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# 02

# Nuances of Recognition in the League of Nations and United Nations: Examining Modern and Contemporary Identity Deformations in Egypt

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**Abstract**

*This article unpacks a link between practices of recognition in the League of Nations and those of the United Nations, which both declare a unified political will in formerly colonised societies. This article builds on Frantz Fanon's analysis of the colonial encounter and Jacques Derrida's diagnosis of the European crisis in the interwar period to examine the contemporary implications of affirming European exemplarity while reproducing self-racialising agencies in formerly colonised societies. I move between two political moments that recognise a unified Egyptian identity: first, the League of Nations' reception of al-Wafd Party in the Party's quest to assert Egyptian sovereignty against the British Empire; and second, the United Nations' response to the Egyptian uprising in 2011 as a triumph of a popular will. I suggest a resemblance between the United Nations' reception of the uprising and granting Egypt its membership to the League. In both moments, international recognition is contingent on maintaining a close affinity between a unified Egyptian identity and western exemplarity. Against that, I propose that the societal deformations in those two moments suggest that representing a unified political will has become an interminable source of social dissatisfaction and political repression.*

**Key words**
International Recognition; League of Nations; Democratisation; Egyptian Uprising; Resistance

## 1          Introduction

This paper traces a resemblance between practices of recognition in the League of Nations through opening its membership to formerly colonised societies and contemporary United Nations' practices that declare a unified democratic will in those societies. In doctrinal international legal scholarship, institutional practices of international recognition sustain a unified international community that has shifted the basis of international relations from civilising missions to sovereign equality and inclusion.[1] This illusion is constitutive of the communications on drafting the Covenant of the League of Nations in which colonial governance was never a problem.[2] As Antony Anghie points out, the colonial question that the drafters of the League were dealing with was that of administering the colonies of the falling German and Ottoman empires after the First World War.[3] This question gave rise to the Mandate System that applied to collapsing colonial empires and excluded the doctrine of self-determination in relation to determining the status of non-European territories. Nevertheless, the League's membership was open to any 'self-governing entities'.[4] I suggest that the internationalisation of the colonial question through the League has shaped the authorising function of international institutions in reproducing self-racialising agencies in formerly colonised societies. Central to my argument is that international legal practices – even ones with an emancipatory aim in Third World societies – function with an impasse against anti-colonial resistance. In the contemporary setting, this impassivity in the international space persists in constituting sovereign agencies that answer to the supremacy of western democratisation practices and liberal ideals.

Third World Approaches to International Law (TWAIL) scholars have highlighted the function of international institutions in shaping social relations.[5] They problematise the role of international institutions in universalising colonial

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[1] James Lorimer, *The Institutes of the Law of Nations; A treatise of the Jural Relations of Separate Political Communities*, (Blackwood & Sons, 1883) 98-101; Philip C. Jessup, *A Modern Law of Nations* (New York: Macmillan, 1948) 45; Chen Ti-Chiang, *The International Law of Recognition* (Ripol Classic, 1951) 16.

[2] David Hunter Miller, *The Drafting of the Covenant, Vol. 2* (G.P. Putnam's Sons, 2008).

[3] Anthony Anghie, 'Nationalism, Development and the Postcolonial State: The Legacies of the League of Nations' (2006) 41:3, Texas International Law Journal, 447-464.

[4] Covenant of the League of Nations, (1919) 27 LNTS 350, Art. 1.

[5] Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance* (CUP, 2003); Balakrishnan Rajagopal, 'International Law and the Development Encounter: Violence and Resistance at the Margins' (1999) 93 *Proceedings of the Annual Meeting,* American Society of International Law 16; Rose Parfitt, *The Process of International Legal Reproduction: Inequality, Histography, Resistance* (CUP, 2019) 147; Michael Fakhri, 'Law as the Interplay of Ideas, Institutions, and Interests: Using Polyani (and Foucault) to ask TWAIL Questions' (2008) 10(4) *International Community Law Review* 455; Upendra Baxi, 'What May the "Third World" Expect from International Law?' (2006) 27(5) *Third World Quarterly* 713; Vasuki Nesiah, 'Placing International Law: White Spaces on a Map' (2003) 16 *Leiden Journal of International Law* 1.

governance, in which sovereignty is 'granted' to formerly colonised societies. With their critiques, TWAIL scholars shift the 'international' – as a set of practices and social referents – from a site of subordination to one of solidarity and agency. They suggest that the international space becomes deployable for elevating Third-World societies as contributors to reshaping international legal practices. In relation to TWAIL approaches, I am interested in the mediation between universal referents and social-specific referents in the praxis of international recognition. TWAIL scholars contest the centrality of the concept of sovereignty during the decolonisation period and turn to dissecting the form of recognition granted to formerly colonised societies. Moving beyond doctrinal debates on the doctrine of recognition and towards the implications of this doctrine for the function of an international community, this paper engages with the praxis of recognition that informs postcolonial conditions.

This paper contextualises two moments that recognise Egyptian sovereign agency internationally: the League's reception of al-Wafd Party[6] as an affirmation of a modernised Egyptian identity against British colonisation, and the United Nations' recognition of the 2011 uprising as a democratic victory. Both instances show the stakes of reproducing sovereign agents, specifically when there is a persisting societal denial of the colonial encounter in formerly colonised societies. Moreover, they are telling on a form of consciousness that limits our visions for postcoloniality. In the modernisation phase, al-Wafd party stood for an anti-colonial identity that marked a liberal shift in the political setting. The party pursued membership in the League, hoping to actualise Egyptian independence and end British colonial administration. In analysing al-Wafd's demand for admission to the League, I am interested in their tactics against British colonial authorities that centred legal reforms and seeking inclusion in the League in order to actualise their political authority. Their tactics suppressed the effects of the colonial encounter, while themselves assuming a role similar to colonial powers on a societal level to assert al-Wafd's own political guardianship. This suppression of the colonial encounter currently persists in the Egyptian society, which for more than thirty years has suffered from a societal incapacity to voice out its dissatisfaction under Hosni Mubarak's regime until the 2011 uprising. Yet, the post-uprising phase has marked a return to the operations of an ideal Egyptian identity that represses enunciations of political, economic and social dissatisfaction. Such return necessitates unpacking the processual role of the repressed in the colonial encounter, while at the same time attending to the international reception of the uprising in a manner that is wary of the interpellative authorities of western exemplarity in the post-uprising phase.

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[6] *Al-Wafd* translates to 'the delegation'.

In my analysis of the League and the United Nations, I engage with Jacques Derrida's critique of the unification of European identity. The second section observes his critique of the immanence of European exemplarity. Derrida suggests a form of impossibility within the formation of the exemplar, defying the possibility of a pure, European identity. On the one hand, this exemplar identity declares a unified political will, and on the other, it reproduces itself through memetic structures beyond Europe, avowing to the impossibility of its purity. In the third section, I read Derrida's critique alongside Frantz Fanon's psycho-social analysis on the colonial encounter to contextualise the contemporary effects of al-Wafd's anti-colonial practices in relation to constituting European exemplarity. Fanon's analysis helps us identify those memetic modules, their racialisation, and their internalisation in formerly colonised societies. Through Fanon, we understand the agentic limitations in relying on the international space as a site of anti-colonial solidarity when its universal referents normalise racial identification. In the Egyptian case, the limitations become apparent when the exemplarity of Europe manifests as the desire to modernise societal structures.

