process of the prosecutor's appointment.<sup>35</sup> Thus, designating the Prosecutor General to investigate the case against the president could hurt the impartiality of the impeachment process.<sup>36</sup> In designating the court of impeachment, the 2014 Constitution adopted the same formation introduced in the 2012 Constitution, in which Article 159 provided,

The President of the Republic is tried before a special court headed by the president of the Supreme Judicial Council, and with the membership of the most senior deputy of the president of the Supreme Constitutional Court, the most senior deputy of the president of the State Council, and the two most senior presidents of the Court of Appeals.<sup>37</sup>

In fact, the approach of Article 159 in designating a special court to try the impeached President is justified by the fact that, unlike the 2012 Constitution, the 2014 Constitution established a unicameral Parliament with only one legislative chamber, the House of Representatives.<sup>38</sup> Consequently, the Parliament lacks the upper house that could be vested with the power to try impeachments. Notably, Article 159 failed to avoid the criticism that it does not include any parliamentary representation, which was directed at the formation of the court of impeachment in the 2012 Constitution. In addition, Article 159 did not follow Article 3 of Law No. 247/1956, stating that the House should elect managers to present the case; however, it designated the Prosecutor General to present the case of impeachment against the President before the court of impeachment, which is likely to harm the neutrality of the case.<sup>39</sup> Furthermore, according to the Article, the Prosecutor General is to investigate the case before the House convenes to vote, and if there is an impediment, one of his assistants should take over such investigation.<sup>40</sup>

Moreover, the Article requires that if the Prosecutor General is impeded from presenting the case against the President, he should be replaced by order of seniority.<sup>41</sup> Consequently, a situation could occur wherein the Prosecutor General would investigate the case, but somebody else would present it. The Article requires that the investigation and the trial procedures are to be organized by Law No.

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<sup>34</sup>Ibid. "Public prosecution is carried out by a Prosecutor General who is selected by the Supreme Judicial Council from among the Deputies to the President of the Court of Cassation, the Presidents of the Court of Appeals or the Assistant Prosecutor Generals, by virtue of a presidential decree for a period of four years, or for the period remaining until retirement age, whichever comes first, and only once during a judge's career."

<sup>35</sup> Constitution of the Arab Republic of Egypt, 2014

<sup>36</sup> Ibid

<sup>37</sup> Constitution of the Arab Republic of Egypt, 2014; Constitution of the Arab Republic of Egypt, 2012, Art. 159.

<sup>38</sup> Records from the drafting process reveal that the drafters of the 2014 Constitution abolished the Shura Council found in the 2012 Constitution as the upper legislative chamber, arguing that it costs the state a financial burden without having a real legislative function. Constitution of the Arab Republic of Egypt, 2012, 18 Jan. 2014.

<sup>39</sup> Ibid; Law No. 247 of 1956, *al-Jarida al-Rismiyyah*, 14 June 1956.

<sup>40</sup> Constitution of the Arab Republic of Egypt, 2012, 18 Jan. 2014.

<sup>41</sup> Ibid



247/1956.<sup>42</sup> Regarding punishment of impeachment, the Article requires the convicted President to be removed from office without prejudice to other penalties.<sup>43</sup>

According to Article 6 of Law No. 247/1956 and Article 10 of the Penal Code, these penalties would be death, life imprisonment, aggravated imprisonment, or imprisonment for high treason and felonies.<sup>44</sup> Furthermore, Article 25 of the Penal Code requires disqualification from assuming public office if one of the previous penalties is secured against the convict.<sup>45</sup>

Interestingly, in the course of enhancing Presidential accountability, the 2014 Constitution took an unprecedented step stating that the House of Representatives may vote no confidence against the President.<sup>46</sup> In short, a fair assessment to the impeachment articles introduced in the 2014 Constitution reveals another failure in liberating the impeachment process from the dominance of criminality. Despite the fact that the 2014 Constitution introduced “violation of the constitution” as an offense meriting presidential impeachment, which helped to emphasize the political nature of the impeachable offense, it failed to define the crimes such as high treason and felony as impeachable offenses referring to Law No. 247/1956 and the Penal Code, which consider them criminal offenses.<sup>47</sup> Likewise, as mentioned in the context of the 2012 Constitution, designating a special court with a dominant judicial formation without any parliamentary involvement to try the president raises considerable problems in that the impeachment trial excludes participation by the people’s representatives.<sup>48</sup>

