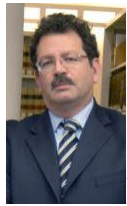


## Mallat in Jurist: Saving the Egyptian Revolution from the Military

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JURIST Contributing Editor **Chibli Mallat** of Harvard Law School says that the Egyptian Supreme Council of the Armed Forces must divorce its economic power from its political power if it wants to avoid further protests and protect its economic interests...



It is probably too late. Too many people have already died at the hands of the self-appointed Supreme Council of the Armed Forces (SCAF), the once self-styled servant of the Nile Revolution. Inside and outside Egypt, the growing perception is that the chairman of SCAF, Hussein Tantawi, is the same as Hosni Mubarak.

If SCAF refuses to relinquish political power and return soldiers to their barracks, things are bound to develop in one of two ways: either like Tiananmen Square, with hundreds of deaths and a repressive rule that only grows worse. Or the revolution prevails and the SCAF leadership ends up in a cell near the dozen top political inmates presently in the Tarra prison. In that case, a lot of people will have also died and the army as an institution might well collapse. This happened in Iran in 1978, and as is happening in Syria presently, with incalculable consequences in Egypt and the region.

For many, the disaster was inevitable. Around the **collapse of Mubarak's regime** February 11, 2011, at lunch in Cambridge, my colleague Professor Duncan Kennedy showed a clear-headed skepticism of a "revolution" taken over by what looked very much like a junta's coup. Like Turkey, Latin America, even the US to some extent, the industrial-military complex must always be factored in the ruling power equation. It was obvious that the Egyptian military, at least since Gamal Abdel Nasser, was also an economic class. The continuity between Muhammad Naguib, who took power in 1952, Nasser in 1954, Anwar Sadat in 1970, Mubarak in 1980 and Tantawi in 2011, was structural, not

conjunctural. It was called “the Revolutionary Command Council” in the new political-constitutional vocabulary of Egypt and copycat takeovers across the region. For Duncan Kennedy, the army cannot abandon its economic privileges. It will fight to keep them come what may.

I agreed with him about the risks, but surely something different has taken place in 2011 Egypt, which forced the army leadership to abandon Mubarak. Something was different, in large part because the revolution was nonviolent, and the army leadership was expressly saying that it was not interested in killing Egyptians, and that it would not carry out Mubarak or Vice President Omar Suleiman’s orders to shoot at unarmed demonstrators. If it did, it knew it would end up like Mubarak.

So what, Duncan said, you could not expect them to abandon their privileges just because the people demonstrate in the street. He was proved right, as was Justice Adel Omar Sharif of the Supreme Constitutional Court of Egypt, who warned of the overbearing power of SCAF early on in a [\*\*memorable talk at Harvard Law School\*\*](#). And yet, SCAF’s ambivalence remains to date. When the army shot at unarmed Christian demonstrators in Maspero, rogue elements and a stampede were accused to have fomented the killing. Last week, when thousands rallied against SCAF in Tahrir and against the Mubarak-like Cabinet it appointed, the army unleashed more violence. Another apology came, together with a new twist: those in the street are anarchists guided by foreigners, the statements of the revolutionary command council declared.

I still think, however, that the outcome is not preordained when SCAF took over under the applause of the revolution the day Mubarak was forced out. One could and still can detect uncertainty in the leadership: a stream of apologies – “we are not like Mubarak, and his trial continues – is conflated with ridicule – ‘it’s all foreign-led to destroy Egypt.’” Meanwhile, the revolution is very much alive, and people have mobilized remarkably, with more demonstrations to come as SCAF and its appointed Mubarak-style government continue to lose legitimacy to the Islamists in the elections, and to the revolutionary street which fights to preserve the freedom gained against authoritarianism in 2011.

There is a solution to SCAF if it wants to dissociate its fate from Mubarak's. If the matter is one of pure power, there is nothing that can be done. If the dominant fear is the loss of its economic privileges, there is still a way out. A serious bargain can be struck with Egypt's revolutionary forces, including Islamists, liberals, students, women, judges, workers, etc., whereby the officers' economic privileges remain. In a rough calculation, whatever is considered the share of the budget for the officers' benefit — salaries, perks for the children, retinue, interests in various industries, real estate and barracks — can be kept as a reasonable constant value. As the economy of Egypt grows, this now huge imbalance of resources that goes to the army as an economic beneficiary will remain constant, with some adjustment for inflation. As the Egyptian economy grows, this constant share will increasingly become smaller in the successful, growing economy. Army privileges will remain tangible, but the imbalance in its share over the past 60 years in power will be slowly reduced in proportion to the economy.

How is it possible to strike such a bargain in the absence of reliable figures? Because the army's budget is secret and some of the officers run a parallel economy, the ratio of the military resources to the overall economic resources is unknown to the public. Depending on how perks are calculated, it probably varies between 20 and 40 percent of the overall gross domestic product (GDP). This is unsustainable in relative terms. It can be maintained while the rest of the economy grows, however. Over a period of one to three decades, it will slowly and increasingly look like the military budget of democratic countries, where the ratio is between one percent of GDP, as seen in Japan, and five percent as seen in the US.

So SCAF must fold, and it may be too late already, for unarmed demonstrators who have lost their dear ones in the repression are entitled to request judicial accountability, as they did for Mubarak. A small possibility remains for an orderly and reasonable retreat from bloodshed, which involves SCAF's more reasonable members, the large array of revolutionary forces, and those in the democratic world who want Egypt to continue leading the Middle East nonviolent revolution.

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