I propose working through the chasm between what gets internationally celebrated and what remains repressed in societal relations when the 'international' is a space of conformity and unification. The fourth and fifth sections examine the international legal resonance of the two political moments in Egypt. The two political ruptures studied in this article expose the function of international recognition in pacifying political proliferation, as practices of recognition reproduce societal incapacity against the grandeur of national identity. Those two political ruptures expose at least two reactions in relation to the act of recognition: a celebration of a homogenised sovereign identity and a disavowal of such homogeneity. Between the celebration and disavowal, the sixth section proposes that there is a possibility of thought beyond a homogenising Egyptian identity that is wary of the persisting implications of the colonial encounter in informing societal agencies. Such thinking engages with societal deformations that are usually dismissed as sources of fear, as they neither avow nor negate the exemplar. Rather, such deformations vocalise the repressed in a self-regulating identity.

## 2    The League's Practices of Recognition and the Function of its Membership

In *The Other Heading: Reflections on Today's Europe,* Derrida questions the centrality of European values and ideals.[7] For Derrida, those values form an exemplar identity that commands every act in its name.[8] The exemplar, as a unified identity, attributes everything to its telos of progress. It holds a transcendental place while reordering all relations, announcing itself as an origin. In critiquing the logic of the exemplar, Derrida is responding to Paul Valéry's writings that strike the reader with a very vivid depiction that Europe is alive.[9] In the 1926 *Notes on the Greatness and Decadence of Europe*, Valéry narrates Europe as a unified consciousness that is failed by her own 'states of the same mind', to use Valéry's words.[10] Derrida unpacks the immanence within a unified Europe that 'announces itself' in Valéry description, maintaining a unified identity for the rest of the world to witness.[11] The unification is treated as unprecedented in Valéry, which announces European values as a definitive morality and reflects the same values at any given historical moment. The unification comes with a universal resonance, evoked by witnessing it as a tangible moment extending beyond Europe. It becomes 'the mystery of the profound union of millions of human beings', as Valéry puts it.[12] It is a unification that stands for a universal and progressive vision for humanity.

In Valéry's depiction, a unified European subject becomes an initiation of a new humanity. As an ideal subject, the exemplar comes with a juridical framework that replicates itself through a sense of familiar humanity between Europe (as a unified subject) and the rest of the world. Such familiarity promises a progressive future, not just for Europe but for all. The exemplar instantly accumulates a presence beyond its European centre.[13] Here, Derrida unpacks an impossibility in the logic of the exemplar. The exemplar functions on one side to fight the authority of European ideals because it replicates beyond Europe. On the other side, it represses all cultural differences to declare a unified identity that can enter into an analogy with all other unified identities.[14] For Derrida, the exemplar disavows its authority as its initiation is

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[7] Jacques Derrida, *The Other Heading: Reflections on Today's Europe* (Indiana University Press, 1992) 5.

[8] Derrida uses the term 'exemplar' to mediate between the singular example (ie. European identity) and its universal resonance, while exposing the contingencies in a unified identity. Ibid.

[9] Paul Valéry, 'Notes on the Greatness and Decadence of Europe' in *History and Politics* (New York: Bollingen, 1962) 228-229.

[10] Ibid, 228.

[11] Derrida (1992) 5, 11-12.

[12] Valéry (1962) 233.

[13] Ibid.

[14] Derrida (1992) 39.

constituted on the impossibility of unity. The moment an exemplar is declared is the same moment in which competing social referents deform the unity in an exemplar.

Within the formation of the League of Nations, only one side of the exemplar has declared international legal subjects into being; that is the exemplarity of European civilisation as the source of all legal relations. Derrida's critique of the exemplar suggests that the risk in the authority of the exemplar resides in what becomes the League's *legacy* as it 'resembles our own, to the point where we wrongly and too precipitately borrow from it so many discursive schema'.[15] By legacy, I mean the self-authorising function of the international community that persists till today, as will be detailed in the fifth section of this article. Regarding the League's initiation, I focus on the stakes of universalising European exemplarity in relation to formerly colonised societies that were an afterthought to its membership. The League's initiation becomes the guardian of a new direction that shifts from Europe's colonial desires to inscribing a teleological meaning to all the atrocities that led to the unification of European identity.[16] As I suggest, the unification of Europe's identity was not meant to change its colonial past. Instead, it affirmed its racial encodings in international legal practices.[17] The initiation of the unity becomes a source of authority for racial identification.

A product of the 1919 Peace Conference, the League initiated an international order from a loss, precisely a European loss that attests to destruction and impoverishment during World War I.[18] In this framing, European empires have demonstrated their failure to govern collectively. The communications on drafting the League of Nations Covenant from mid-1918 confirm that sense of failure, initiating the need for assessing state relations.[19] Edward M. House's (an advisor to the United States President Woodrow Wilson) draft of the Covenant Preamble echoes the centrality of this failure in shaping the League. In House's opening words:

> [i]nternational civilisation having proved a failure because there has not been constructed a fabric of law to which nations have yielded with the same obedience and deference as individuals submit to intra-national laws, and because public opinion has sanctioned moral acts relating to international affairs, it is the purpose of the States signatory to this Convention to form a League of Nations having for its purpose the

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[15] Ibid, xxvii.

[16] Rajagopal (2003) 157.

[17] By racial encodings, I refer to the process by which the agencies of the racialised are conceived within a hierarchical human order based on their designated and naturalised race. See Sylvia Wynter, 'Unsettling Coloniality, of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation – An Argument' (2003) 3 *The New Centennial Review* 257-337.

[18] Miller (1928) 38.

[19] Ibid, 7, 12.

maintenance throughout the world of peace, security, progress and orderly government. [20]

House's vision for the League, as maintaining order among governments, is reflected in Wilson's draft that proposed opening the League's membership to 'any power' that is 'likely to promote the peace, order, and security of the World'.[21] Wilson's vision for the League was to be 'the actual rule of conduct among governments'.[22] In reading those communications on drafting the League's Covenant, I am interested in the promise that is reproduced for non-European societies who were an addition to the formation of this order.

From these communications, we can gather that the origin of the League was framed around a failure of the 'conducts of governments', in Wilson's words, and not in the failure of statehood. This phrasing fixates European empires as naturalised sovereign orders while affirming colonised societies as incomplete against self-governing requirements. At the same time, in the European telos of progress, the First World War becomes eschatologically necessary for the triumph of liberties and freedom even in colonised societies, as Balakrishnan Rajagopal contends.[23] The League, as intellectually unique in the history of international institutions, exempted its civilised sovereigns from the imperialist desires that preceded its formation.[24]

With the initiation of the League, there was a shift in the language of governance. As evident in the communications on the League's Covenant, the formation of the League centred sovereign recognition as core to international governance.[25] In Wilson's vision, the League's members:

> unite in guaranteeing to each other political independence and territorial integrity; but it is understood between them that … territorial readjustments … may in the future becomes necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination.[26]

For Wilson, those territorial adjustments referred only to new Eastern-European states, because colonised societies lacked social referents to qualify for self-

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[20] Ibid.

[21] Ibid, 15.

[22] Ibid, 12.

[23] Rajagopal (2003) 159.

[24] Ibid, 16–27.

[25] Miller (1928) 37-38.

