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**Bruce K. Rutherford: Egypt after Mubarak**

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## CHAPTER ONE

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# Hybrid Regimes and Arab Democracy

ON APRIL 30, 2006, the Egyptian Parliament voted by a large majority to renew the emergency law. This law grants the president extraordinary powers to detain citizens, prevent public gatherings, and issue decrees with little accountability to Parliament or the people. The vote was a familiar ritual: the Egyptian Parliament has routinely approved the emergency law for most of the past forty years.<sup>1</sup> However, this acquiescence to presidential power is not universal. A few months prior to the April vote, the Supreme Constitutional Court issued a ruling that substantially limited the scope of the president's authority under the emergency law. The Court's decision prohibited the president from using the emergency law to assert government control over private property in non-emergency situations, and admonished the prime minister for applying it in a manner that disregarded the constitutional rights of Egyptians.<sup>2</sup> Many civil society groups also challenged the law, especially the Muslim Brotherhood. It organized several demonstrations to protest the parliamentary vote and criticized the law extensively in the media. Its parliamentary delegation denounced the measure as contrary to the principles of Islam because it ignored the wishes of the Egyptian people and failed to serve the public interest.<sup>3</sup>

These events illustrate a growing contradiction in contemporary Egypt. An observer could easily conclude that the country is a classic example of

<sup>1</sup> The emergency law was invoked during the June 1967 war. It has been in force ever since, with only a brief interruption from May 15, 1980 until October 6, 1981. For details of the emergency law, see A. Seif El-Islam, "Exceptional Laws and Exceptional Courts," in *Egypt and Its Laws*, ed. Nathalie Bernard-Maugiron and Baudouin Dupret (New York: Kluwer Law International, 2002), 364–66. Amendments to the Constitution in March 2007 incorporated many of the powers of the emergency law into the Constitution. These amendments will be discussed in chapter 6.

<sup>2</sup> SCC decision 74 for Judicial Year 23, issued January 24, 2006. This decision supplemented earlier rulings by the administrative courts that narrowed the president's authority to arrest citizens under the emergency law and further limited the types of property that could be seized. See High Administrative Court, Cases 675 and 797, Judicial Year 22, issued May 27, 1978; High Administrative Court, Case 830, Judicial Year 20, issued December 29, 1979; High Administrative Court, Cases 1435, 1310, 1271, 126, and 810, Judicial Year 28, March 12, 1985. These cases will be discussed in greater detail in chapter 2.

<sup>3</sup> "Bayan al-Ikhwan al-Muslimin 'an Qanun al-Tawari'" (Cairo: n.p., April 2006). Also see the coverage of the parliamentary vote in *al-Misri al-Yaum*, May 1, 2006.

stable authoritarianism. The regime controls much of the media, dominates political life, and suppresses its opponents with a vast array of legal and extra-legal tools. It also carefully monitors and manipulates civil society groups and political parties. And yet, Egyptian political life includes several features that suggest a different picture. The country has a vibrant and aggressive judiciary whose rulings constrain the regime.<sup>4</sup> It also has an increasingly assertive judges' association (the Judges' Club) that openly confronts the executive and lobbies for legal and political reform. In addition, Egypt has a large and well-organized Islamist organization (the Muslim Brotherhood) that calls for increased governmental accountability, greater respect for law, and improved protection of citizens' rights. Although the Brotherhood has no formal capacity to constrain the state, it regularly challenges and delegitimizes abuses of power by invoking Islamic principles of law and governance.<sup>5</sup>

Some analysts may be inclined to dismiss these critics of executive power as marginal actors with little substantive impact on politics. However, this view neglects a fundamental change in the character of Egyptian politics since the early 1990s. The statist order created during the Nasser era has been undermined by economic crises, economic restructuring, and integration into the global economy. These changes have weakened key institutions of state control, particularly the public sector and the subsidy system. They have also eroded the ideology that legitimates the regime. This does not mean that the state is fading away. However, the state no longer dominates the economy and society. This situation has created opportunities for competing ideologies and institutions to emerge—most notably, a liberal conception of law within the judiciary and an Islamic conception of governance within the Muslim Brotherhood. These new approaches to constitutional order have grown into meaningful alternatives to the declining statism of the regime. Furthermore, these two alternatives share important features. Their agendas converge around a core set of reforms that embody the key features of classical liberalism, including constraints on state power, strengthening the rule of law, and protecting some basic rights. This set of reforms has also gained support from parts of the business community and the reformist wing of the ruling party. This development suggests that Egypt's political future may include a steady deepening of liberalism and, possibly, democracy.