## 6.0 Was the Ouster of Morsi A ‘Revolution’?

The ouster of Morsi demonstrated many characteristics of a revolution, as well as some signs of a military coup. However, theories of revolution cannot account for the military role played in ousting Morsi, while the military coup theories fail to take into consideration the mass protests against Morsi. A redefinition of revolution shows that four criteria must be present before an event can be classified as a revolution: a discontented popular movement, shared demands against the regime, a process that ends when demands are met, and the collapse of the old regime. The demands against Morsi emerged two years during the protest which ousted Hosni Mubarak. On January 25, 2011 a discontented Egyptian population gathered in Tahrir square demanding bread, freedom and social justice. These three demands became the revolution’s motto and fulfilling them meant success for their revolution. Bread, their first demand, indicated a need for economic improvement. The Egyptian economy at the end of Mubarak’s rule was on the brink of crisis, with scarce jobs, horrible wages and high price inflation. There was an 11% unemployment rate of which 90% were young people under 29 years of age.<sup>49</sup> About 20% of the population was earning less than the \$2 a day median poverty line.<sup>50</sup> Since 1984, Egypt’s minimum

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<sup>42</sup> *Ibid*

<sup>43</sup> *Ibid*

<sup>44</sup> Law No. 58 of 1937, *Al-Jarida al-Rismiyyah*, 14 June 1956

<sup>45</sup> Law No. 58 of 1937 (The Penal Code), *al-Jarida al-Rasmiyya*, Aug. 8, 1937, amended by Law No. 95 of 2003, *al-Jarida al-Rasmiyya*, June 19, 2003.

<sup>46</sup> D Kirkpatrick, *Army Ousts Egypt’s President; Morsi is Taken Into Military Custody*, N.Y. TIMES (July 3, 2013) available at <[http://www.nytimes.com/2013/07/04/world/middleeast/egypt.html?\\_r=0](http://www.nytimes.com/2013/07/04/world/middleeast/egypt.html?_r=0)> accessed 12 June 2022.

<sup>47</sup> Constitution of the Arab Republic of Egypt, 11 Sept. 1971, as amended, May 22, 1980, May 25, 2005, Mar.26, 2007, Jan. 18, 2014; Law No. 247 of 1956, *al-Jarida al-Rasmiyya*, 1956 (Egypt).

<sup>48</sup> Law No. 58 of 1937, *Al-Jarida Al-Rasmiyya*, 8 Aug. 1937, amended by Law No. 95 of 2003, *al-Jarida al-Rasmiyya*, 19 June 2003 (Egypt).

<sup>49</sup> L Baizhi, ‘The Reasons for and the Impacts of the Egypt Revolution’ (2011) *CIR* 21:2 119-127.

<sup>50</sup> C McGrath, ‘Egypt: Population Growth Overtakes Literacy Rise’ (2014) *Global Geo-Politics and Political Economy*. N.pag.

monthly wage was 358 pounds (\$US 7). With bonuses, incentives and annual increase, the minimum monthly wage could reach about 300 pounds a month.<sup>51</sup> These income figures are quite low in comparison to the prices of household essentials.

Following Morsi's win, people anticipated economic improvement. Changes to the economy, even if minimal, would have made a huge difference with the people. Of course, with the severity of the economic crisis, any noticeable change to the economy would require more than just one year in office. However, Morsi's policies showed no signs of leading to economic improvement. By contrast, the economic situation only got worse. The unemployment rate increased to 20%, bread prices escalated, the deficit rose to 12% of GDP and the Egyptian currency fell in value measured against the US dollar.<sup>52</sup>

In addition, there was a shortage of gas and electricity supply in the country.<sup>53</sup> As a solution to the electricity problem, Morsi instituted a rotation of electrical power. Each district would shut off power for two hours a day. Frequently however, poor districts had no power for more than two hours, while areas where leaders of the Muslim Brotherhood (MB) and government officials lived never saw a power outage. In his final speeches, Morsi blamed this on hydro employees, but Egyptians had already sensed a return to Mubarak-like governance.

The second revolutionary demand was freedom. Prior to the revolution, that ousted Mubarak, those who criticized the President had been tortured, humiliated, imprisoned and sometimes forced into hiding.<sup>54</sup> One particular name that strikes a chord in this area is journalist Abdel-Halim Qandil, known for his vocal discontent with the Egyptian government. For opposing Mubarak and his government, he was abducted, beaten, stripped and left alone in the desert.<sup>55</sup> He became an example for other journalists. At the risk of following in his footsteps, other journalists often refrained from criticizing Mubarak and his corrupt policies.