[26] Ibid, 13.

governance.[27] In Jan Smuts' vision, which celebrated a broader understanding of Wilson's self-determination, the League is seen as a progressive route to civilisation that colonised societies could take. Colonised non-European societies do not disappear from his vision of the League. They are depicted as the uncivilised whose cultural structures do not fulfil the criteria for sovereign recognition. They are also integral for sustaining this new peaceful order. In Smuts' plan, the League is an answer to the 'practical necessities of the colonial situation' to aid colonies that were under the control of Germany and the Ottoman Empires.[28] Those colonies – as 'people not yet able to stand by themselves' – fell under the Mandate System of the League of Nations Covenant; a temporary position till they can acquire sovereign independence.[29] Formerly colonised non-European societies appear as societies that lack sovereign agency against European exemplarity even when they are recognised as self-governing entities. But they are also granted a future in which this lack could be fulfilled through the Mandate System, whose purpose was set to be a 'temporary expedient' in Smuts' plan.[30]

With this vision, practices of recognition in the League of Nations focused on structuring the relation between its founding members and potential members rather than on fulfilling sovereign independence. Under Article 1, the League's Covenant emphasised granting membership to self-governing entities that acquire the agreement of two-thirds of the League's Assembly.[31] International recognition within the League – and contemporary institutional practices as I detail later – does not affirm the sovereign agency of the recognised. Instead, recognition sustains their lack of agency against European exemplarity.

The communications on the drafting of the League's Covenant affirmed international recognition practices as a juridical exercise by those who exemplify the criteria of sovereignty.[32] As a guardian of European exemplarity, the League functioned to reproduce a familiar humanity through an analogy between its members and non-members. The exemplar propagates its authority through a sense of shared cultural values that the League represents. At the same time, colonised societies are promised entry if those cultural values are upheld against their competing social

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[27] Ibid.

[28] Ibid, 38.

[29] Art. 22 Covenant of the League of Nations; Anghie (2006) 452.

[30] Miller (1928) 36.

[31] Art. 1 Covenant of the League of Nations.

[32] Hersh Lauterpacht, *Recognition in International Law* (Cambridge University Press, 1947) 401-402; Lassa Oppenheim, *International Law: A Treatise* (Longmans, Green & Co, 1928) 142-145; John Fischer Williams, 'Some Thoughts on the Doctrine of Recognition in International Law' (1934) 47 *Harvard Law Review* 776.

referents. As Hersh Lauterpacht argues, the League affirms recognition as an act by existing states that acknowledge political unity and a capacity to self-govern.[33] For Lauterpacht, international recognition is not merely the fulfilment of specific criteria but a commitment to an international community.[34] This international community reflects European ideals of modern progression and surpasses the boundaries of nationalism and statehood. Thus, for Lauterpacht, the act of recognition attests to the presence of an international community.[35]

In Lauterpacht's telling, there is a shift in the function of the membership to the League from reproducing nation-states to affirming a dedication to the values of an international community. This shift is consistent with the vision for the League to be more than just a unification of nation-states. It was viewed as a reproductive mechanism for an 'ordinary peaceful life of civilisation, as the foundation of the new international system'.[36] With those words, Jan Smuts' proposal for the drafting of the League Covenant links internal societal dynamics to the reordering of the international community.[37] This reordering was meant to be a creative process that detaches from European nationalistic states towards a unified international agency that resonates everywhere. Such resonance builds on echoing European exemplarity as social referents and ideals, making comparison between international ideals on self-governance and alternative societal structures in formerly colonised societies.

As such, the League's membership affects internal societal formations by requiring the production of a unified central authority for the member, rather than guaranteeing sovereign independence to the member. The language of Article 1 of the League's Covenant includes states, dominions and colonies as entities that can qualify for membership and shaped the criteria for self-governance in relation to the internal dynamics of those entities.[38] So, the decision on the membership to the League is a collective recognition of unity within the 'internal normative character' of the entity, and not on its status of statehood.[39] Membership necessitated memetic modules that constitute self-governing agents under a unified political will, even while the narrative told to formerly colonised societies was one of independence. In reality, the

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[33] Lauterpacht (1947) 401-402.

[34] Koskenniemi asserts that Lauterpacht's progression is reflective of a rationalist modernity emanating from practices of international law: Martti Koskenniemi, 'Hersch Lauterpacht (1897-1960)', in Jack Beatson and Reinghard Zimmermann (eds.), *Jurists Uprooted* (OUP, 2004) 601.

[35] Lauterpacht (1947) 347-348; Art. 16 Covenant of the League of Nations (1919) 27 LNTS 350.

[36] Miller (1928) 24.

[37] Ibid.

[38] Rajagopal (2003) 163-164.

[39] Ibid.

membership's interpellative character enforced the production of national identities that do not necessarily expel colonial desires. Indeed, anti-colonial identities have deployed colonial desires to ascertain their authority, as will be detailed in the next section.

## 3        The Operations of the Exemplar in Formerly Colonised Societies

Concerning the initiation of the League, I am interested in how formerly colonised societies, specifically Egypt, responded to the League's formation to strengthen their anti-colonial strategies. I am also interested in the function of European exemplarity in relation to those strategies. In this section, I read Derrida's critique of European exemplarity along with Frantz Fanon's dissection of the formerly colonised psyche. The colonised psyche finds itself deprived of its social referents and subsumed under the agencies of its colonisers in asking for a membership to the League. Fanon was writing in the context of French-colonised Martinique. His analysis of the colonial middle-class subject, who internalises their racialisation to nurture a modern consciousness, persists in its ongoing relevance to practices of international recognition that govern postcolonial identities and constitute sovereign agencies today.

Fanon moved beyond Freudian psychoanalysis as he added the sociogenic principle that deals with the effects of racism on the construction of agency.[40] Freud's work concerns the development of the subject from childhood to adulthood. Ontogeny refers to that development and, in Freud, is heavily influenced by Darwinian natural de/selection that frames non-European societies as being in a primitive state.[41] Fanon counters Freud's argument that the development of consciousness is a biological and linear process with the sociogenic principle. Sociogeny stands for processual racialisation, which Freud's ontogeny had naturalised.[42]

With the sociogenic principle, Fanon externalises the unconscious in social structures to rework the link between individual and societal pathologies that are affected by the colonial encounter. In Freud, the unconscious marks those repressed desires that are unacknowledged. But in Fanon, the unconscious is informed by the realities of racism, reproducing race as a naturalised category of identification with one's agency. Fanon's utilisation of psychoanalytic tools aims to halt this reproduction by redirecting the subject towards their failure to relate to themselves in a mode other

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[40] Frantz Fanon, *Black Skin, White Mask* (Pluto Press, 2008); David Marriott, 'The Racialized Body' in David Hillman & Ulrika Maude (eds.), *The Cambridge Companion to the Body in Literature* (CUP, 2015) 163.

[41] Sigmund Freud, 'Three Essays on the Theory of Sexuality' in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume 7* (Hogarth, 1953) 131.

[42] Fanon (1952) 4; Hussein Abdilahi Bulhan, *Frantz Fanon and the Psychology of Oppression* (Plenum Press, 1985) 71-73, 80.

than as a 'masked white'.[43] This self-racialising mode of recognition disembodies the subject from their desires to assimilate with the modern order, yet declares them as embodied, purified, and autonomous.

Fanon's sociogeny is deployable to interrogate the mediation between universal and social referents in claiming the League's membership as a promise for sovereign recognition. With such claim, the racialised society is stuck in time as their past informs their current agencies.[44] As David Marriott explains, the past and the future repeat a sense of guilt as 'one's destiny is always belated, and so compelled to repeat the first event' which develops into a 'trauma of assimilation'.[45] Assimilation functions through reproducing the belief that it is possible to catch up with modern ideals and, as such, sovereign autonomy remains an aspiration rather than an actualised event. It is no more than a promise that leaves its subjects fragmented in their agency. Fanon hoped that by analysing the psychoanalytic tension in wanting to be a fully agentic human and identifying outside a racialised agency, he would come closer to eliminating the conditions that fragment the subject's agency in a sociogenically-encoded life. His analysis of the formerly colonised psyche helps in exposing the neurotic tendency that reproduces a self-racialising and automated agency when Egypt claimed League membership.

While the League's membership produced an affinity to an international community that is allegedly separated from colonising desires, it consumed the potential of anti-colonial strategies by sustaining an analogy with the League's founding members. This analogy was crucial for the Egyptian Nationalist party, al-Wafd, who hoped it would actualise Egyptian independence after the 1936 Anglo-Egyptian treaty and strengthen al-Wafd's international presence through joining the League of Nations. At the time, Egypt was still suffering from British colonial presence that restricted its newly given autonomy. In the next section, I move to contextualise Egyptian membership to the League of Nations, and how the exemplarity of a unified European identity resonates in forming the modern Egyptian identity through al-Wafd presenting itself as the liberal opposition to British colonial authorities. The modernisation of the Egyptian identity maintained a dependency on European values to construct an autonomous political and legal subject that can compete with that of Europe. This identity – that oscillates between a supreme agency and a self-racialising one – persists today as a source of societal dissatisfactions as I will elaborate in later sections. International recognition appears as practices that reshape conflicting desires

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[43] Fanon (1952) 172.

[44] Ibid, 138-139.

[45] Marriott (2015) 172.

to affirm a unified political agency against any deformations on a national level. Internally, such deformations appear as societal cacophonies that instantly trigger social repression in the name of asserting sovereignty against foreign interpellations and against any opposing force.

## 4          Contextualising Egyptian Membership to the League

In 1937, Egypt became the last country to join the League of Nations. A piece in the *New York Times* titled 'Egypt Not Excited by League's Action' juxtaposed the mundanity in Egyptian streets against the celebratory reception of al-Wafd delegation by the League after a unanimous vote of admitting Egypt to the League. This juxtaposition requires an understanding of what was represented internationally as a 'self-governing' society and the internal atmosphere that was unaffected by this membership. As demonstrated in the previous sections, the doctrine of recognition as applied by the League in the interwar period meant that League membership did not necessarily mean political independence. This is evident in the case of granting Egypt membership to the League even though its internal governance was split between the King, al-Wafd party, and British representatives.

Al-Wafd, the Egyptian nationalist party that was formed in 1918, perceived admission to the League as a solidification of their political leadership and an affirmation of Egyptian independence after the 1936 Anglo-Egyptian treaty.[46] The party rose to its political leadership during the 1919 revolution against King Fuad.[47] The political scene in Egypt from 1919 to 1936 was dominated by King Fuad's monarchical rule that limited parliamentary powers and, by British commissioners who wanted to maintain their authority over the Suez Canal, while granting Egypt self-governing capacities as stipulated in the 1922 Egyptian Declaration of Independence that ended their protectorate over Egypt.[48] Al-Wafd acted as a representative of an anti-colonial national identity that stood against both the King and British commissioners while retaining a conciliatory ideology.[49] The party opposed strongly the 1922 Declaration under which the British maintained complete control over military bases and foreigner capitulations, and as a result, they won major governmental seats in 1924.[50] Their success in mobilising different classes of Egyptian

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[46] Selma Botman, *Egypt From Independence to Revolution* (1919-1952) (Syracuse University Press, 1991) 57.

[47] Ibid, 55; Laila Morsy, 'The Military Clauses of the Anglo-Egyptian Treaty of Friendship and Alliance 1936' (1984) 16(1) *International Journal of Middle East Studies* 67.

[48] Charles D. Smith, '4 February 1942: Its Causes and Its Influence on Egyptian Politics and on the Future of Anglo-Egyptian Relations, 1937-1945' (1979) 10 *International Journal of Middle East Studies* 453-479.

[49] Botman (1991) 56.

[50] Smith (1979) 455.

society, including lawyers and civic workers, was reflected in their electoral popularity. They also attracted the support of farmers through the support of landowners and village leaders.[51] With their electoral popularity, al-Wafd asserted their political presence as the nationalist front for negotiating the 1936 treaty that aimed to end the presence of British authorities.[52] As a result of those negotiations, the 1936 Anglo-Egyptian Treaty provided for the withdrawal of British Troops from Egyptian soil over twenty years, the power to abolish foreign privileges, and the capacity to participate in international treaties.

However, the Anglo-Egyptian treaty did not remove British forces. Instead, it legitimised their presence and secured British interests in the Suez Canal.[53] As Laila Morsy details, the repercussions of the offer that was made by Mustafa El-Nahas, a member of al-Wafd who led the last phase of the negotiations, included a provision that would maintain British troops on Egyptian soil as part of an 'apprehended emergency'.[54] This wording formulated the basis for a permanent British military alliance with Egypt.

Al-Wafd demanded admission to the League to assert their representation of Egyptian sovereignty and to strengthen their internal and international political status. Wasif Ghali, a member of al-Wafd, requested admission to the League through focusing on the commitment of al-Wafd leadership to the values of the international community:

> The devotion that Egypt has always demonstrated to the mission of the League of Nations, to which testify her continuous contributions to many of its activities and its continual participation in several of its organisations; the dedication of the Egyptian people to the ideals of justice, harmony and brotherhood among the peoples standing together in the institution of Geneva; and the international friendship that was manifested so clearly by the many nations that had recently extended warm invitations to Egypt to assume its place among the community of nations are all reasons that have behooved me to request, with unreserved enthusiasm, and in conformity with Article One (paragraph three) of the Charter of the League of Nations, the admission of the Kingdom of Egypt into this body.[55]

In his request, Ghali asserted that Egypt had fulfilled the benchmark for admittance into the new international order as a 'self-government'.[56] For al-Wafd, granting Egypt

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[51] Botman (1991) 57.

[52] Ibid.

[53] Morsy (1984) 88-89.

[54] Ibid.

[55] Al-Ahram Digital Archives, Volume 757 (2005) http://weekly.ahram.org.eg/Archive/2005/757/chrncls.htm (accessed 10 May 2021).

[56] Art. 1 Covenant of The League of Nations.

admittance to the League is a celebratory moment for its political agenda. The Egyptian newspaper, *Al-Ahram*'s archives have narrated the moment the Egyptian delegation entered the room after deliberations on their request to join the League:

> Mustafa El-Nahhas Pasha, Wasef Ghali Pasha, Makram Ebeid Pasha and Ali Shamsi Pasha, 'all wearing their *tarboush*'. In their wake followed George Domani, Fouad El-Farouni, Leon Dishi, Aram Estafan and Hassan Lutfi Qabdaya. 'When the Egyptian delegates entered, all the other delegates stood and received them with a long and enthusiastic applause.'[57]

Yet, League membership did not bring about Egyptian independence from British interference. Even though the membership legitimised al-Wafd's leadership internationally, it did not answer the demands of those protesting in the streets against British presence. Additionally, al-Wafd's claim for membership to the League indicates a detachment from the complexities of the Egyptian political scene, as the Egyptian identity that the party represented drifted away from its anti-colonial stance towards pleas for modernising the Egyptian identity.

The celebratory reception of the al-Wafd delegation by the League did not reflect domestic societal disharmonies. The leadership of al-Wafd was limited to a small number of its members that did not represent all factions of Egyptian society. Its members represented a secular liberal identity influenced by European political thought.[58] Nationally, al-Wafd believed Egyptian society needed modernising reforms. Religious referents did not lose their function in the modernisation process. Religious legal reformists within al-Wafd, like Rifa'a Al-Tahtawi, modernised Islamic law by incorporating translations of the French civil code into the legal system.[59] Such reforms aimed to retain the spirit of Islamic law while transplanting European civil codes and a modern judicial structure.[60] The Party sought a modern legal identity that could gain international political acceptance while maintaining a national identity that attracted Egyptian society.

Internationally, al-Wafd asserted the exemplarity of Egyptian identity against Britain and even against other colonies. Mahmud Abu al-Fath, an editor of al-Wafd's newspaper, details in his memoirs that the Party's delegation framed Egyptian

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[57] Al-Ahram Digital Archives (2005).

[58] Abdeslam M. Maghroaui, *Liberalism Without Democracy: Nationhood and Citizenship in Egypt, 1922-1936* (Duke University Press, 2006) 65.

[59] Amr Shalakany '"I Heard It All before": Egyptian Tales of Law and Development' (2006) 27 *Third World Quarterly* 833-853; Sandra Naddaf, 'Mirrored Images: Rifā'ah Al-Ṭahtāwī and the West (Introduction and Translation) صور في المرايا : رفاعة الطهطاوي والغرب (تقديم وترجمة) (1986) 6 *Alif: Journal of Comparative Poetics* 73–83.

[60] J.N.D. Anderson, 'Law Reform in Egypt: 1850-1950' in P.M. Holt (ed*.), Political and Social Change in Modern Egypt* (OUP, 1968) 209-230.

independence as an issue that is distinct from the independence of other colonies.[61] Some members of al-Wafd refused to participate in joining other Southeast-Asian delegations in Paris who wanted to unify their claims against colonial rule.[62] Al-Wafd viewed the political position of Egypt, which was under indirect rule, as superior to that of colonies under direct rule.[63] Mahmood Mamdani suggests that the colonial status of indirect rule came with an assumption that colonised intellectuals were shaping a 'genuine' anti-colonial tradition unaffected by colonial desires.[64] In contrast, the narrative that al-Wafd was buying into went as follows: as Egypt escaped the Mandate System and was instead subject to indirect rule (a position that never denied its capacity to self-govern) its independence was a matter of international recognition. At the same time, the Party aimed to provide modern governing practices based a strong legal identity as well as popular support. Its leadership used legal argument to demand Egyptian independence and legitimise their power to represent Egypt and quash those British Commissioners that were questioning al-Wafd's authority to represent Egypt at the Paris Peace Conference.[65]

Here, I am not negating al-Wafd's anti-colonial intentions. I am, rather, exposing the effects of the colonial encounter on shaping societal and individual agencies that accept rather than expel colonial desires. Fanon's dissection of the neurosis of the formerly colonised helps us understand this crisis as an *enforced* position that leaves the agencies of its subject incapable of resisting their sense of inferiority, which then transforms into a desire for mastery. This is reflected in the legal strategies that al-Wafd used while knowing that such strategies did not satisfy or reflect the demands of the Egyptian streets.

The reception of al-Wafd's delegation to the League marks a resemblance to Europe with the *tarboush*; a headpiece symbolising Egyptian modernity. As Shalakany argues, al-Wafd builds its identity through the *tarboush* as a 'legal artefact'.[66] Shalakany describes the political leadership from the 1919 revolution onwards as produced through 'an attorney-client relationship going through crisis of representation'.[67] The *tarboush* symbolised 'any self respecting member of the emerging Egyptian middle

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[61] Botman (1991) 56; Maghraoui (2006) 64.

[62] Maghraoui (2006) 64-65.

[63] Ibid; Mahmud Abu al-Fath, *Al-Mas'ala al-Misriyya Wa al-Wafd* (Cairo, 1921) 198-199.

[64] Mahmood Mamdani, 'Making Sense of Political Violence in Post-Colonial Africa' (2003) 39 *Social Register* 137.

[65] See *Egyptian Delegation to the Peace Conference: Collection of Official Correspondence from November 11, 1918 to July 14, 1919* (Forgotten Books, 2008).

[66] Shalakany (2006) 843.

[67] Ibid.

class'.[68] But the modern identity that al-Wafd reiterated with their *tarboush* did not reflect the turmoil in the Egyptian streets after the Anglo-Egyptian Treaty. By the time Egypt acquired its membership to the League, cracks within al-Wafd's political representation were apparent as Egyptian society was expressing deep political and economic frustrations.[69] While the *tarboush* was being highlighted in the international reception of al-Wafd delegation, protests in the 1930s and later in 1940s, including Al-Azhar students' demonstrations, denounced the *tarboush* to symbolise their rejection of the Anglo-Egyptian Treaty.[70] Internally, al-Wafd lost some of its support after the Anglo-Egyptian treaty, with the continuous presence of British influence resulting in political repression and economic inflation.[71]

Al-Wafd's modern identity was not answering to the radical political changes that different forces of anti-colonial resistance, like that of students' movement, were demanding. In analysing the role of nationalism in building modern Egypt, Selma Botman argues that al-Wafd represented a cure from social deformations that threatened the criteria of self-governance.[72] Egyptian society at that time was still coping with losing its religious roots, both Islamic and Coptic, after the Napoleonic conquest.[73] The departure of French colonial rule left the political scene in Egypt vacant, leaving space for a national identity. But the loss of religion as a symbol of societal unification and freedom from the colonial encounter required a more radical identity than the one offered by al-Wafd.

The international recognition of al-Wafd's political representation did not actualise Egyptian independence as it was never meant to do so. Instead, it asserted Egypt's analogy with Europe; something that al-Wafd was aware of. The Party reflected the exemplarity of European values in their restructuring of Egyptian society, while being dissatisfied with the inferiority they felt against British colonial authorities. Its complex anti-colonial position was part of a societal crisis that reproduced a loss that was never its own. This loss is rather a European one that has reproduced in the interiority of colonised societal structures. Such loss delegitimised social ideals in colonised societies as incapable of asserting sovereign agencies against their colonisers.

Similarly, the international reception of the 2011 Egyptian uprising reiterated the centrality of international institutions in restructuring societal relations after the

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[68] Ibid, 846.

[69] The *tarboush* was banned after the 1952 Free Officers Revolution and the rise of military rule.

[70] Maghraoui (2006) 69.

[71] Joel Gordon, 'The False Hopes of 1950: The Al-Wafd's Last Hurrah and the Demise of Egypt's Old Order' (1989) 21(2) *International Journal of Middle East Studies* 193.

[72] Botman (1991).

[73] Ibid, 11-18; Fethi Beslama, *Psychoanalysis and the Challenge of Islam* (University of Minnesota Press, 2009).

uprising. In both moments – the celebration of Egyptian membership to the League and the international recognition of the 2011 uprising – the exemplar represses all resistance that threatens its authority. The link between these two moments evidences the longevity of the racialising function of international recognition. As detailed in the third section, under the League Covenant formerly colonised societies were not thought of as independent or equal to European sovereigns. The League's practices of recognition supplanted colonial governance by extending recognition to formerly colonised societies in order to govern their agencies in the international order rather than offer them substantive independence. As will be suggested, contemporary practices of recognition continue to suppress societal relations and reproduce self-regulating agencies. They function to affirm the authority of the European exemplar in sustaining a racialised international order in which the formerly colonised lack democratic governance.