<sup>4</sup> For example, Egypt's courts have issued decisions that dissolved the Parliament on two occasions, reduced regime-sponsored electoral fraud, created twelve political parties, and overturned government orders to close opposition newspapers and silence critical journalists. These cases will be discussed in chapter 2.

<sup>5</sup> Each of these topics will be discussed in greater depth in chapters 2 through 4.

THE IMPERATIVE OF ARAB DEMOCRACY:  
CHANGING INTERNATIONAL AND DOMESTIC PRIORITIES

The possibility of sustained liberal and democratic development is novel in the Middle East. For most of the post–World War II period, political reform has been a low priority for both local leaders and the international community. The United States has a particularly undistinguished record in this regard. One of its earliest interventions during the Cold War occurred in Iran in 1953, when American agents assisted a coup that overthrew a popularly elected leader (Mohammad Mossadeq) and restored the authority of the shah. The United States then provided extensive military and economic aid to the shah’s regime over the next twenty-six years. The United States has also provided substantial support to other monarchies in the region, particularly in Saudi Arabia, Jordan, Kuwait, and Morocco. Its willingness to back autocracy reached a peak in the 1980s, when the United States provided military and intelligence assistance to Saddam Hussein’s Iraq in order to strengthen its hand against Iran.<sup>6</sup> The U.S. secretary of state at the time, George Shultz, candidly explained that “the United States simply could not stand idle and watch the Khomeini revolution sweep forward.”<sup>7</sup>

As Shultz’s comment suggests, U.S. policy toward the region was guided by its core strategic interests, namely, access to adequate supplies of oil at stable prices; the security of Israel; and the minimization of Soviet influence. With the success of the Iranian revolution in 1979, the containment of radical Islam—in its Shi’a and, later, Sunni variants—was added to this list. Building stable democracies was considered a secondary objective, at best. Whenever the issue of democratization arose, the prevailing view was, “Why rock the boat?”<sup>8</sup> Democratization would almost certainly produce a period of transition that would increase instability. This instability, in turn, might jeopardize the smooth flow of oil and could provide opportunities for anti-American groups to expand their political influence. It simply made little sense to jeopardize global economic prosperity in order to embark on an uncertain path of political reform. When there

<sup>6</sup> Amatzia Baram, “US Input into Iraqi Decisionmaking, 1988–1990,” in *The Middle East and the United States: A Historical and Political Reassessment, Fourth Edition*, ed. David W. Lesch (Boulder, CO: Westview Press, 2007), 352. Also, Alan Friedman, *Spider’s Web: The Secret History of How the White House Illegally Armed Iraq* (New York: Bantam Books, 1993).

<sup>7</sup> George P. Shultz, *Turmoil and Triumph: My Years as Secretary of State* (New York: Scribner’s, 1993), 237.

<sup>8</sup> William B. Quandt, “American Policy toward Democratic Political Movements in the Middle East,” in *Rules and Rights in the Middle East: Democracy, Law, and Society*, ed. Ellis Goldberg et al. (Seattle: University of Washington Press, 1993), 166.

were opportunities to promote democracy, they were pursued either half-heartedly or not at all. For example, in late 1991 and early 1992, Algeria's president made the surprising decision to allow relatively free parliamentary elections. They led to widespread losses for the ruling party and unexpected success for an Islamist movement, the Islamic Salvation Front (FIS). In order to block the FIS from gaining control of the Parliament, the Algerian military intervened by declaring a state of emergency, canceling the election results, and imprisoning the leaders and activists of the FIS. The United States offered no objection. Speaking a few years later, the U.S. secretary of state at the time (James Baker) recalled that the United States chose not to defend the democratic process because it would have produced a government with views hostile toward the United States. In his words, "We didn't live with [the election results] in Algeria because we felt that the fundamentalists' views were so adverse to what we believe in and what we support, and to the national interest of the United States."<sup>9</sup> The United States had an even better opportunity to promote democracy during the Gulf War of 1990–91. Iraq under Saddam Hussein had invaded and annexed Kuwait in August 1990. The United States and its allies intervened with over 500,000 troops to expel Iraqi forces and restore the Kuwaiti monarchy. Some American politicians and analysts argued that American military action should be conditioned on Kuwait's ruling family, the al-Sabah, agreeing to a specific timetable for democratization. In this view, American troops should not risk their lives to defend a feudal monarchy.<sup>10</sup> Such reasoning was not incorporated into American policy. President George H. W. Bush's speech on the eve of the American air war against Iraq is striking for its lack of reference to any political goal beyond the restoration of the Kuwaiti monarchy.<sup>11</sup> A senior policy maker at the time observed, "I am among the unregenerate few who believe that American foreign policy must serve the national interest—which is not in every case to be confused with the furtherance of American ideals overseas."<sup>12</sup>

This view that democratization takes a back seat to core strategic concerns has played an important role in the U.S. relationship with Egypt.