Much the same was seen under Morsi's rule. In the new constitution, insulting the President was a crime. Amongst those affected by the new law was political satirist Bassem Youssef. He was arrested after insulting Morsi on his TV show *albarnameg*.<sup>56</sup> Social injustice, another revolutionary demand, instigated the initial demonstrations against Mubarak as well as the demonstrations against Morsi. Since 1981, Egypt has been in a state of emergency. This gave police unlimited power to arrest and detain citizens without charges.<sup>57</sup> In more than one case, those in police custody were subjected to extreme police brutality.<sup>58</sup>

Inequality was also very common under Mubarak's rule. Friends and family of the ousted President controlled 55% of the country's total wealth.<sup>59</sup> Businesspersons, military personnel's and politicians

<sup>51</sup> M Yahia, 'News Analysis: Egypt sees Consensus over Minimum Wages Rise, Difference over Amount. Available at <Xinhautnet.com.> accessed 12 April 2022.

<sup>52</sup> P Gerbaudo, 'The Roots of the Coup' (2013) 54 *Soundings: A Journal of Politics and Culture*. 54. (2013) 104 - 113.

<sup>53</sup> A Callinicos, 'Spectres of Counter-Revolution' (2013) *International Socialism Spectres of Counter-Revolution*; 140.

<sup>54</sup> T Osman, 'Egypt on the Brink from Nasser to Mubarak' (USA: Yale University Press 2010)

<sup>55</sup> S Shehab, 'Terrible Message, but who's the Sender?' *Al-Ahram Weekly*.

<sup>56</sup> Rezaei (n. 1)

<sup>57</sup> L Baizhi, 'The Reasons for and the Impacts of the Egypt Revolution' (2011) 12 *CIR* 21.

<sup>58</sup> J Bradley, 'Inside Egypt: The Land of the Pharaohs on the Brink of Revolution' (New York: Palgrave Macmillan. 2008)

<sup>59</sup> Choudhry (n. 19)





close to Mubarak were given untaxed land, bids on business deals and high-ranking positions.<sup>60</sup> This increased the already large gap between the rich and the poor.<sup>61</sup>

Under Morsi's rule, Egyptians felt even more threatened. Like Mubarak, Morsi declared a 30-day state of emergency in three governorates after clashes at a soccer game left 47 dead. However, it was not the state of emergency law that worried the people, but the new constitution drafted by his government. The constitutional council chosen to write the constitution consisted mainly of Islamists and allied social groups. Over the months, the non-Islamists withdrew from the Assembly, claiming that the constitution failed to reflect the revolution's demands.<sup>62</sup> The constitution demonstrated little respect for rights of minority groups, women and youth. Favouritism towards the MB was starting to show in much of Morsi's policies. For example, in June 2013 Morsi appointed 10 MB as governors out of the 27 appointed to the governorates.<sup>63</sup>

Finally, it was his constitutional decree that heightened Egyptians discontent, the decree granting him absolute power over judiciary and legislature.<sup>64</sup> It exempted Morsi from any type of judicial review, putting him above the law.<sup>65</sup> It is important to note that Mubarak's corruption was 30 years in the making, whereas Morsi had little time to make drastic changes. Working against him was Egypt's unstable conditions, an opposition that had no faith in his abilities to govern and an old regime that fought its way back to power. Nevertheless, his policies focused on securing the Muslim Brotherhoods place in politics, rather than answering to the demands of the revolution. In such a short time, the Egyptian people began accusing Morsi of 'Brotherhoodization' of the state.<sup>66</sup> Considering the MB ideology, this term accurately depicted Egypt's situation under Morsi's rule. The organization, founded by a schoolteacher Hassan Al-Banna in 1928 envisioned a social system that would "evolve into political position and eventually 'Islamize' the country from both the top down and the bottom up".<sup>67</sup> His method involved "building the Muslim individual, the Muslim family, the Muslim society, the Islamic government, the global Islamic state and reaching status of Ustathiya (eminence among nations) with the state".<sup>68</sup>

The second criterion for understanding the revolutionary process is overthrowing the old regime. At first, Egyptians celebrated Morsi's win back in 2013. The Muslim Brotherhood Organization, of which Morsi was a member, had been Mubarak's biggest opposition. It was believed that electing its member would symbolize the end of the old regime. However, that was not the case. The Muslim Brotherhood was a part of that old regime. Egypt has two established political organizations, the military and the Muslim Brotherhood. Mubarak, once a militant himself, established a militarization of the state, by protecting and securing the army's structure. Under his rule, the military "established companies, built

<sup>60</sup> Z Abu-Magd, 'The Egyptian Military in Politics and the Economy: Recent History and Current Transition Status' (2013) CMI, 2.