## 5        Practices of Democratisation and the 2011 Egyptian Uprising

In the post-Cold War era, international institutional practices shifted from the modernisation of formerly colonial societies to the democratisation of Third World countries, through among other things human rights for political participation. This shift is paramount in understanding the role of democratisation practices in formerly colonised societies. For example, the United Nations' practices towards peace maintenance in the post-Cold War era are closely tied to the promotion of democratic governance. These practices were undertaken by the United Nations Security Council, entrusted with maintaining world order under Article 24 of the UN Charter, with powers to use of force against threats to peace under Chapter VII of the Charter. The 'threat to the peace' requirement has been interpreted broadly under Security Council resolutions to include violations of human rights and democratic rule.[74] Peace-keeping missions aiming for democracy promotion  strengthened the presence of international institutions locally through different actors, including through working with NGOs and regional human rights agencies.[75] Such presence helped posit the United Nations as the representative of the international community.[76]

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[74] Ayca Cubukcu, 'Thinking Against Humanity' (2017) *London Review of International Law* 1; Talal Asad, 'Reflections on Violence, Law and Humanitarianism', *Critical Inquiry* (2015) https://criticalinquiry.uchicago.edu/reflections_on_violence_law_and_humanitarianism/#_ftn2 (accessed 6 October 2021).

[75] Rajagopal (2003) 153-155.

[76] Anne Orford, 'Locating the International: Military and Monetary Interventions after the Cold War' (1997) *Harvard International Law Journal* 38.

The international reception of the Egyptian uprising in 2011 conformed with international democratisation practices that influenced the internal structure of Egyptian society since the end of the Cold War. In 2011, Egyptian society witnessed a series of street protests demanding ouster of its president, Hosni Mubarak, and rejuvenation of social, political and economic structures. After overthrowing Mubarak, uprising momentum was consumed by electoral politics, eventuating in the victory of the Muslim Brotherhood – one of the main opposition groups at the time – and the election in 2021 of Brotherhood leader Mohamed Morsi as president and the Brotherhood holding a majority of parliamentary seats. The Brotherhood's win was short-lived as Morsi and his government were forced out in 2013 by the military, which remains in power today under the presidency of Abdel Fattah el-Sisi. After the 2011 uprising, the United Nations recognised the 'will of the people' and acknowledged the necessity of political and social reforms to address human rights violations while praising the Egyptian uprising along with other protests across the region called 'the Arab Spring'. The Arab Spring, a chain of uprisings across Africa and Asia, symbolised to the former United Nations Secretary-General Ban Ki-Moon 'a true season of hope for all'.[77] Likewise, the previous permanent representative of the United Kingdom to the UN, Mark Lyall Grant said at the United Nations in 2012 that the Arab Spring signalled democratisation of the region.[78] He commended Ban Ki Moon's support of the Egyptian people's demand to oust Mubarak.[79]

The international response to the 2011 uprising centred international institutions and human rights advocates in the aftermath(s) of the uprising. It was no surprise that the first act for the Office of the United Nations High Commissioner for Human Rights and United Nations Human Rights Council (OHCHR) was to set up commissions of inquiry and send delegations to Egypt. The commissions aimed to 'establish contact with national and international stakeholders including the Government, local NGOs, the National Council for Human Rights, UN Agencies' and 'explore the possibility of providing technical assistance activities to national actors/institutions to further human rights protection and compliance with international human rights obligations'.[80] The centrality of a 'human rights' response

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[77] Ban Ki Moon, 'Address to the 66th General Assembly: "We the Peoples"' (2011) https://www.un.org/sg/en/content/sg/speeches/2011-09-21/address-66th-general-assembly-we-peoples (accessed 6 October 2021).

[78] Sir Mark Lyall Grant, 'Address to UN APPG by Houses of Parliament: THE UN'S RESPONSE TO THE ARAB SPRING AND THE EVOLVING ROLE OF THE SECURITY COUNCIL' (2012) https://www.una.org.uk/sites/default/files/Address%20to%20the%20UN%20APPG%20by%20Sir%20Mark%20Lyall%20Grant,%202%20May%202012.pdf (accessed 6 October 2021).

[79] Ibid.

[80] OHCHR, *Report of the OHCHR Mission to Egypt 27 March-4 April 2011* (OHCHR, 2011).

to the uprising attempted to dictate the direction the uprising. This desire to dictate was also evident in Grant's speech, which stressed that the Muslim Brotherhood needs to 'free up the economy and attract investment from the West.'[81]

Egypt is a longstanding recipient of international democratisation practices through years of external policies that included multilateral and bilateral agreements for democratisation.[82] For example, the United Nations Development Programme (UNDP) has offered electoral technical support in Egypt before the 2011 uprising.[83] It funded projects encouraging dialogue between the Egyptian government and NGOs. UNDP's capacity-building activities do not target structural changes. Rather, the UNDP executed a technical cooperation project with the Institute of National Planning in Egypt as part of the National Human Development Agenda during Mubarak's time. [84] This project relied on the existing legal and administrative environment, while centring non-state actors like civil societies organisations in the implementation of development activities through advocacy campaigns and policy reforms.[85] The OHCHR fact-finding report sustained those practices after the uprising and framed the causes of the uprising as corruption and lack of liberal freedoms and democracy.[86] Yet, such democratisation practices do not necessarily reflect popular will. Instead, they predetermine all societal struggles as a struggle for democracy and human rights. Interestingly, the OHCHR Report did not mention the Muslim Brotherhood, even though it was one of the main political actors during the time the fact-finding mission was conducted.

In Grant's speech the Brotherhood represented his fear of the rise of, what he termed 'political Islam'.[87] He mapped out a 'clash of civilisations' in the post-uprising phase that juxtaposed the political rise of the Muslim Brotherhood, currently labelled as a terrorist group in Egypt, against the demands of youth that participated in the uprising.[88] Grant welcomed the 'opening of political space and a new culture of

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[81] Grant (2012).

[82] Gamal M. Selim, *The International Dimensions of Democratization in Egypt: The Limits of Externally Induced Change* (Springer, 2015) 78-81.

[83] UNDP, *UNDP in Action 2010/2011 Annual Report* (UNDP, 2011) 20.

[84] Egypt Human Development Report, *Egypt's Social Contract: The Role of Civil Society* (UNDP, 2008).

[85] Selim (2015) 8, 48-50.

[86] As part of its recommendations for action, the OHCHR (2011) 5-6, 17 suggested to '[e]nhance cooperation with the UN, including: Implement recommendations by UN treaty bodies, the Universal Periodic Review and Special Procedures, and report to the Human Rights Committee, the Committee against Torture and the Committee on Economic, Social and Cultural Rights; issue a standing invitation to all UN human rights experts, and facilitate immediately the visits requested by Special Procedures'.

[87] Grant (2012).

[88] Ibid.

accountability' that strategically ensures the reproduction of democratic states and confirms the role of the United Nations in a democratic transition.[89] His speech resonated with Ban Ki Moon's second-term reform agenda that included 'building a safer and more secure world, including standing strong on fundamental principles of democracy and human rights.'[90] In Grant's speech, the uprising was concretised as a definitive phase in reviving a democratic political will.

The international reception of the 'will of the people' in the 2011 Egyptian uprising is comparable to how the League of Nations recognised al-Wafd's modernised Egyptian identity. In both moments, international recognition commanded visibility to an exemplar agent, as they reproduced self-automated agencies that are incapable of working through political and economic frustrations. As Alain Badiou argues, the international acceptance of the occupation of Tahrir Square was not an attestation to an Egyptian will but an attestation to Tahrir as a 'popular movement' as it resonates with the international community's legitimate ideological pillars: a 'Western inclusion' and a 'victory of democracy'.[91]

In Rajagopal's analysis, political resistance in Third World countries becomes part of enhancing the UN's role in the protection of international values.[92] International democratisation practices de-radicalise the function of political resistance while reproducing docility to any political transformation. Rajagopal notes that international institutions have the capacity to proliferate their operations through pacifying acts of resistance, because current practices of international recognition usually involve a local presence for international institutions and the international community. Their presence helps to reproduce democratisation actors, for example within civil society organisations that operate on a national level.[93] The OHCHR report after the 2011 uprising recognised such actors as key players in the transition period, while remaining silent on the role that opposition parties played in what they called a 'popular protest'.[94]

Rajagopal identifies a dialectic relationship between political resistance and the reproduction of international institutional practices, in which both feed on each other to proliferate international legal ideals.[95] Rajagopal observes that acts of political

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[89] Ibid.

[90] Ibid.

[91] Alain Badiou, *The Rebirth of History: Times of Riots and Uprising*, (Verso, 2012) 50-51.

[92] Rajagopal (2003) 161.

[93] Ibid.

[94] OHCHR (2011) 3.

[95] Rajagopal (2003) 161.

resistance ought to have a decisive direction and justification that can compete with hegemonic practices of democratisation. Political resistance as a form of activism that has a 'normative direction' can offer a counter-narrative to the role of international institutions in pacifying local struggles.[96] He argues that acts of political resistance hold the capacity to mobilise against international institutional practices only if they formulate concrete agendas that justify and solidify their aims.[97] With that, Rajagopal highlights the influence that political resistance can have within the re/production of international legal ideals.

Yet, Rajagopal's position disavows the possibility of resistance outside the operations of the exemplar. As a consequence, acts of resistance are articulated as counter-hegemonic practices even as they aim to mobilise hegemonic structures (that is to say, international law).[98] He restricts the impact of political resistance to either answering or negating existing power structures. This reaction might be the result of a Foucauldian take that inscribes all relations as occurring within existing power structures. But, as Hardt and Negri argue, Foucault's take misses the creative force of any event of resistance because, for Foucault, the subject is always epistemologically stuck in biopolitical relations that are driven by nothing but power.[99]

Similarly, this problem of understanding the impact of political resistance only through predetermined power structures also manifests in Badiou, who tries to communicate the potential in the 2011 uprising as a 'rebirth of history' outside the regressive cycle of liberal capitalism.[100] He reads the uprising as a populist uprising that needs to reconstruct political institutions in order to defy the regressive cycle that tames any revolutionary potential in favour of stability and reform.[101] Badiou's 'rebirth of history' comes with an urgency to gather, mobilise, construct and challenge corrupted versions of democracy to take away the capitalist link and elevate the power of the people. In both Rajagopal and Badiou, there is an urgency in creation.[102] Such

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[96] Ibid, 169-170, 253.

[97] Ibid.

[98] Ibid, 253.

[99] Michael Hardt, Antonio Negri, *Empire* (Harvard University Press, 2000) 28.

[100] Badiou (2012) 5. Utilising Badiou's analysis, Owen Taylor argues for the treatment of revolutions as a 'process of change' that feeds into the progressive nature of international law: Owen Taylor, 'Reclaiming Revolution', (2011) 22 *Finnish Yearbook of International Law* 259. Contrastingly, Vidya Kumar is attentive to the linear temporality that revolutions evoke in critical international legal engagements. Revolutions, within the international legal realm, relapse into a sort of order that is only recognisable in relation to historical progress: Vidya Kumar, 'Revolutionaries' in Jean d'Aspremont (ed.), *Concepts of International Law* (Edward Elgar, 2019) 773.

[101] Badiou (2012) 5.

[102] Relatedly, Derrida framed this urgency as a form of aporia in another instance as 'the impossible, the antinomy … a nonpassage because its elementary milieu does not allow for something that could be called passage, step, walk … The impasse itself would be impossible', in Jacques Derrida, *Aporias* (Stanford, 1993) 21.

urgency in solidifying an alternative answer reduces the complexities of the uprising to reproducing another exemplar that has a certain direction. This becomes problematic when the exemplar disavows the different forces of resistance (such as the omission of the Muslim Brotherhood from the OHCHR report) that made the event possible.

Consequently, as practices of international recognition remain contingent on maintaining a unified exemplar, resistance ought to be relational to destabilising the function of exemplar identity and its racialising encodings. Such resistance does not aim to erect a unified political will but to allow for multiple ones to coexist when a unified identity becomes the source of dissatisfaction. My argument signposts the impossible side in the formation of an exemplar that builds on the disavowal of its unity. It amplifies the disharmonies in a unified identity to unpack societal repressions that produce self-regulating agents.

## 6        Egyptian Identity as a Source of Repression

In analysing the post-uprising political repression in Egypt, Khaled Mansour details a recurring pattern of curbing freedoms in order to salvage an untarnished Egyptian identity out of the shame and inferiority of the colonial encounter.[103] Detailing incidents of male citizens imprisoned for their hair length, wearing pink shirts, and participating in political satire over social media outlets, Mansour argues:

> One of the major driving motives for the disciplinarians in all these incidents; the editor, the policeman, the judge, etc., seems to be a beleaguered self whose ego seeks constant reaffirmation through banishing (and punishing) the other, whose mere presence and whatever symbolism he or she exhibits constitute a direct challenge/threat.[104]

The threat is exposure of fragmentation within a unified identity. Egyptian society was confronted with its racialisation during Napoleonic colonisation in 1799, which created instability within Egypt's societal constituents.[105] Egypt encountered and ultimately embraced an 'enforced modernity' that created a desire for sovereign agency against European colonisers. There was a need for a mythical origin of a homogenous Egyptian identity that overcame competing Islamic, Coptic, Ancient Egyptian social referents.[106] Al-Wafd's position becomes decipherable as the party did not see any tension between their liberal ideological pillars celebrating European modernity, all the

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[103] Khaled Mansour, 'Freedom of Expression in Egypt: How Long Hair, Pink Shirt, Novels, Amateur Videos and Facebook Threaten Public Order and Morality!' (2016) 13 *International Journal of Applied Psychoanalysis Studies* 233, at 235.

[104] Ibid.

[105] Ibid.

[106] Ibid 236; Benslama (2009) 14-15.

while detesting the British occupation. The paradox of its position is an effect of repressed colonial trauma. This paradox still persists today. As Mansour asserts:

> One can easily observe how the relationship to the other in Egypt is now linked to one"s own self-esteem. Consequently, the banishment or debasement or punishment of this 'other' becomes somewhat necessary to sustain or regain self regard.[107]

There is double layering in the process of salvaging a cohesive Egyptian identity: one that subordinates the self against the exemplar; and another that desires to become its other. This identity aims to preserve itself through essentialising religious patriarchy by declaring Egypt a Muslim-majority country and a neoliberal agent that is capable of competing with western development.[108] At the same time, the conflict between both identities is repressed to assert an exemplar – as a master of all relations. Such an identity must delegitimise any acts that sabotage the illusionary unity. So, a man in a pink shirt or with long hair becomes a threat to modern and Muslim Egyptian masculine pride.

The current regime operates as the sovereign guardian of the Egyptian identity.[109]As such, its justifications for eroding legally protected freedoms is possible precisely by upholding legal rules that hide societal oppression behind glorified nationalism. Those legal rules manifest currently in emergency laws, as well as an endless resort to executive and military and anti-protest laws, to sustain a unified national identity that is capable of fending off the feeling of inferiority.[110] This identity is 'rooted in an imagined political and cultural past' that persists to ensure state control over the public sphere.[111]

Domestic human rights actors also assume such guardianship over the Egyptian society.[112] The human rights movement in Egypt, which includes both a network of professionalised institutions, NGOs and loose groups of activists, works strategically among their networks to acquire power against state repression through legal intervention, campaigning and advocacy to implement nation-wide changes.[113]

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[107] Mansour (2016) 236.

[108] Ibid 238.

[109] Tamir Moustafa, 'Law in the Egyptian Revolt, Middle East Law and Governance' (2011) 3 *Middle East Law and Governance* 181, at 183-184.

[110] Amr Hamzawy, 'Egypt's Anti Protest Law: Legalising Authoritarianism' (2016) https://www.aljazeera.com/indepth/features/2016/11/egypt-anti-protest-law-legalising-authoritarianism-161107095415334.html (accessed 6 October 2021).

[111] Mansour (2016) 238.

[112] Amnesty International, 'Egypt: New Protest Law gives Security Forces Free Rein' (2013) https://www.amnesty.org/en/latest/news/2013/11/egypt-new-protest-law-gives-security-forces-free-rein/ (accessed 6 October 2021).

[113] Amr Adly, 'The Human Rights Movement and Contentious Politics in Egypt' (2017) *Arab Reform Initiative* 11.

However, due to the institutionalisation of the Egyptian human rights movement, there is a persistent chasm between their agendas and the localities that they operate in.[114] As Amr Adly argues, the professionalised yet loose network of the movement works as an entrepreneurial, middle, and upper-class space for those 'who speak for the marginalised without sharing much with them in social, economic or cultural terms.'[115] Adly observes that even though the Egyptian Center for Economic and Social Rights (ECESR) agenda displays anti-liberal aims,[116] ECESR strategies to reach those aims are quite liberal. Its practices are confined to legal representation and advocacy campaigns. In general, human rights practices in Egypt reflect a highly professionalised and career-driven participation rather than ideological commitment.[117] They usually confined their space of operation to 'narrowly focused rights-based campaigns' that alienate other political and social practices.[118] These rights-based campaigns operate with focused goals, such as getting access to clean water in rural areas in Egypt. But they rarely have a maintenance plan and their campaign ends when reaching a fixed goal at which point they disengage from local communities. The reliance on the rule of law and human rights language become part of asserting an exemplar identity worthy of salvage. In this case, the exemplar manifests as a rights-bearing individual that excludes competing identities from its protections, such as that of the Muslim Brotherhood dismissed as a 'force of fundamentalism' and a threat to democratic transition.[119]

What is pathological about an exemplar identity is how it is internalised by its subjects even in resistance. This is seen in chants such as 'raise your head high, you are an Egyptian' echoed during the 2011 uprising, as Mansour suggests. Those chants were celebrated internationally as an assertion of the democratic will of the people. Such recognition represses the deformations within Egyptian society. Such deformations are processual disruptions, like that of the uprising, to any force (like the police or human rights groups) that assumes guardianship over societal ideals. Egyptian society

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[114] Adly (2017) 22-24, Mansour (2016) 16.

[115] Adly (2017) 16.

[116] 'Interview with Nadim Mansour, Executive Director of the Egyptian Centre for Economic and Social Rights', *Mada Masr* (2011) https://www.madamasr.com/en/2015/04/26/feature/politics/human-rights-in-focus-nadeem-mansour/ (accessed 6 October 2021). For more information on the Egyptian Center for Economic and Social Rights see their website https://ecesr.org/en/771365-2/about-us/ (accessed 2 October 2020).

[117] Adly (2017) 8-9; Maha Abdelrahman, Egypt's Long Revolution: Protest Movements and Uprising (Routledge Studies in Middle Eastern Democratization and Government Kindle Edition, 2015).

[118] Adly (2017) 5.

[119] 'In a Press Conference of the International Federation for Human Rights in Paris Abu Saeda: the Forces of Religious Fundamentalism Represent the Biggest Challenge Facing the Revolution of the 25th of January', http://en.eohr.org/2011/03/27/in-a-press-conference-of-the-international-federation-for-human-rights-in-paris-abu-saeda-the-forces-of-religious-fundamentalism-represent-the-biggest-challenge-facing-the-revolution-of-the-25th-of-j/ (accessed 22 July 2020).

still operates as though the colonial threat is imminent, and as such feels a need to oppose any perceived threat to its sovereign agency. So, while international recognition feeds into the suppression of the colonial encounter, a unified identity feeds on a collective fear against western interpellation. As Fethi Benslama suggests, the challenge for formerly colonised societies is a strategic reorientation of the ideal from being a 'truth of origin into a truth of provenance; in other words, to welcome it [the ideal] and recognise its imaginary and symbolic genesis so as to be able to conceptualise the field of actualisations it delineates.'[120]

## 7        Conclusion: Towards Resisting an Exemplar

This article has looked at the operations of recognition in the League of Nations and the United Nations in relation to formerly colonised societies, considering particularly the case of Egypt. I have examined two political moments that declared a unified Egyptian identity on the international level. The first moment is al-Wafd's quest for Egypt's admission to the League, which imposed a loss of domestic social referents in order to modernise the Egyptian identity while reiterating the necessity of European exemplarity in shaping domestic societal relations. The second moment is the United Nations reception of the 2011 Egyptian uprising through fact-finding commissions and containment speeches that extended existing democratisation practices in the region to pacify complex societal unrest. Such a response reaffirmed the significance of the UN as the representative of international values and the will of the international community. Just like the self-governing fable sold to formerly colonised societies under the Covenant of the League of Nations, the United Nations preaches for a democracy that never comes.

The Egyptian uprising in 2011, just like anti-colonial protests that continued after the membership to the League in the 1930s and 1940s, enunciated deep dissatisfaction with the grandiose claim of a true Egyptian identity.[121] Such moments represent the particularities that make a unification for action possible in situations where the agency to act is thought to be impossible. These moments disavow the exemplar identity as it becomes the source of dissatisfaction.

In both the League and the United Nations, recognition authorises an automated agency that turns resisting subjects into neurotic agents, visible in their acts of resistance but stranded amid their repressed frustration.[122] I have suggested that

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[120] Benslama (2009) 9.

[121] Mansour (2016) 236.

[122] As Coulthard eloquently puts it in relation to understanding Indigenous struggles for self-determination: 'the contemporary politics of recognition is ill equipped to deal with the interrelated structural and psycho-affective

there is an urgency for bringing out the repressed as the colonial encounter on a societal level and in the international space. Bringing out the repressed is a strategic cunning that works against interpellative agencies and self-racialising identities, while also locating the stakes of international recognition in its ambivalent mediation between the universal and the particular. Such cunning requires thinking beyond strategic mobilisations that demand international recognition, and it begins with an acknowledgment that we are not past colonial conditions. We are yet to envision the postcolonial conditions that we seek to actualise.[123]

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dimensions of colonial power that Fanon implicated in the preservation of colonial hierarchies': Glen Sean Coulthard, *Red Skins, White Masks: Rejecting the Colonial Politics of Recognition* (University of Minnesota Press, 2014) 26.

[123] Here, I am also thinking of the continuous annihilation of Palestinian living, and the shift in Palestinian chants, which surpass demand for recognition to demand instead actual freedom 'from the river to the sea'. Even though there have been numerous – and to some extent successful – mobilisations of international law to recognise Israel's international legal and human rights breaches, these efforts have remained restrictive to the demand for real freedom. Relatedly, Black Lives Matter, as a movement, has highlighted the limitations of the 'international' of international law as a site of solidarity and has also shifted to understanding freedom beyond sovereign emancipation. For a link between both, see Noura Erakat, 'Geographies of Intimacy: Contemporary Renewals of Black–Palestinian Solidarity' (2020) *American Quarterly* 471-496.

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