<sup>9</sup> "Looking Back on the Middle East: James A. Baker III," *Middle East Quarterly* 1, no. 3 (1994): 83. Interestingly, the Algerian coup is not even mentioned in Baker's memoirs. See James A. Baker, *The Politics of Diplomacy: Revolution, War, and Peace, 1989–1992* (New York: G. P. Putnam's Sons, 1995).

<sup>10</sup> For examples of this argument, see David Ignatius, "In the Coming New Gulf Order, We Must Help the Arab World Join the Global Democratic Revolution," *Washington Post*, August 26, 1990; Caryle Murphy, "Gulf States' Next Test: Democracy," *Washington Post*, September 15, 1990.

<sup>11</sup> See the text of George H. W. Bush's speech, "President Bush Assures American People: We Will Not Fail," *Washington Post*, January 17, 1991.

<sup>12</sup> The official is quoted in Thomas L. Friedman, "A New U.S. Problem: Freely Elected Tyrants," *New York Times*, January 12, 1992. The name of the official is not given.

This relationship is shaped by the strategic interests mentioned earlier—oil, Israel, the Soviet Union (until 1991), and radical Islam. It is also influenced by the United States' eagerness after 1979 to sustain the Camp David peace agreement and, if possible, to extend this peace to other Arab regimes.<sup>13</sup> In pursuit of these goals, the United States began substantial levels of economic aid in the mid-1970s.<sup>14</sup> The assistance started with \$370 million in economic aid in 1975. By 1978, this figure had risen to \$943 million. It then rose further in 1979, to \$1.1 billion, as a result of the peace agreement with Israel. A whopping \$1.5 billion in military assistance was also added to the package. Throughout the 1980s and 1990s, U.S. military and economic aid averaged roughly \$2.2 billion per year. In 2000, the United States began to cut back on economic aid at a rate of 5 percent per year with the goal of reducing economic assistance by 50 percent over ten years. This reduction was part of a broader strategy to shift the U.S.-Egyptian economic relationship from “aid to trade.” In 2006, economic assistance had fallen to \$490 million. Military assistance remained at its well-established level of roughly \$1.2 billion per year. By the end of 2006, the United States had sent over \$62 billion in economic and military assistance to Egypt over the previous thirty-one years (in nominal dollars).<sup>15</sup>

Despite this extraordinary level of assistance, the United States never used aid as a lever for accelerating political reform. Indeed, the United States was skeptical of the value of democratization from the earliest days of the Nasser regime. At the time of the Free Officers' coup in 1952, the U.S. ambassador concluded that Egypt was “not ready for democracy.”<sup>16</sup> He believed that greater freedoms and free elections would merely provide opportunities for communists to expand their influence, and might produce social disorder that communists could exploit.<sup>17</sup> This sentiment per-

<sup>13</sup> Roger Owen, “Egypt,” in *The Pivotal States: A New Framework for U.S. Policy in the Developing World*, ed. Robert Chase et al. (New York: W. W. Norton, 1999), 133; Alfred L. Atherton, *Egypt and U.S. Interests* (Washington, DC: Foreign Policy Institute, 1988), 5–7.

<sup>14</sup> The impetus for starting this assistance was Sadat's decision in 1972 to sever Egypt's military ties with the USSR. It was reinforced by Sadat's willingness to engage in a dialogue over Egyptian-Israeli security concerns in the wake of the 1973 Arab-Israeli war, particularly with regard to the orderly disengagement of Egyptian and Israeli troops in Sinai.

<sup>15</sup> All aid figures are taken from Jeremy M. Sharp, “Egypt: Background and U.S. Relations” (Washington, DC: Congressional Research Service, January 10, 2007), 31–33. For discussion of the strategy to shift the U.S.-Egyptian economic relationship from aid to trade, see “Strategy Introduction” in *USAID-Egypt 2000–2009 Strategy*, p. 1. The United States has announced plans to continue military aid at a level of \$1.3 billion per year through 2017. Robin Wright, “U.S. Plans New Arms Sales to Gulf Allies,” *Washington Post*, July 28, 2007.