<sup>61</sup> T Osman, *Egypt on the Brink from Nasser to Mubarak*. (USA: Yale University Press USA) 20

<sup>62</sup> Mona Dokainish, Egypt July 2013: Military Coup or Revolution? An Interdisciplinary Analysis.

<sup>63</sup> D Pioppi, 'Playing with Fire, The Muslim Brotherhood and the Egyptian Leviathan' (2013) 48(4) *The International Spectator: Italian Journal of International Affairs*. 51-68.

<sup>64</sup> Baizhi (n. 57)

<sup>65</sup> Osman (n. 61)

<sup>66</sup> Callinicos (n. 53)

<sup>67</sup> J G Worman, 'The New Egypt and the Global Community's Perceptions of Islamic Rule: Undermining the Political Aspirations of the Muslim Brotherhood as the Freely Elected Government' (2012) 3(4) *Global Security Studies*.

<sup>68</sup> Baishi (n. 57)



factories and cultivated farms that were untaxed”.<sup>69</sup> Much of their production went to the civilian markets. The military industry made up 5-15% of the Egypt's economy.<sup>70</sup> In addition, Mubarak, hired retired military officials in high-ranking jobs such as governors, ambassadors, advisors to the president, heads of natural gas and oil companies, the transportation system or in management of public sector companies.<sup>71</sup> The military acted free from the rest of the country, like a state within the state.<sup>72</sup>

The overthrow of Mubarak and Morsi through popular uprisings, notwithstanding the presence of impeachment clauses in the 1971 and 2012 Constitutions, reveals the extent to which the impeachment device is ineffective and very difficult to be triggered in Egypt for many reasons. For example, as previously mentioned, due to the vagueness of the impeachment clause means it is very hard to stand on the actual grounds of impeachment and that it only raises the criminal accountability of the executive, while ignoring political accountability.<sup>73</sup>

The weakness of Egypt's successive Parliaments significantly contributed to rendering the impeachment device ineffective because they were subordinate to the chief executive. Specifically, Mubarak ruled the country for almost thirty years, during which the National Democratic Party (“NDP”), Mubarak's political party, was the ruling party. Consequently, during Mubarak's era, the parliamentary majority was always reserved to the NDP, which rendered the country without an effectively represented opposition. Similarly, during Morsi's era, the parliament was heavily dominated by Egypt's Islamists, particularly the Freedom and Justice Party (“FJP”), the political party of the Muslim Brotherhood, under the flag of which President Morsi ran for the presidency.<sup>74</sup> Thus, parliament, who initiates the impeachment procedures, was always controlled by the president, which rendered the whole process unlikely to occur.

## 7.0 Conclusion

In this article, we have looked at the meaning of revolution and the rationale behind its usage. One thing is certain in a democracy, since sovereignty rests in the people; no elected public officer has a security of tenure. In other words, that a person is elected for a given period does not mean that he must see to the end of that tenure. In sum, Egypt's impeachment clause is weak and vague to effectively hold the President accountable. There is the difficulty of proving official corruption in a court of law and the fact that the recall device provides a reasonable and effective check on the executive when the legislature is inefficient or corrupt. Accordingly, it is recommended that there should be guarantees the involvement of the people in the process of removing the elected official; increase trust in the elected official who survives a referendum; and limits to undesirable factional interests that might steer the impeachment vote in the legislature.<sup>75</sup>

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<sup>69</sup> Z Abu-Magd, ‘The Egyptian Military in Politics and the Economy: Recent History and Current Transition Status’ (2013) 2 *Journal of Arabic Studies*.

<sup>70</sup> O Varol, ‘The Democratic Coup d’Etat’ (2012) 53(2) *Harvard International Law Journal*. 213.

<sup>71</sup> Abu-Magd (n. 69)

<sup>72</sup> *Ibid*

<sup>73</sup> D F Wilcox, *Government by all the People* (1912). P. 169

<sup>74</sup> T E Cronin, ‘Direct Democracy: The politics of Initiative, Referendum and Recall’ (1990) 10 *Harvard Journal of International Law*. 543

<sup>75</sup> S Aziz, ‘Egypt's Impeachment Alternative’ available at <<http://carnegieendowment.org/sada/?fa=53475>> accessed 10 May 2022.