Dissecting the Modern Egyptian State

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On 24 January 2015, Shaymaʾ al-Sabbagh, a thirty-two-year-old mother of one and a member of the Egyptian Socialist People's Alliance Party, was walking with flowers in hand alongside her colleagues in a preauthorized march to Tahrir Square to commemorate the fourth anniversary of the January Revolution. Suddenly the police opened fire at close range and within a few minutes Shaymaʾ dropped dead. Despite strong evidence implicating the police, who were present at the scene in overwhelming numbers, and despite the wide circulation on social media of a video clip showing a masked policeman aiming in Shaymaʾ's direction, the attorney general initially refused to arraign the police officer in question and instead decided to charge Shaymaʾ's colleagues. After a massive public outcry, the suspected police officer was finally arraigned (although his identity was never revealed); however, he was charged not with manslaughter or excessive use of force, but with the much lesser charge of "beating that results in death." Most crucially, the official cause of Shaymaʾ's death was slimness. In a TV interview, Dr. Hisham ʿAbd al-Hamid, the spokesperson of the Egyptian Medical Forensics Authority (EMFA), said that the birdshot that hit Shaymaʾ "was not fatal given that it was fired more than eight meters away, but since she was too skinny, the birdshot was able to penetrate her body easily and ended up hitting the lung and the heart. This is a very rare case."[1]

Far from being a farcical aberration, the manner in which the EMFA dealt with Shaymaʾ's case is in fact illustrative of how this important branch of the Ministry of Justice has handled cases of suspicious death since the outbreak of the Egyptian Revolution on 25 January 2011. Indeed, the incident that sparked the revolution revolved around a suspicious forensic medical report. In the summer of 2010, Khalid Saʿid, a young Alexandrian man, was beaten to death in daylight by two plainclothes policemen. The EMFA later claimed that Khalid had died when he tried to swallow two small packets of narcotics to avoid being caught red-handed with contraband substance. And it was Khalid's pictures in the morgue and their wide circulation on social media that contributed significantly to people taking to the streets in large numbers in January 2011. Following the deaths of more than 800 citizens during the eighteen days of demonstrations that toppled President Mubarak, the EMFA again issued faulty reports claiming that those victims had died not of gunshot wounds but rather of asphyxiation from tear gas. EMFA reports also exonerated the police from responsibility for the deaths of key revolutionary figures, most notably Muhammad al-Gindi.[2] At the early stages of Mubarak's trial, the head of the EMFA, Dr. al-Sibaʿi M. al-Sibaʿi, claimed that the ex-president had been too weak and unhealthy to stand trial.[3] Among the numerous cases of torture committed in prisons and other places of detention, the EMFA rarely issued certificates ascertaining that torture did in fact take place, even when this horrific practice resulted in death.

People did not always accept uncritically the EMFA's unprofessionalism and complicity with the police; in numerous cases they refused to accept EMFA reports exonerating

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police officers, despite the risks associated with this tactic. In one remarkable case, Muhammad ʿAta rejected the official EMFA report that claimed that his brother ʿIsam had died, like Khalid Saʿid, after swallowing a narcotics packet. On gathering information from ʿIsam's fellow prison inmates, Muhammad insisted that the EMFA issue an alternative report stating what he believed had actually happened to his brother, namely that officers literally blew him up after inserting a water pipe down his throat and another up his anus. He is still pursuing his fight against the EMFA and the Ministry of Interior.[4]

More recently, following a stampede at a football stadium on 9 February 2015 that resulted in the deaths of more than twenty young men, the EMFA refused to issue death reports confirming that the victims had died of tear gas asphyxiation, despite video clips showing the police firing heavy rounds of tear gas into the crowd.[5] Remarkably, when the families of the victims went to the Cairo morgue and were handed death reports with the cause of death field left blank, they refused to receive the bodies of their loved ones, even with all of the psychological trauma that such a measure must have entailed.[6]

It would be tempting to argue that the defiant gestures of these families against police brutality are part of the revolutionary moment that the country has been witnessing over the past few years. However, in my research in police records dating from the 19th century, I came across police reports that showed the same degree of courage and resolve when confronting official violence. These reports, housed in the Egyptian National Archives in Cairo, are, like their more recent counterparts, not limited to Cairo, but come from all over the country. They involve Muslims and Copts; men and women; the young and the elderly. And the victims are predominantly members of marginal members of society, such as landless peasants and illiterate workers. The pattern is the same: a brother, an uncle, or a mother of someone who died in police custody would insist on an autopsy as a last attempt to convict the official whom they suspected of causing their loved one's death. And like the families of the victims at the football stadium, these families went as far as refusing to receive the bodies of their loved ones without a clear forensic report incriminating the suspected public official. In one case from 1858, for example, a seventy-year-old Coptic peasant died after the provincial governor had excessively flogged him for being late in fulfilling some corvée labor. The relatives, unable to find a witness brave enough to testify against the governor, took the body of the elderly man and roamed from one provincial center to the other in search of a forensic doctor who would agree to conduct a postmortem proving that the cause of death had been excessive flogging. When various government doctors refused to conduct such a postmortem and when the police, having finally confiscated the body from the family, tried to bury it in the village cemetery, the entire village sealed itself off, refused to allow the police in, and left them guarding the unburied body outside the village perimeters until the body "got bloated and exploded."

My interest in forensic medicine stems from my belief that it offers itself as a site of contestation that reveals subaltern resistance to the modern state; it is also a practice that epitomizes the strategies and the very nature of that state. For forensic medicine in modern Egypt, like elsewhere, is linked to such interconnected practices as collection of vital statistics, medical education, policing, and legal reform. Furthermore, since it manifests itself on the human body, forensic medicine also opens avenues for the study of metaphysical ontologies, social norms, and forms of coercion.

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So how does taking the human body as a unit of analysis, and zooming in on forensic medicine as a contested practice and discipline, change our view of the modern Egyptian state? How would the modern Egyptian state, arguably the paradigmatic state in the modern Arab world, appear were we to dissect it by studying the history of such a practice—that is, forensic medicine?

For one, this approach would allow us the possibility of studying the process of state formation not only from the point of view of intellectual, political, and professional elites, but also from that of subaltern Egyptian citizens.

Second, it would illustrate that occasionally subaltern Egyptians were and are willing not only to defy the authorities—with all the dangers that this naturally involves—but also to violate many sacral, social, and spiritual views of the body, including those related to the sanctity of the human body after death (e.g., exhuming bodies, opening cadavers, delaying burials), in order to achieve what they believed to be justice.

Third, studying forensic medicine can help lay to rest, once and for all, the perennial question of the so-called encounter with modernity, a question that is central to, if not foundational within, current Egyptian identity politics, which revolves around authenticity and alienation. In the first half of the 19th century, it was European doctors and medical instructors who thought that "Islam" was opposed to dissection. By contrast, their Muslim colleagues, patients, and students, as well as the public, saw no such contradiction; in fact, they deemed these practices to be important means of upholding the principles of the faith.

Fourth, given the intimate relationship that forensic medicine had with the law, it allows us to study the evolution of the Egyptian legal system in such a way as to avoid the traditional secularization narrative. Rather than arguing that Egyptian law was "modernized" in the 19th century by abandoning shariʿa and replacing it with European positive law, focusing on forensic medicine allows us to see how "things" replaced eyewitness accounts (*shahāda*) as the primary means of establishing legal proof. But as Eyal Weizman and Thomas Keenan remind us in their influential reflection on forensic medicine, "Forensics is … not simply about science but also about the presentation of scientific findings, about science as an art of persuasion."[7] Moreover, this new art of persuasion does not simply allow for new kinds of facts; it changes the very forum (which, incidentally, is the referent of the word "forensics") in which such claims and counterclaims on behalf of "things" take place. In other words, we must take into account the ways in which the very nature of the court and of law changed. In the context of 19th-century Egypt this change is best illustrated by the new name that forensic medicine assumed. Whereas at its inception in the 1820s forensic medicine was referred to as *ṭibb siyāsī*, building on the age-old concept of *siyāsa* that is built, in turn, on the *sharʿī* principle of *taʿzīr* (i.e., the right of the qadi or the ruler to use discretionary punishment), by the 1880s it started to be referred to as *ṭibb sharʿī*. The change is indicative of the fact that both key words, *siyāsa* and shariʿa, had by the end of the 19th century acquired new distinct meanings as "politics" and "Islamic law," respectively.

Fifth, studying forensic medicine helps shed light on the historical formation of the modern Egyptian state and the role of law and religion in it. For it was state concern over epidemics and criminology that lay behind the concerted efforts of collecting vitals statistics, opening hospitals, and founding the medical school, Qasr al-ʿAini (in 1827). Tellingly, the students in that school were paid by the state. Some were sent to Europe

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on student missions paid for by the state. Upon finishing their medical education, all of them became state employees, and for many working as coroners in police stations and in provincial headquarters was their first government job. The 19th-century history of the Egyptian medical profession, therefore, highlights a key feature that shaped that profession in its formative years, namely, its dependence on the state. Egyptian doctors, since the introduction of modern medicine in the 1820s, never managed to organize their profession independently of the state. Instead, they, like bureaucrats, judges, policemen, and army officers—in other words, the pillars of the so-called "deep state"—believe that their prime task is not to serve the public but rather to defend the state. This is what explains the deeply compromised attitude that Egyptian forensic doctors have been taking since the 19th century and the suspicion harbored by their counter-interlocutors (i.e., the public on whose behalf they claim to speak): their conviction that their main job is to exonerate the rich and powerful, especially if these are state functionaries, rather than present impartial testimonies based on their scientific expertise. In other words, the history of forensic medicine in Egypt, the way the medical profession was born and the manner in which it has developed since the 19th century, go a long way toward explaining the deep crisis of legitimacy inherent to the modern Egyptian state.

NOTES

[1]"Al-Tibb al-Sharʿi Yufajjir Mufajaʾa Ghariba ʿan Wafat Shaymaʾ al-Sabbagh," accessed 13 April 2015, http://www.mbc.net/ar/programs/sabahak-masri/articles/الطب-الشرعي-يفجر-مفاجأة-غريبة-عن-وفاة-شيماء-الصباغ--.html#comment%7Clist.

[2]Maggie Michael, "Mohammed El-Gindy, Egypt Activist, Tortured to Death by Police, Oppositions Says," *Huffington Post*, 4 February 2013, accessed 13 April 2015, http://www.huffingtonpost.com/2013/02/04/mohammed-el-gindy-egypt-activist-tortured-to-death_n_2614881.html.

[3]Mustafa Sulayman, "Iqalat Raʾis al-Tibb al-Sharʿi fi Misr," *Al-Arabiyya*, 4 May 2011, accessed 13 April 2015, http://www.alarabiya.net/articles/2011/05/04/147840.html.

[4]"Qadiyat Maqtal ʿAssam ʿAta Dakhil Sijin Turah," YouTube video, televised by ONTV, posted 24 September 2012, https://www.youtube.com/watch?v=5TRI9Vh9B98.

[5]Patrick Kingsley, "At Least 19 Dead after Police Fire on Egyptian Football Supporters," *The Guardian*, 9 February 2015, accessed 13 April 2015, http://www.theguardian.com/football/2015/feb/08/zamalek-cairo-egyptian-league-14-dead.

[6]"Ahali Dahaya Madhbahat Stad al-Difaʿ al-Jawi Yarfudun Istillam al-Juthath min Mashrahat Zaynhum," YouTube video, posted by Al-Masry Al-Youm, 8 February 2015, https://www.youtube.com/watch?v=9K9p24N5tU0.

[7]Eyal Weizman and Thomas Keenan, *Mengele's Skull: The Advent of a Forensic Aesthetics* (Berlin: Sternberg Press, 2012), 28.

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