<sup>16</sup> Kirk J. Beattie, *Egypt during the Nasser Years: Ideology, Politics, and Civil Society* (Boulder, CO: Westview Press, 1994), 99.

<sup>17</sup> *Ibid.* The United States also believed that a military regime was better able to undertake key social reforms (particularly land reform) needed to stimulate economic development and

sisted over the next five decades. In the late 1980s, a former U.S. ambassador to Egypt (Alfred Atherton) wrote a careful and thorough discussion of the U.S.-Egypt relationship without even mentioning democracy promotion.<sup>18</sup> Similarly, a former National Security Council official who specializes in Egypt (William Quandt) wrote a seventy-seven-page essay on U.S.-Egyptian relations in 1990 without addressing the issues of democracy or political reform.<sup>19</sup>

Democracy and human rights were sometimes mentioned in official documents. For example, the U.S. State Department issued an annual report on human rights that drew attention to the Egyptian government's record of torture, electoral fraud, and suppression of civil society.<sup>20</sup> It also issued periodic statements that encouraged Egypt to develop more representative and accountable government. It even allocated some USAID funds for this purpose.<sup>21</sup> However, political reform was understood by both sides as being subordinate to the strategic concerns that lay at the heart of the U.S.-Egyptian relationship.

This view of democratization in Egypt and the Arab world underwent a significant change following the terrorist attacks of September 11, 2001. Prior to September 11, U.S. policy makers assumed that stable and friendly authoritarian regimes in the Arab world were the best guarantee of American security and economic interests. In the wake of the attacks, U.S. leaders from both parties concluded that terrorism by radical Islamists was partially a result of the repression and economic stagnation of Arab dictatorships. These suffocating conditions produced a large pool of frustrated, hopeless, and angry young men who yearned for greater dignity and purpose in their lives. They were easy recruits for terrorist ideologues promising honor and martyrdom in a struggle against injustice.<sup>22</sup>

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prevent a peasant revolution. *Ibid.*, 141. Also, Joel Gordon, *Nasser's Blessed Movement: Egypt's Free Officers and the July Revolution* (New York: Oxford University Press, 1992), 195.

<sup>18</sup> He wrote briefly that "Egypt has today a good record in the field of human rights . . . Egypt has made important advances, especially under Mubarak, toward establishing democratic institutions and reducing corruption." He makes no mention of whether democracy promotion should be a goal in the U.S. relationship with Egypt. Atherton, *Egypt and U.S. Interests*, 19.

<sup>19</sup> The book focuses primarily on economic reform and the Arab-Israeli peace process. William B. Quandt, *The United States and Egypt* (Cairo: American University in Cairo Press, 1990).

<sup>20</sup> These reports were prepared by the Department of State's Bureau of Democracy, Human Rights, and Labor. The recent reports are available on the State Department's website: <http://www.state.gov/g/drl/rls/hrrpt/>.

<sup>21</sup> Beginning in the 1990s, USAID began allocating funds to support "institutional reform." These programs focused on legal reform, judicial training, and strengthening the Parliament's administrative capabilities. See "Strategic Plan 1996–2001" (Cairo: USAID/Egypt, September 1996), iii–iv.

<sup>22</sup> President Bush articulated this view in a speech to the National Endowment for Democracy in November 2003. He stated, "As long as the Middle East remains a place where

For advocates of this view, the key to defeating terrorism lay in ending repression and poor governance in the Arab world. In the words of the secretary of state, “for sixty years the United States pursued stability at the expense of democracy in the Middle East—and we achieved neither. Now, we are taking a different course. We are supporting the democratic aspirations of all people.”<sup>23</sup> In November 2003, President George Bush proclaimed that the United States had adopted a “forward strategy of freedom in the Middle East” that would be a central feature of American foreign policy.<sup>24</sup> This posture was part of a broader plan to promote democracy throughout the world. The administration’s National Security Strategy, issued in March 2006, stated in its first paragraph, “The goal of our statecraft is to help create a world of democratic, well-governed states that can meet the needs of their citizens and conduct themselves responsibly in the international system.”<sup>25</sup> It further argued that democratic regimes are more stable, more economically prosperous, and more peaceful toward their neighbors than any alternative form of government. As a consequence, promoting democracy is “the best way to provide enduring security for the American people.”<sup>26</sup> This view was shared by other prominent Republicans, particularly John McCain.<sup>27</sup>

The Middle East was clearly the primary focus of this strategy. From 2002 to 2006, the administration allocated over \$400 million to the

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freedom does not flourish, it will remain a place of stagnation, resentment, and violence ready for export. And with the spread of weapons that can bring catastrophic harm to our country and to our friends, it would be reckless to accept the status quo.” George W. Bush, “Speech on Democracy and Freedom in the Middle East,” presented at the National Endowment for Democracy, November 6, 2003.

<sup>23</sup> Condoleezza Rice, “Remarks at the American University in Cairo,” June 20, 2005. The Undersecretary of State for Political Affairs reaffirmed in April 2005 that “The U.S. plans to make—as a permanent feature of its policy in the region—a broad and substantial program to help the peoples of the Middle East reach a more secure and democratic future.” R. Nicholas Burns, “A Transatlantic Agenda for the Year Ahead,” speech delivered at the Royal Institute for International Affairs, London, April 6, 2005.

<sup>24</sup> George W. Bush, “Speech on Democracy and Freedom in the Middle East,” presented at the National Endowment for Democracy, November 6, 2003.

<sup>25</sup> *The National Security Strategy of the United States of America* (Washington, DC: The White House, 2006), 1. Bush struck a similar theme in his second inaugural address, where he concluded that “the survival of liberty in our land increasingly depends on the success of liberty in other lands.” George W. Bush, “Inaugural Address,” January 20, 2005.

<sup>26</sup> *National Security Strategy of the United States*, 1.

<sup>27</sup> McCain was a cosponsor of the Advance Democracy Act in 2005. When introducing the Act, he proclaimed that “the promotion of democracy and freedom is simply inseparable from the long-term security of the United States. When the security of New York or Washington or California depends in part on the degree of freedom in Riyadh or Baghdad or Cairo, then we must promote democracy, the rule of law, and social modernization just as we promote the sophistication of our weapons and the modernization of our militaries.” He has also backed legislation supporting democratic reform in Iraq, Jordan, Russia, Central America, Haiti, Fiji, Kosovo, Burma, and Afghanistan. See McCain’s official website: <http://mccain.senate.gov>. Accessed August 15, 2007.



newly created Middle East Partnership Initiative (MEPI) that seeks to increase the fairness of elections, support civil society groups, strengthen judiciaries, and improve protection of women's rights.<sup>28</sup> Another \$250 million has been proposed by Congress under the Advance Democracy Act, with most of it earmarked for the Middle East.<sup>29</sup> USAID's budget for democracy promotion in the Middle East also increased sharply, from \$27 million in 2001 to \$105 million in 2005.<sup>30</sup> And, the United States invaded Iraq. The war was justified, in part, as an effort to bring democracy to the region. The administration argued that the democratic transformation of Iraq would "serve as a beacon of liberty, inspiring democratic reformers throughout the Middle East."<sup>31</sup>

The goal of building democracy in the Middle East has attracted bipartisan support. Democrats voted in large numbers to fund the democracy promotion programs put forward by the Bush administration.<sup>32</sup> The democrats' deputy leader in the Senate, Richard Durbin of Illinois, stated in 2004, "I agree wholeheartedly with the president that one of the most important things this country can do to fight terrorism is to promote democracy in the Middle East. The lack of democracy in many Middle Eastern countries has led directly to Islamic extremism."<sup>33</sup> Hillary Clinton asserted in a 2006 speech that "human freedom and the quest for individuals to achieve their god-given potential must be at the heart of American approaches across the [Middle East]. The dream of democracy and human

<sup>28</sup> A more detailed list of the MEPI's programs is available at <http://mepi.state.gov/c16050.htm>. Also see Jeremy M. Sharp, *The Middle East Partnership Initiative: An Overview* (Washington, DC: Congressional Research Service, July 20, 2005).

<sup>29</sup> The program is described in a press release from one of its co-sponsors, Senator Joe Lieberman, at: <http://lieberman.senate.gov/newsroom/release.cfm?id=232762>.

<sup>30</sup> Roughly 70 percent of this funding went to democracy promotion programs in Iraq. See Tamara Cofman-Wittes and Sarah E. Yerkes, "The Middle East Freedom Agenda: An Update," *Current History* 106, no. 696 (January 2007): 35.

<sup>31</sup> Remarks by Stephen Hadley, assistant to the president for national security affairs, before the Center for Strategic and International Studies, December 20, 2005. Hadley further concluded that the resulting spread of democracy in the region would "lead to a Middle East that is more peaceful, more stable, and more inhospitable to terrorists and their supporters."

<sup>32</sup> Funding for the Middle East Partnership Initiative encountered some resistance in the Congress but, ironically, this resistance came primarily from Republicans. They objected to what they considered the MEPI's lack of clear objectives. They were also concerned that some of its programs duplicated existing programs already supported through USAID funding. See Jeremy M. Sharp, *The Middle East Partnership Initiative*; also, "The Middle East Partnership Initiative: Promoting Democratization in a Troubled Region." Hearing before the Subcommittee on the Middle East and Central Asia of the Committee on International Relations, House of Representatives, March 19, 2003.

<sup>33</sup> Durbin made these comments during a floor statement regarding the Syria Accountability Act in 2004. The statement is available at <http://durbin.senate.gov/issues/syria.cfm>. Accessed June 15, 2007.

rights is one that should belong to all people in the Middle East and across the world . . . we must stand on the side of democracy wherever we can help it take hold.”<sup>34</sup> Barack Obama held a similar view, claiming that the key to defeating radical Islam lay in “provid[ing] the kind of steady support for political reformers and civil society that enabled our victory in the Cold War.”<sup>35</sup> Obama was also one of six cosponsors of the Advance Democracy Act, which called for the expansion of democracy promotion in the Middle East.

When the democrats gained control of the House of Representatives and the Senate in 2006, they sought to bring some of this rhetoric into reality. They incorporated funding for MEPI into their signature bill on national security, the “Real Security Act of 2006.”<sup>36</sup> Several prominent democrats also initiated an effort to withhold \$100 million in military assistance to Egypt, which provided further opportunity to voice their support for human rights and democracy in Egypt and the Arab world.<sup>37</sup>

America’s calls for democracy in the Middle East were joined by equally convinced—though less effusive—European allies. The German foreign minister, for example, agreed that the fight against terrorism required a much broader conception of security that included “social-cultural modernization issues, as well as democracy, the rule of law, women’s rights and good governance.”<sup>38</sup> The European Security Strategy, adopted in December 2003, states that “the quality of international society depends on the quality of governments that are its foundation. The best protection of our security is a world of well-governed democratic states.”<sup>39</sup> The European Union Commission president reiterated this view,<sup>40</sup> as did other European

<sup>34</sup> “Challenges for U.S. Foreign Policy in the Middle East—Remarks of Senator Hillary Rodham Clinton at Princeton University’s Woodrow Wilson School of Public and International Affairs,” January 19, 2006.

<sup>35</sup> Barack Obama, “Renewing American Leadership,” *Foreign Affairs* (July/August 2007), 11. Also see page 14.

<sup>36</sup> See the description of the Real Security Act at <http://democrats.senate.gov/newsroom/record.cfm?id=262588>.

<sup>37</sup> The effort was initiated by David Obey, the chair of the House Appropriations Committee. He proposed the amendment because, in his words, “I am increasingly concerned that Egypt is headed in a direction domestically that puts at risk not only U.S. interests in the region but the very stability of Egypt.” See Obey’s statement attached to the House report on bill 109–486—Foreign Operations, Export Financing, and Related Programs Appropriations Bill, 2007. For a record of the debate on the bill in June 2007, see *Congressional Record—House*, volume 153, number 100 (110th Congress, 1st Session).

<sup>38</sup> The remarks were made by the German foreign minister, Joschka Fisher, at the 40th Munich Conference on Security Policy, February 7, 2004.

<sup>39</sup> “A Secure Europe in a Better World: European Security Strategy.” Issued December 12, 2003. Available online at: <http://ue.eu.int/uedocs/cmsUpload/78367.pdf>.

<sup>40</sup> The Commission president, Jose Manuel Barroso, noted during his visit to the White House in October 2005 that the United States and Europe share a strategic partnership that

leaders such as Tony Blair.<sup>41</sup> The EU's efforts are carried out primarily within the framework of the Euro-Mediterranean Partnership, which includes funding to strengthen civil society groups, human rights, and the rule of law. The funding for these programs increased substantially after the terrorist attacks of 2001.<sup>42</sup> Individual European countries have also undertaken bilateral efforts to promote the rule of law and human rights in Arab countries, with Britain, Denmark, France, and Sweden taking the lead.<sup>43</sup> In addition, European nations have cooperated with the United States on an annual conference in the region, the Forum for the Future. This event brings together G-8 ministers, ministers from Arab governments, businessmen, and civil society leaders to develop programs for political and economic reform.<sup>44</sup> It is currently the only setting that allows democracy advocates to interact directly with government ministers and business leaders.

Of course, the United States and Europe still defend the strategic interests mentioned earlier. Democracy promotion has not trumped these interests. At times, it takes a back seat to them, which leads to variations in

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seeks to “promote democracy, human rights, the rule of law, and the market economy around the world.” “European Commission President Barroso meets U.S. President Bush at the White House,” EU press release, October 15, 2005.

<sup>41</sup> See, for example, Tony Blair's speech before the U.S. Congress on July 17, 2003. He states that, “The spread of freedom is the best security for the free. It is our last line of defense and our first line of attack. Just as the terrorist seeks to divide humanity in hate, so we have to unify it around an idea, and that idea is liberty.”

<sup>42</sup> John Calabrese, “Freedom on the March in the Middle East—and Transatlantic Relations on a New Course?” *Mediterranean Quarterly* (2005): 45–46. From 1995 through 2004, the total funding for the Partnership was \$1 billion per year. This funding was applied to programs in three areas: economic development, political reform, and cultural development. The Partnership underwent a thorough review on its tenth anniversary in 2005. As a result of this review, total funding was increased to \$1.2 billion per year and programs for political reform were given higher priority. Daniel Dombey and Roula Khalaf, “Euro-Med Leaders Look to Build on Barcelona Process,” *Financial Times*, November 26, 2005.

<sup>43</sup> Michael Emerson and others, “The Reluctant Debutante—The EU as Promoter of Democracy in its Neighborhood,” in *Democratisation in the European Neighborhood*, ed. Michael Emerson (Brussels: Center for European Policy Studies, 2005), 203–8. Also, Richard Youngs, “Europe's Uncertain Pursuit of Middle East Reform,” in *Uncharted Journey: Promoting Democracy in the Middle East*, ed. Thomas Carothers and Marina Ottaway (Washington, DC: Carnegie Endowment for International Peace, 2005), 234–35. The EU has also undertaken bilateral agreements for political reform with Jordan, Morocco, and the Palestinian Authority. It is negotiating such agreements with Egypt and Lebanon. Haizam Amirah-Fernandez, “EU: Barcelona Process and the New Neighborhood Policy,” *Arab Reform Bulletin* 4, no. 1 (2006), 5–6.

<sup>44</sup> These conferences take place under the heading of the Broader Middle East and North Africa Initiative, which is also called the Forum for the Future. The first conference occurred in Rabat, Morocco in December 2004. The second was held in Manama, Bahrain in November 2005. The third meeting occurred in Jordan in December 2006.

the strength of Western advocacy for democracy over time and between countries.<sup>45</sup> However, this normal ebb-and-flow of interests should not be construed as insincerity. Since 2001, democratization has been elevated from an appealing afterthought among policy makers to a strategic objective in itself. True, it is only one objective among many. But it now carries significant weight among policy makers in the United States and Europe. Major Western governments now argue with increasing conviction that the absence of democracy in the region has a direct impact on regional and global security.<sup>46</sup>

This change on the international stage has been matched by a serious effort among Arab intellectuals and activists to promote democratic reform. The most systematic work in this regard is the Arab Human Development Reports (AHDR) of 2002, 2003, 2004, and 2005.<sup>47</sup> These reports were prepared by a team of prominent Arab intellectuals under the auspices of the United Nations Development Program. They received wide distribution—for example, over 1 million copies of the 2002 report were downloaded from the UNDP’s website.<sup>48</sup> The reports focus on three “deficits” that plague the Arab world: a lack of freedom, insufficient rights for women, and inadequate educational systems. They emphasize that all people are entitled to the full range of civil and political rights, and that each citizen has the right to participate in his own governance. The reports assert that these principles are fundamental to human freedom which, in turn, is the foundation for economic growth and human development.<sup>49</sup>

<sup>45</sup> For example, Secretary of State Condoleezza Rice visited Egypt in January 2007 and held a long meeting with President Mubarak. During her visit, she made no effort to encourage political reform. Rather, she focused on gaining Egypt’s support for American policy toward the Arab-Israeli conflict, Iraq, and Iran. This stands in sharp contrast to her visit in June 2005, when she publicly called for more rapid democratization. For her speech in June 2005, see Condoleezza Rice, “Remarks at the American University in Cairo,” June 20, 2005. For her remarks during her visit in January 2007, see Condoleezza Rice, “Remarks with Egyptian Foreign Minister Aboul Gheit,” January 15, 2007. Available on the State Department’s website: <http://www.state.gov/>. Accessed June 12, 2007.

<sup>46</sup> As Henry Kissinger put it, “The advocates of the important role of a commitment to democracy in American foreign policy have won their intellectual battle.” Henry A. Kissinger, “Intervention with a Vision,” in *The Right War? The Conservative Debate on Iraq*, ed. Gary Rosen (Cambridge: Cambridge University Press, 2005), 53.

<sup>47</sup> *Arab Human Development Report 2002: Creating Opportunities for Future Generations* (New York: United Nations Development Program, 2002); *Arab Human Development Report 2003: Building a Knowledge Society* (New York: United Nations Development Program, 2003); *Arab Human Development Report 2004: Towards Freedom in the Arab World* (New York: United Nations Development Program, 2005); *Arab Human Development Report 2005: Towards the Rise of Women in the Arab World* (New York: United Nations Development Program, 2006).

<sup>48</sup> *Arab Human Development Report 2003*, i. The report was cited by *Time* magazine as the most important publication of 2002.

<sup>49</sup> *Arab Human Development Report 2004*, 2–3.

The reports also argue that the Arab world confronts several acute problems that can be managed only through skilled and accountable governance. The most formidable of these problems include the following:

*A demographic “youth bulge.”* Roughly 38 percent of the region’s population is under the age of fourteen. The region will need 50 million new jobs by 2010 in order to accommodate them. This demographic challenge draws attention to two core weaknesses of the current order: the poor quality of state-led economic management, which has produced weak economic growth; and the absence of political institutions that can represent the interests of these young people and respond to their concerns quickly and effectively. In the view of the AHDR, democratization addresses both of these problems. It increases the transparency and accountability of government decision making, thereby improving economic policy and performance. It also provides an orderly and reliable mechanism for including citizens in political life.

*The political repercussions of economic restructuring.* In order to improve economic performance, many countries in the region have adopted market-oriented economic reforms that shrink the public sector and reduce state subsidies. In the short term, these measures cause severe hardship, particularly to public-sector workers and unskilled labor. In the view of the AHDR, democratic reforms are essential for creating political institutions that can respond to the needs of these workers and provide a peaceful avenue for expressing and managing their dissent.

*The growing power of Islamist groups.* Throughout the Middle East, Islamist groups have developed broad popular support, effective social service networks, and a formidable capacity to mobilize their followers. The appeal of these groups is likely to increase in the future. In the view of the AHDR, democratic reforms are the only way to integrate these groups into the political process and give them a stake in peaceful change.

The authors of the AHDR believe that the current political structures of the Arab world are simply not up to these challenges. If the region is to cope effectively, democratization is essential. If it does not occur, Arabs face the prospect of “intensified social conflict . . . violent protest . . . [and] internal disorder.”<sup>50</sup>

Support for democratization is not limited to the small circle of intellectuals who wrote the AHDR. Opinion polls indicate significant public backing for democratic principles. A poll by the World Values Survey in Egypt, Jordan, Morocco, and Algeria found that over 85 percent of respondents considered democracy “better than any other form of govern-

<sup>50</sup> Ibid., 19.

ment.”<sup>51</sup> The percentage of respondents who considered democracy the best form of government exceeded that of any other region in the developing world.<sup>52</sup> The Arab respondents also expressed the highest rate of rejection (80 percent) of authoritarian rule.<sup>53</sup> A poll conducted by the AHDR indicates that Arabs place a high value on freedom of thought, expression, and belief.<sup>54</sup> Additional survey research reaches similar conclusions and suggests that the Arab public supports many democratic values, with the important exception of women’s equality.<sup>55</sup>

Public advocacy of democratization has also become widespread and forceful. Meetings of intellectuals, civil society organizations, and business groups frequently include declarations of support for democracy.<sup>56</sup> The Arab media also increasingly advocates democratization, with satellite television stations leading the way. The most popular satellite station, *al-Jazeera*, has made political reform a central theme of its programming. A recent study of its broadcasts since 1999 found that roughly one-third of its talk show programs deal with this topic. They frequently include harsh attacks on the regimes of the region and vigorous demands for democratic change. In the view of the study’s author (Marc Lynch), *al-Jazeera* has helped to transform Arab political discourse by creating an intellectual climate where challenging political authority is not only tolerated, but

<sup>51</sup> Respondents were presented with the statement: “Despite its problems, democracy is better than any other form of government.” In each of the four Arab countries studied, over 85 percent of the respondents either “strongly agreed” or “agreed” with this statement. The results of the survey with regard to the Middle East are summarized in Mark Tessler, “Do Islamic Orientations Influence Attitudes Toward Democracy in the Arab World? Evidence from Egypt, