Division Leads to Protests: Divided Structure of Contention and the Emergence of Political Nonviolent Protests in Mubārak's Egypt

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Abstract

Lust-Okar's [2005] divided Structure of Contention has been regarded in studies of authoritarian regimes as an efficient way of preventing opposition groups from cooperating, thus preventing large protests. However, in Egypt, which Lust-Okar used as a case study, political protests and opposition cooperation emerged during the 2000s despite little change in the divided Structure of Contention. This study proposes that the divided Structure of Contention itself sometimes promotes opposition cooperation and protests; the divided Structure of Contention fosters division not only *among* the opposition groups but also *within* each of them, and factions excluded from each opposition have an incentive to cooperate with each other and protest. This paper tests this argument through a case study of division within both the legal opposition parties and the Muslim Brotherhood, and through studying those who led the protests during 2000–2005. The case study demonstrates that the benefits derived from the divided Structure of Contention led to exclusion or defection from some legal opposition parties and the Muslim Brotherhood of young and active factions, and the failure of their newly formed political parties (the Karāma Party and the Wasaṭ Party) to gain legality led them to protest the government.

I. Introduction

In authoritarian regimes, protests demanding democratization are an undesirable development. Extra-institutional activities that criticize the current political system and demand some reforms may not merely encourage opposition groups to take more contentious actions but may also lead to the defection of ruling elites [Casper and Tyson 2014; Kuran 1991]. Therefore, the government must act to prevent protests of any kind, even minor ones, from occurring.

One of the ways that has been regarded as efficient for this purpose is to promote division among opposition groups. In particular, Lust-Okar's [2005] divided Structure of Contention has been one of the most renowned theories in the study of authoritarian regimes. This theory claims that dividing opposition groups into legal and illegal forces and providing certain benefits only to the former discourages cooperation between them, leading to the likelihood of

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fewer protests.

In view of this theory, the increase in political nonviolent protests in Egypt in the 2000s, particularly the Kifāya Movement that emerged in Egypt at the end of 2004, is a curious phenomenon. Originally, Lust-Okar [2005] studied Mubārak's Egypt as a typical case of the divided Structure of Contention and persuasively demonstrated why there were few nonviolent protests by secular opposition groups in Egypt in the 1990s. However, though the structures identified by Lust-Okar have not changed since then, political nonviolent protests emerged in the 2000s, of which particularly important was the Kifāya (enough) Movement (formally Egyptian Movement for Change), which opposed the then President Mubārak's long tenure and succession to his second son, Jamāl. One of the characteristics of the Kifāya Movement was the cooperation between secular and Islamist oppositions [Abdelrahman 2014; El-Mahdi 2009], which was precisely what the divided Structure of Contention assumed to prevent from emerging.

Why did political protests, especially the Kifāya Movement, emerge in Egypt after 2000, even though the divided Structure of Contention had not changed? This study argues that the divided Structure of Contention was one of the structural factors that gave rise to the political protest movement in Egypt in the 2000s. That is, the divided Structure of Contention creates divisions not only *among* opposition groups but often *within* each of them. When the factions created by these divisions and excluded from the original groups are not subject to government legalization, their protests are more likely to occur.

This study has two contributions. First, it revisits the Lust-Okar's argument, to which studies on authoritarian regime have repeatedly referred as an effective means of discouraging opposition activities and identifies elements in the divided Structure of Contention that promote rather than deter protest. The efficiency of the division among opposition groups in thwarting their activities has been considered self-evident. By contrast, this study extends the argument of Lust-Okar [2005] to demonstrate that division can sometimes promote opposition activities, thereby reserving the effectiveness of fragmentation and offering a new perspective for future research.

Second, this paper bridges the gap between studies that analyze what stabilized the regime in Mubārak-era Egypt and those that examine what led to its instability. In the studies of Egyptian politics, the emergence of the Kifāya Movement and the January 25 Revolution has been explained primarily by the political opportunity structure in social movement studies [El-Mahdi 2009; Gunning and Baron 2013; Tohamy 2016]. On the other hand, although Egypt in the Mubārak era has been treated as one of the leading examples of the persistence of authoritarian regimes [Blaydes 2011; Brownlee 2007; Lust-Okar 2005; Hinnebusch 2006], few studies dealt with the Kifāya Movement or the January 25 Revolution from this perspective. This study attempts to fill this gap by extending Lust-Okar's [2005] argument.

The remainder of this study is organized as follows. Section II summarizes the arguments of Lust-Okar [2005] and extends them to present an original analytical framework in which the divided Structure of Contention leads to divisions *within* individual opposition groups, and protests are likely to arise if both factions emerge, one excluded from legal opposition and the other excluded from illegal opposition. Section III examines the divided Structure of Contention during the Mubārak era and illustrates that this structure caused fissures in both legal opposition parties and the illegal Muslim Brotherhood. Section IV reviews protests in the early 2000s and explains that people excluded from the original opposition groups led the protests. Section V concludes.

II. Framework for Analysis
1. Lust-Okar's "Divided Structure of Contention"

In research on opposition groups under authoritarian regimes, the dominant theme has been how and when they strategically act to win elections [Arriola 2012; Greene 2007; Kelly 2020; Ong 2022]. Given that many authoritarian regimes hold minimally competitive elections, and that these elections sometimes trigger government defeats despite the government's enormous advantages, why and when such critical events do (or do not) occur has become an attractive research question. Protests also tend to be discussed in tandem with elections, as protests in authoritarian regimes tend to occur during elections [Kadivar 2017; Lucardi 2019; Tucker 2007; Woo and Conrad 2019]. However, few studies analyze protests without elections: even the studies on contentious politics and social movement in authoritarian regimes argue that political opportunity structures, especially the opening of the political scene through more competitive elections, encourage protests [Tarrow 2011; cf. Almeida 2003].

On the other hand, Lust-Okar [2005] proposed an analytical framework that focuses on protests by opposition groups: Structure of Contention, which can be classified into three categories; the divided Structure of Contention, which includes some of the opposition groups in the formal political sphere[1] and excludes others; the inclusive unified Structure of Contention, in which the opposition groups are completely included; and the exclusive unified Structure of Contention, in which the opposition groups are totally excluded from the formal political sphere. Lust-Okar argues that a divided Structure of Contention is more likely than either type of the unified Structure of Contention to prevent opposition groups from cooperating and protesting together when the government faces a crisis.

The logic is as follows [Lust-Okar 2005: Ch. 3]: Under the divided Structure of Contention, the government selectively legalizes some opposition groups according to their

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1 Lust-Okar does not clearly define the term "formal political sphere," but the case analysis covers parliament, national elections, and the election of executive committee members of various state-controlled institutions such as labor unions and professional associations.

policy preferences; that is, it legalizes moderates whose policy preferences are relatively close to the government and who demand a small degree of change in the status quo, while it denies legality to radicals whose policy preferences are separated from the government and who aim for a large degree of change in the status quo. This is because moderates are more likely to accept the rules of the game in the formal political sphere that the government sets to their disadvantage.

Whether opposition groups gain legal status affects the nature of their organization. Legal opposition groups can stage protests against the government to the extent that the government can tolerate, and they can also have ties to government officials and enjoy some material benefits. As a result, they are more inclined to maintain the status quo and do not engage in protests potentially threatening the government. However, because of their connection with the government, they lose public trust and their ability to mobilize weakens. On the other hand, illegal, excluded opposition groups have no ties to the government and thus have an incentive to stage protests to shake up the status quo and extract concessions from the government. Moreover, their rebellious behavior is more likely to gain support from those who are dissatisfied with the status quo. However, because of their radical stance, the ruling elites actively suppress them, making it difficult to mobilize people on a large scale [Lust-Okar 2005: 79–89].

Thus, legal opposition groups become reluctant to protest in cooperation with the excluded opposition under the divided Structure of Contention. Excluded opposition groups prefer joint conflict — staging protests in cooperation with the legal opposition groups — because it is less costly than protesting alone. However, for the legal opposition groups, joint conflict is riskier than protesting alone because joint conflict often incites government repression. Thus, when a country faces a crisis, protests rarely occur in cooperation with one another and do not grow in scale, even if the crisis is protracted. Lust-Okar [2005] treated Egypt in Mubārak era and Morocco as cases of the divided Structure of Contention and demonstrated that case studies supported this argument.

However, this argument did not apply well to Egypt in the 2000s, when protests became more active. Notably, neither the legitimate opposition nor the Muslim Brotherhood, which was seen as the main excluded opposition in Egypt, played a central role in the rise of these protests. The Muslim Brotherhood also tended to refrain from protests threatening the government except for the 2005 referendum on constitutional reform. In other words, the rise of protests in Egypt in the 2000s and the January 25 Revolution of 2011 occurred despite the continued existence of the divided Structure of Contention described by Lust-Okar.

Who protests against the government in a divided Structure of Contention and why? This paper examines these questions from two perspectives on which Lust-Okar did not focus: (1) the impact of the divided Structure of Contention on individual opposition groups and (2) the

long-term changes in the composition of actors within the divided Structure of Contention.

2. Analytical Framework and Observable Implications

This paper argues that the divided Structure of Contention creates divisions *within* individual opposition groups and that factions excluded from existing opposition groups protest because the government does not legalize them. First, the government builds a divided Structure of Contention by creating two types of opposition groups: the Legal Opposition (Opposition L) and the Excluded Opposition (Opposition E) (T1). Then, conflicts arise within each opposition group, and a faction excluded from the legalized opposition (Opposition ℓ), and one excluded from the excluded opposition (Opposition e), emerge (T2). Finally, when Opposition ℓ and Opposition e both exist and the government legalize neither of them owing to a lack of incentives to change the balance of power among the various opposition groups or because their policy preferences are quite different from the government, they coordinate to stage protests. Thus, even when the legal opposition is weak and the divided Structure of Contention prevents cooperation among existing opposition groups, new groups can emerge and initiate protests in the quest for political reform. Figure 1 summarizes this argument.
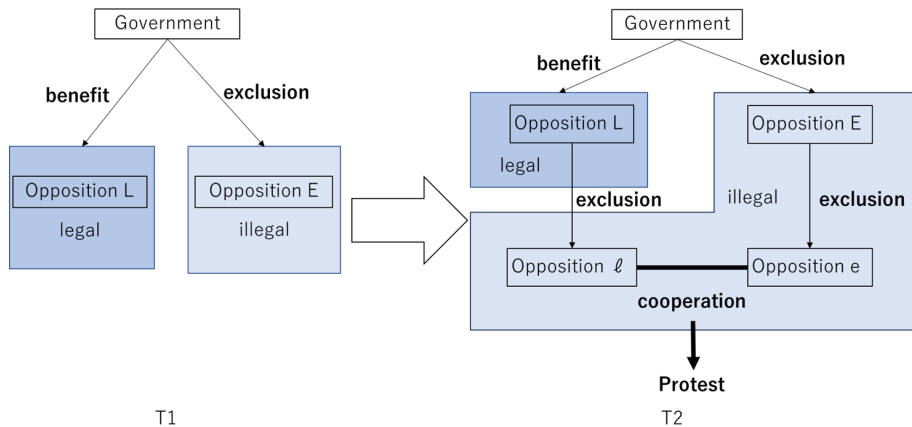

Figure 1: Divided Structure of Contention and the Change of the Composition of Actors

Below, we review the logic behind this argument. First, we examine the impact of the divided Structure of Contention on individual opposition groups, both legal and excluded.

In the case of legal opposition, the way of distributing the benefits gained from legalization is likely to create divisions within the group, especially if power is concentrated in the leadership. Under a divided Structure of Contention, legal opposition is privileged with some room to operate; however, how these benefits are distributed and exercised is likely to be a source of controversy within each group. Especially when the leader has enormous power, the benefits gained from legalization are distributed dominantly to the leader and members

who have close personal relationships with the leader, while the benefits to those who are not part of the entourage tend to be small. Even if factions dissatisfied with their gains complain against the leader, the leader with strong power can ignore it [cf. Buckles 2017]. Consequently, these factions are likely to be excluded from the legal opposition because they rebel against the leader or voluntarily leave the group because they do not expect to benefit from it.

In the excluded opposition, conflicts may arise over the policies of political activities. The excluded opposition is more vulnerable to government repression than the legal opposition because it is illegal. Legalization would make it less vulnerable to repression but would require it to change its policy preferences to the government's end [Lust-Okar 2005], which could lead to the loss of its support base. The leaders of the excluded opposition could also adhere to their current policy preferences because of their long experience with repression [Greene 2007]. Whether the excluded opposition group should change its policy preferences to become legal and avoid repression can be the seed of conflict. If this happens, the excluded opposition may keep the current preferences such that it remains illegal to maintain its support base or to reflect the wishes of the leaders who hold more power within the group. Consequently, the factions advocating legalization will be excluded from the group in question.[2]

Thus, when the divided Structure of Contention causes a split in individual opposition groups, especially when factions critical of the government are excluded, the composition of actors in the divided Structure of Contention changes. In authoritarian regimes, those who join the opposition have high motivation for political activities because they wish to express their critical opinions against the government even if they face some trouble by joining an opposition group in an environment favorable to the government and ruling party [Greene 2007]. However, being excluded from the original opposition group is likely to increase the cost of continuing political activity, as they lose the benefits gained by belonging to the original opposition group, such as the benefits provided by the government and their support base. Therefore, if factions excluded from the original opposition group are highly motivated to continue activities critical of the government, they are likely to form a new opposition group and aim for legalization to mitigate losses. Thus, in addition to the legal opposition (Opposition L) and the excluded opposition (Opposition E), two new groups emerge, that is, the opposition excluded from the legal opposition (Opposition ℓ) and the opposition deposed from the excluded opposition (Opposition e).

Would the government, then, legalize Opposition ℓ and Opposition e? Based on the previous studies, this study argues that the government does not give them legality when the government does not need to consider the balance of power among opposition groups or when

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2 Although it is logically possible that it is the factions claiming to maintain the status quo that are excluded, the argument developed below is valid only if the factions advocating legalization are excluded, thus only the latter will be considered in the following discussion.

their policy preferences are largely different from those of the government. The government has an incentive to legalize the opposition when (1) the ability of the opposition in question is high and requires cooptation [Gandhi 2008], (2) supporting the new opposition will curb the expansion of the power of existing opposition groups [Lust-Okar 2005: Ch. 6], and (3) its policy preferences are close to those of the government and the range of concessions required is small [Lust-Okar 2005: Ch. 3]. Thus, if Opposition ℓ and Opposition e themselves are weak, but Opposition L and Opposition E are gaining more seats in the election, the government, by legalizing Opposition ℓ and Opposition e, can make them compete with Opposition L and Opposition E and contain their expansion of power. Conversely, if Opposition L and Opposition E are weak and there is no need to consider the balance of power, or if Opposition ℓ and Opposition e cannot be expected to weaken Opposition L and Opposition E, the government has no incentive to legalize Opposition ℓ and Opposition e. Moreover, if the policy preferences of Opposition ℓ and Opposition e are close to those of the government, legalizing them can maintain their democratic guise at a small cost, and it will be easier to avoid domestic and foreign pressure. However, if the policy preferences of Opposition ℓ and Opposition e are quite different from those of the government, legalizing them could give legitimacy to claims unfavorable to the government, and the cost for the government would be high. Therefore, the government may be reluctant to legalize opposition groups with policy preferences quite different from it. Additionally, Opposition ℓ and Opposition e, which do not satisfy (1) through (3), are expected to have low mobilizing capacity, the disadvantage of not legalizing them for the government is negligible.

Subsequently, when the government does not legalize Opposition ℓ and Opposition e, these two groups have incentives to protest. When Opposition ℓ and Opposition e gain legality, it alludes to the maintenance of the benefits they originally enjoyed or the achievement of their goals, and thus they have little incentive to actively protest. Consequently, failure to obtain legality means for Opposition ℓ the loss of the rights it enjoyed before being excluded, and for Opposition e the betrayal of its expectations of legalization despite the change in its policy preference. Consequently, the former, from the logic of risk aversion, which makes it easier to choose riskier actions in response to losses [Bergstrand 2014], and the latter from the large gap between reality and expectations [Gurr 1970], can feel more dissatisfied than their original groups and choose protests that carry a higher risk of repression. On the other hand, Opposition L has little incentive to protest because carrying out protests may lead to the loss of certain benefits granted by the government. Opposition E is also less willing to engage in protests than Opposition ℓ and Opposition e because Opposition E does not receive any benefits from the government and has little expectation of legalization.

However, there is one problem: both Opposition ℓ and Opposition e have only a poor capacity to mobilize if the mechanism discussed above works. Opposition ℓ does not have the

mobilizing capacity because the original Opposition L does not have any meaningful support base. Neither does Opposition e because they cannot deprive the original Opposition E of their support base. Thus, neither Opposition ℓ nor Opposition e can play the role of the Social Movement Organization [McCarthy and Zald 1977] and this is why the government does not legalize them despite the risk of a surge in protests.

The lack of mobilizing capacity can be solved if Opposition ℓ and Opposition e cooperate, and this study contends that they can do so despite their ideological differences. Research on social movements points out that mobilizing people into protests requires resources [McCarthy and Zald 1977] and that cooperation among organizations with different resources is key to attracting various people. However, opposition groups become reluctant to cooperate if the mobilizing capacities of opposition groups differ greatly, for groups with large capacities do not think cooperation is significant [Imai 2017: 206] and prefer achieving their goals rather than maintaining cooperation, while those with small capacities fear that they cannot influence the course of cooperation. Additionally, the cooperation is likely to fail if the government coopts opposition groups in some manner [Arriola, Devaro, and Meng 2021; Buehler 2018]. In contrast, Opposition ℓ and Opposition e do not have these inhibiting factors; they both lack the mobilizing capacity; therefore, the likelihood of one group overwhelming the other and dominating the course of cooperation is small. Additionally, they cannot be the target of the government's cooptation because the government does not legalize them. Therefore, the benefits of cooperation and the lack of obstructive factors promote Opposition ℓ and Opposition e to collaborate even if their policy preferences diverge. In contrast, the government does not expect their cooperation because their original organizations, Opposition L and Opposition E, do not coordinate owing to the divided Structure of Contention. Consequently, the protest movements emerged unexpectedly in terms of the government.

Two observable implications can be derived from the discussions above. First, the divided Structure of Conflict brings about divisions not only *among* opposition groups but also *within* each opposition group. Second, factions excluded by the original opposition groups choose to protest because the government does not legalize them. Below through the case study, we check whether these observable implications can be found.

III. Divided Structure of Contention and Division within Opposition Groups
1. Political Parties Law and the Benefit of Being Legalized
The origin of the divided Structure of Contention in the Mubārak era was the introduction of a multi-party system in 1976. Anwar al-Sādāt, then president, divided the Arab Socialist Union (al-Ittiḥād al-Ishtirākī al-ʿArabī, following ASU), the only legal political party at that time, into three political groups called minbar (platforms): right, center, and left, and made these three groups compete in the election. The following year, in 1977, these three groups formally

became the political parties; the right-wing became the Liberal Party (Ḥizb al-Aḥrār), the center-wing the ruling National Democratic Party (al-Ḥizb al-Waṭanī al-Dīmuqrāṭī, following NDP), and the left-wing the National Progressive Unionist Party (Ḥizb al-Tajammuʿ al-Waṭanī al-Taqaddumī al-Waḥdawī, following Tagammuʿ Party). At that time, Law No. 40 of 1977, known as the Political Parties Law, was enacted,[3] which greatly influenced the formation of subsequent political parties and became a legal framework for the divided Structure of Contention.

The Political Party Law erected various barriers that prevented new political parties from gaining legal status. First, a group could not obtain legal status as a political party unless it received approval for its establishment from the Committee on Political Party Affairs[4] (Lajna Shuʾūn al-Aḥzāb, following the Committee). Additionally, the provisions of Article 4, which set forth the requirements for establishing a political party, were vague and open to interpretation in favor of the government.[5] Taking advantage of these provisions, the Committee refused to grant legality to the newly established opposition parties until 2000. If the Committee rejected their application, the founders of the opposition party could appeal to the Administrative Court (Article 8), and most if not all opposition parties that were established before 2000 had obtained legality through this process [Kienle 2001: 30, 68]. In the 2000s, a few cases were officially legalized by the Committee, such as the Ghad (Tomorrow) Party (Ḥizb al-Ghad) in 2004 and the Democratic Frontier Party (Ḥizb al-Jabha al-Dīmuqrāṭīya) in 2007 [Shehata 2010: 77–80].

The main advantage of legalization for opposition groups was their legitimacy to engage in political activities. Article 9 of the Political Parties Law clearly stated that only political parties were allowed to engage in political activities, and that legalized opposition parties were the only entities legally tolerated to act politically. In fact, during Mubārak's presidency, the state of emergency under Law No. 162 of 1958 was always in force, and even opposition parties were restricted from basic activities such as holding rallies [Fahmy 2002: 92–93;

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3 The Political Parties Law was significantly amended in 2005 (Law No. 177 of 2005), which raised the requirements for establishing political parties, strengthened oversight of their activities, and distributed the funds to political parties, among other new provisions. But this amendment does not affect the argument of this study; therefore, we will discuss below the old version of this law.

4 The Committee was chaired by the president of the Consultative Assembly (Majlis al-Shūrā), the equivalent of the Senate, and was composed of the Minister of Justice (Wazīr al-ʿAdl), the Minister of Interior (Wazīr al-Dākhilīya), the Minister of State for the People's Assembly (Wazīr al-Dawla li-Shuʾūn Majlis al-Shaʿb) and three former judges without any party affiliation who were selected by presidential decree.

5 For example, Paragraph 2 stipulates that the policy manifest proposed by the applying party must be significantly different from that of other parties existing at the time of application in terms of the policies it seeks to realize. Furthermore, Paragraph 3 of the same article prohibits the establishment of political parties based on class, sect, group, or geography, or on discrimination based on gender, origin, religion, or belief. This paragraph was the rationale for prohibiting the Muslim Brotherhood and other Islamist parties as political parties until 2007, when the amended Egyptian Constitution formally prohibited the founding of political parties based on religion.

Kienle 2001: 31]. However, opposition parties could still operate as legitimate political entities. Additionally, the People's Assembly elections in the 1980s adopted a system of proportional representation by party lists that required membership in a legalized opposition party to participate in the elections.

To some extent reflecting the legitimacy of these legal opposition parties, the government sometimes treated them as the only legitimate political actors. For example, when holding extraordinary meetings called National Dialogue (al-Ḥiwār al-Waṭanī) with opposition groups, the government invited only legal opposition parties [Albrecht 2013; El-Mikawy 1999; Kienle 2001]. In May 2005, when Article 76 of the Constitution was amended to change the presidential selection system from "approval by referendum for candidates selected by the People's Assembly" to "direct election based on a multi-candidate system," strict conditions were placed on the eligibility to run for the presidency,[6] while legal parties were allowed to submit one candidate from each party without conditions as a transitional measure for the 2005 presidential election [Stilt 2014: 124]. However, the provision of such benefits was often arbitrary; therefore, together with the high hurdles, legalization made legal opposition parties dependent on the government.

Additionally, almost the only right granted to political parties in the provisions of the Political Parties Law was the publication of newspapers (Article 15). In Egypt, the Higher Council for Publication (al-Majlis al-A'lā lil-Ṣafāḥa), established under the Publication Law (Law No. 148 of 1980), had the authority to permit or deny the publication of periodicals; however, publications published by political parties did not need to obtain its permission[7] [Kienle 2001: 29]. Thus, each of the major legal opposition parties published newspapers daily or weekly in which they presented their opinions and criticisms of the government. Although each newspaper had a limited number of subscribers and much smaller circulation than the government, it was a valuable means for opposition parties to express their views as they were rarely mentioned in other media such as television [Springborg 1989: 193]. However, one must note that the government often attempted to obstruct and tighten control over journalists, especially the opposition media [Kienle 2001: 98–108; Springborg 1989: 194–197]; therefore,

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6 Candidates must either be nominated by "a political party that has been in existence for at least five years and has won at least 5% of the seats in both the People's Assembly and the Consultative Assembly in the most recent parliamentary election" (but only if they have served as an executive officer for at least one year), or they must gather "support from a minimum of 250 members, including 65 from the People's Assembly, 25 from the Consultative Assembly, and 10 each from at least 14 local assemblies of the 26 governorates." However, as the legal opposition could never secure more than 5% of the seats in either the People's Assembly or the Consultative Assembly since 1990, and the Muslim Brotherhood also rarely secured seats in the Consultative Assembly and local assemblies, the provision effectively prevented those outside the NDP from running. This rule was changed by the 2007 constitutional amendment, which lowered the number of seats required to at least 3% in each of the parliaments and further extended the exception to allow parties that secured seats in the parliaments to run for president for 10 years after the amendment [Stilt 2014: 128].

7 In the 2000s, however, independent private media were allowed to publish newspapers, so this benefit was relatively reduced.

the rights granted were limited to a considerable degree.

2. Division within Each Opposition Groups

The benefits and constraints established by the government created fissures within individual opposition groups. In this regard, we will examine first the cases of legal opposition parties, then examine the case of the Muslim Brotherhood, a prime example of an excluded opposition.

First, legal opposition parties in Egypt under Mubārak were extremely top-down in nature, and their authority was concentrated in the hands of their leaders. Their founders had particularly strong power, and their intentions strongly influenced their behaviors. People close to the founders were positioned in the top echelon of the parties, resulting in a very rigid organization [Fahmy 2002]. For example, the founders of the major legal oppositions kept their positions for around 20 years; Khālid Muḥyī al-Dīn, the founder of the Tagammuʿ Party, was in office from its founding in 1976 until 2003; Muṣṭafā Kāmil Murād, the founder of the Liberal Party, from its founding in 1976 until his death in 1998, the founder of the New Wafd Party Fuʾād Sirāj al-Dīn from its founding in 1978 until his death in 2000, Ibrāhīm Shukrī, the founder of the Socialist Labor Party from its founding in 1979 until his death in 2008, and Ḍiyāʾ al-Dīn Dāwūd, the party leader at the time when the Nasserist Democratic Arabic Party (Ḥizb al-ʿArabī al-Dīmuqrāṭī al-Nāṣirī: following the Nasserist Party) became legal, remained its leader from its legalization in 1992 until 2010 [Albrecht 2013: 47, 50, 51; Gharīb 2011; Ḥusayn 2018].

The concentration of power in the parties' leaders often resulted in the emergence of factions dissatisfied with the founding party leaders over the benefits of legalization, and party leaders often excluded them from the parties. During the mid-1980s, some young party members within the Tagammuʿ Party were at odds with the leadership over the party's stance on its activity, and young party members engaging actively in political activities were frequently excluded from the party or left the party themselves [ʿAbd al-Ḥayy 2009: 123–124, 126; Pratt 2005: 132]. For example, during the 1984 People's Assembly elections, some young party members, such as Farīd Zahrān, tried to coordinate candidates among leftist groups to gain more votes; however, the leaders gave priority to compiling a list of their preferred candidates and interfered in various ways with Zahrān's activities. Furthermore, taking advantage of the large number of new members who joined the party in the 1984 elections, Zahrān and others later tried to run for the Cairo branch's executive members to expand their influence within the party; however, the leaders suspended their party membership to prevent their attempt [Zahrān 2002: 16–18]. The conflict over the list of candidates for the People's Assembly elections during the 1980s indicates that it was a conflict over the benefits of legalization, given that under the proportional representation system, membership in a legal opposition party was mandatory to contest in the elections. Furthermore, in May 1996 in the Nasserist Party, some young party members demanded the removal of the editor-in-chief of the

party's official newspaper, which Dāwūd refused. When five members of the Political Bureau, including Ḥamdīn Ṣabāḥī and Amīn Iskandar, resisted this refusal, Dāwūd froze their party memberships. Consequently, Ṣabāḥī and Iskandar submitted their resignation from the party in September of the same year [Markaz al-Dirāsāt al-Siyāsīya wa-l-Istrātījīya bi-l-Aḥrām 1997: 311–312]. As mentioned earlier, newspaper publication is one of the few rights granted to the legal opposition through the Political Parties Law, and as the post of editor-in-chief of the newspaper affects the opinions expressed through the newspaper, this conflict is also over the benefits of legalization.

Subsequently, Ṣabāḥī and Iskandar founded the Karāma (Dignity) Party (Ḥizb al-Karāma) after defection; however, the government did not legalize it. They applied to the Committee to establish the Karāma Party twice in 2000 and 2004, but the Committee rejected their applications. They also appealed against the Committee's decisions to the Higher Administrative Court; however, its rejections were not overturned.

Meanwhile, conflicts over its activities also emerged in the Muslim Brotherhood, which had not been legalized as a political organization. In the 1990s, the government's repression of the Muslim Brotherhood intensified as Islamist extremists became increasingly violent. Particularly during the 1995 People's Assembly elections, only one of the 170 candidates was elected owing to government interference, and many middle-aged members of the Guidance Bureau were arrested, tried by the military court, and imprisoned [Al-Awadi 2014: 170–176]. Under these circumstances, Abū al-ʿAlā Māḍī and others applied to establish a political party in 1996 without permission from the Guidance Bureau. The senior leaders were enraged and interrupted the application, resulting in the exclusion of Māḍī and others from the Brotherhood. As a background, Wickham [2013: Ch. 4] points out that Māḍī and other middle-aged Brotherhood members found their political activities in an illegal status strongly limited because of increased government repression, while they were frustrated with the overly ideologically oriented attitude of the older generation. Māḍī's action meant that a conflict over legalization existed in the Muslim Brotherhood.

After Māḍī left the Muslim Brotherhood, he founded the Wasaṭ (Centrist) Party (Ḥizb al-Wasaṭ), which the government did not legalize. The Wasaṭ Party submitted applications to the Committee three times in 1996, 1998, and 2004, but the Committee rejected all of them, and an appeal to the Administrative Court failed to overturn the decisions.

Why did the government not legalize the Karāma and Wasaṭ parties? Below, we confirm by examining the results of the national elections and the policy preferences of the two parties that the government had little incentive to legalize these factions.

First, legal opposition parties won few seats in the national elections, and the government did not have to consider their balance of power. Since the 1990s, the New Wafd Party, the Tagammuʿ Party, and other legal parties each secured only a few seats out of a total of 444

seats in the People's Assembly, and their presence in the legislature was almost negligible. This was attributed to several factors such as the extremely clientelistic nature of Egyptian elections [Blaydes 2011; Masoud 2014] and the lack of access to groups that could serve as a base for support, such as trade unions and professional syndicates [Kienle 2001; Posusney 1997]. Therefore, the government had no incentive to legalize the Karāma Party to compete with other legal parties.

Conversely, the Muslim Brotherhood, an illegal opposition group, had a strong presence in the national elections, and the split of the Wasaṭ Party had little effect on the Muslim Brotherhood's support base. Although the Muslim Brotherhood was never legalized as a political party, it continued to participate in national elections, except in 1990. In elections that were not obstructed by the government, the Muslim Brotherhood won far more seats than the legal opposition. Especially in 2005, it held approximately 20% of the seats. The Muslim Brotherhood was strong in national elections because it focused not only on political activities but also (or even more) on social service activities, thereby expanding its support base mainly among the urban middle class, which is less susceptible to clientelism [Masoud 2014: Ch. 4]. In contrast, the Wasaṭ Party was only a portion of the Muslim Brotherhood's middle-aged leaders, known as the reformist faction. As a political group, it focused on presenting a more concrete and less Islamistic policy program and lacked a support base that could be mobilized in elections [Yokota 2006: 138]. Therefore, the Wasaṭ Party was not a group compatible with the Muslim Brotherhood, and thus the government had no incentive to legalize it.

Second, the policy preferences of the Karāma and Wasaṭ parties were so different from the government's that it could not tolerate their activities. The Wasaṭ Party made efforts to diminish its religious character by welcoming Christians as executive members; however, its policy programs still had Islamist tendencies [Yokota 2006; Wickham 2013]; therefore, for the government, the Wasaṭ and the Muslim Brotherhood did not differ. Moreover, the Karāma Party belonged to the Nasserists within the Egyptian left, and the Nasserists criticized the economic policies the Egyptian government was pursuing at the time, such as the privatization of state-owned enterprises, from the perspective of continuing the governing principles of Jamāl ʿAbd al-Nāṣir (Nasser). For the government that originated in the Nasser period, the presence of Nasserists who criticized the government based on its founder's ideology was undesirable [Kassem 1999: 115–117; Shehata 2010: 70–71]. In addition, particularly their leader Ṣabāḥī was an active political figure and was arrested at least twice in 1987 when he was working as a journalist and in 1997 when he formed the National Committee for Protecting Peasants (al-Lajna al-Qawmīya lil-Duffāʿ ʿan al-Fallāḥīn)[8] [Springborg 1989: 197;

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8 The National Committee for Protecting Peasants is a group of leftist intellectuals who criticized the government over the enforcement of Law 96 of 1992. This law replaced the old law on renting lands in a way that greatly favored landlords, allowing them to decide whether to extend a contract that had expired [Abdelrahman 2014: 14; Hopkins and Westergaard 1998: 6]. This led to opposition in rural communities

al-Munaẓẓama al-Miṣrīya li-Ḥuqūq al-Insān 1998: 119]. Thus, Ṣabāḥī and the Karāma Party, of which he was the leader, were also undesirable to the government.

The above discussion can be summarized as follows. During the Mubārak era, the power of Egyptian legal opposition parties was concentrated in the hands of their leaders, and factions that opposed the leaders were often deposed over the benefits of legalization. Additionally, the Muslim Brotherhood, the largest excluded opposition group in Egypt at that time, had internal conflicts over whether to seek legalization as a political group. The factions displaced by these conflicts sometimes established new political parties. However, the government did not give them legal status because there was no need to balance the power of the opposition groups and because their policy preferences differed greatly from those of the government.

IV. Emergence of Political Nonviolent Protests in 2000s and Its Relation to Division in Opposition

In Egypt, political nonviolent protests rarely occurred until the 1990s[9]; however, they gradually increased in the 2000s. Political nonviolent protests in the 1990s were mostly one-time occurrences and focused on the Palestinian issue [Kienle 2001: 90–91]. Legal opposition parties refrained from protesting as analyzed by Lust-Okar [2005], and the Muslim Brotherhood was also reluctant to protest. In the 2000s, however, political nonviolent protests gradually increased in Egypt, and emergence of the Kifāya Movement was referred to as a turning point that finally led to the January 25 Revolution. Why did political nonviolent protests increase in Egypt in the 2000s? While previous studies have pointed to the occurrence of important events in neighboring countries, such as the Second Intifada and the Iraq War, as well as the relaxation of government control over the public political sphere as promoting factors [Clarke 2011; El-Mahdi 2009; Gunning and Baron 2013; Tohamy 2016], they have not fully explained the background and motivations behind the emergence of new political groups that were autonomous from existing political forces. In this section, we will focus on the Egyptian Popular Committee in Solidarity with the Palestinian Intifada (al-Lajna al-Shaʻbīya al-Miṣrīya li-Daʻm Intifāḍa al-Shaʻb al-Filasṭīnī: following EPCSPI), the anti-Iraqi war protests of March 2003, and the Kifāya Movement, and demonstrate that it is the divided Structure of Contention that prompted activists to stage protests.

1. EPCSPI and Anti-Iraqi War Protests: Civil Society Excluded from Legal Oppositions

The EPCSPI, formed in October 2000, was not originally a protest group, but rather an intellectual circle to express solidarity with the Palestinians who were engaged in the Second

across the country before the end of the five-year transition period in October 1997.

9 On the other hand, violent confrontations between the government and radical Islamist organizations, mainly al-Jamāʻa al-Islāmīya, were frequent during this period, but they subsided after 1997 because of the government crackdown.

Intifada and to support their activities. They actively collected donations of relief supplies throughout Egypt, which they attempted to deliver to the Palestinian people. However, after the EPCSPI held a demonstration in September 2001 in Tahrir Square against Israel's occupation policy and the United States' tacit approval of it, protests against external issues became more frequent [Abdelrahman 2014: 32]. These protests led to the anti-Iraqi war demonstrations in March 2003 in response to the U.S. invasion of Iraq. Around 40,000 people attended this protest, and as the slogans of the participants gradually shifted to criticism of domestic political issues, the government repressed the protests and arrested many participants [Abdelrahman 2014: 32–33; Howeidy 2005].

The leftists excluded from existing legal opposition parties or originally distanced from party activities mainly played the leading role in the activities of the EPCSPI. For example, one of the leaders who formed the EPCSPI was Farīd Zahrān, who was excluded from the Tagammuʻ Party, as mentioned in the previous section. After he left the Tagammuʻ Party, he established a publishing company while also working with human rights organizations to monitor national elections. Human rights activists were also actively involved in the protests, many of whom were originally leftist intellectuals who were active in the student movement in the 1970s and became involved in human rights activities because they were excluded from the legal opposition parties or because they were unwilling to accept the legal opposition parties' avoidance of activities critical of the government [ʻAbd al-Ḥayy 2009: 126; Pratt 2005: 132–133, 136].

These activists became involved in protests in the wake of the EPCSPI not only because of the ideological importance of the Palestinian issue to them, but also because of the government's repression of human rights organizations. For example, in August 1998, Ḥāfiẓ Abū Saʻda, Secretary General of the Egyptian Organization for Human Rights (al-Munaẓẓama al-Miṣrīya li-Ḥuqūq al-Insān: following EOHR), was arrested and interrogated for six days. This was due to the EOHR's reports of violence against Christian Coptic communities by security agencies in the southern Egyptian governorate of Sohag [Kassem 2004: 122–124; Moustafa 2007: 183]. Then, in June 2000, sociologist Saʻd al-Dīn Ibrāhīm, the founder of another human rights organization, Ibn Khaldun Center for the Development Studies (Markaz Ibn Khaldūn lil-Dirāsāt al-Inmāʼīya), and 27 employees of the center were arrested and detained for 45 days for receiving illegal foreign financial aid. This was attributed to their engagement in voter education and preparations to monitor the national election held in the same year. When they resumed election monitoring after their release, their case was transferred to the Supreme State Security Court, which sentenced Ibrāhīm to seven years in prison in May 2001. Then, in February 2002, the Court of Cassation, the final court for criminal trials, ordered a retrial and the temporary release of Ibrāhīm and the others, who were finally acquitted in May 2003 amid increasing external pressure [Moustafa 2007: 190–191,

195–196, 202–205; Yefet 2015: 80–81]. Clearly, these cases indicated that the government became increasingly repressive toward human rights organizations around 2000.

Moreover, the government also sought to tighten the institutional restrictions on human rights groups. Under Law No. 32 of 1964, Egypt required groups engaged in social activities to register with the Ministry of Social Affairs (Wizāra Shu'ūn al-Ijtimā'īya) and report on their activities, and human rights organizations such as the EOHR were denied registration by the Ministry of Social Affairs. However, under this law, human rights organizations could register as civil companies to gain legal status in exchange for paying taxes. Against this situation, the government strengthened restrictions on the activities of human rights organizations by amending Law No.32 of 1964 to Law No. 153 of 1999,[10] which abolished the status of civil companies and required organizations registered as civic companies to register with the Ministry of Social Affairs. Conflict arose not only among but also within each human rights organization over whether they became subject to control, which reduced their influence over the political scene [Langohr 2005: 208–209; Moustafa 2007: 183–186].

Thus, human rights activists have been subject to repression and more control over their activities by the government since the late 1990s, leading them to choose protests as a repertoire of resistance against the government. Although their behavior does not directly demonstrate the mechanism proposed in this paper, the situation in which human rights activists—some of whom were excluded from the legal opposition parties and whose organizations were unable to obtain legal status or were in danger of losing the legal status they already possessed—led the protests in the early 2000s was very similar to the mechanism presented in this paper.

2. Kifāya Movement and Cooperation between Excluded Oppositions

Following EPCSPI and the anti-Iraqi war protest, the Kifāya Movement emerged at the end of 2004. The movement aimed to challenge domestic political issues, such as Mubārak's long tenure as president and the succession of Mubārak's second son Jamāl, and to demand political liberalization. The Kifāya Movement—which targeted not the government but the president personally and staged vigorous street protests—has been the subject of analysis in various studies as a turning point in the history of protest in Egypt. Many people who also took part in EPCSPI and anti-Iraqi war protests became participants.

Those who founded new political parties after their exclusion from existing opposition groups played leading roles in the launch of the Kifāya Movement. Originally six people jointly declared the formation of the Kifāya Movement, and among these six were Iskandar,

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10 This law was later ruled unconstitutional because it had not been reviewed by the Consultative Assembly, and the People's Assembly enacted Law No. 84 of 2002 with nearly identical contents [Moustafa 2007: 186–187, 202].

who was one of the founders of the Karāma Party, and Mādī, the founder of the Wasaṭ Party [Hassabo 2019: 497; Shorbagy 2007: 184–185]. Ṣabāḥī, the head of the Karāma Party, is not among these six, but is noted to have played a leading role in the movement ['Abd al-Ḥayy 2009: 236; El-Mahdi 2009: 1024].

The Kifāya Movement became active in protests after the government rejected the legalization of the Karāma and Wasaṭ Parties. Activists first discussed their plan for the Kifāya Movement around 2003 and made the official announcement of its formation in September 2004; however, the first protests were not held until December 2004 [Clarke 2011: 400; El-Mahdi 2009: 1018]. They staged this first protest after the Karāma and Wasaṭ Parties had their applications for establishment rejected by the Political Party Committee in October of the same year [al-Munaẓẓama al-Miṣrīya li-Ḥuqūq al-Insān 2005: 318]. This suggests that their failure to gain legal status as a political party encouraged them to protest.

One of the notable characteristics of the Kifāya Movement is the collaboration between leftists (such as Ṣabāḥī and Iskandar) and Islamists (such as Mādī). Before the Kifāya Movement, leftists and Islamists were thought to be incompatible, mainly over the public relationship between politics and religion. In addition to this ideological conflict, leftists suspected that the Muslim Brotherhood, with its high mobilizing capacity, might take over the situation, discouraging them from seeking cooperation with Islamists [Shehata 2010: 128–129]. In contrast, although the Kifāya Movement failed to build a cooperative relationship with the Muslim Brotherhood, it arose from cooperation between leftists and Islamists, which would have been impossible before. The fact that activists with opposing ideologies, even if only in part, cooperated to protest has been pointed out as a distinguishing feature of the Kifāya Movement [Abdelrahman 2014: 38; El-Mahdi 2009: 1019; Hassabo 2019: 497–498]. This cooperation was possible because the various forces joining the Kifāya Movement all lacked the resources necessary to mobilize people [Clarke 2011: 407–408]. Another factor is the common interest they had in demanding political reforms because they could not obtain legal status and thus had a common grievance. In addition, the Wasaṭ Party had a policy platform more compatible with democracy while retaining Islamist elements [Yokota 2006: 134-136], and some leftists such as Ṣabāḥī were more willing to cooperate with Islamists [Shehata 2010: 70–71]. Therefore, their policy preferences were closer than in the past, which promoted their cooperation.

In summary, the activists who played the leading role in the protests in the early 2000s, from the EPCSPI to the Kifāya movement were those who had been excluded from (or who voluntarily left) the existing opposition groups by the 1990s. They attempted to continue their political activities by working through human rights organizations or by founding new political parties. However, because the government blocked their movement, they opted to protest.

V. Conclusion

This paper argues, both theoretically and empirically, that the divided Structure of Contention, which has been assumed to suppress opposition protests, promotes protests under certain conditions. In Section II, after reviewing Lust-Okar's [2005] discussion of the divided Structure of Conflict, we argued that the divided Structure of Conflict sometimes creates fissures within the opposition and facilitates protests by factions excluded from the existing opposition and subsequently not legalized by the government. In Section III, we reviewed the actual situation of the divided Structure of Contention in Egypt and confirmed a split resulting from the divided Structure of Contention within both legal opposition groups and the Muslim Brotherhood, and that the government did not legalize the excluded factions when they tried to form new political parties. In Section IV, we pointed out that activists of human rights organizations and members of the Karāma and Wasaṭ parties, who were excluded from the existing opposition and not legalized by the government, were leading the political nonviolent protests in the early 2000s.

Future research should elucidate the relationship between the divided Structure of Contention and protests. Although this study emphasized that the divided Structure of Contention promotes protests under certain conditions in the long run, not all cases of the divided Structure of Contention display the same dynamics as those in Egypt. For example, in Morocco, which Lust-Okar [2005] also classified as having a divided Structure of Contention, the protests in 2011 did not spread as far as in Egypt and did not lead to effective political reforms, while there were some social reforms in the 2000s due to pressures from civil society organizations. While previous studies often point to the government's skillful response to protests [Benchemsi 2014], following the analytical framework of this study, differences in the government's legalization strategy could also affect the differences between Egypt and Morocco. In Morocco, the government legalized most secular opposition parties and allowed the Islamist Justice and Development Party to operate as well. Thus, factions like the Karāma and Wasaṭ parties did not emerge in Morocco, and the movement demanding political reforms was weak. Through a more detailed comparison of Egypt and Morocco, we can gain new insights into the conditions under which the opposition groups willing to protest can emerge even from divided opposition groups under repressive authoritarian regimes.

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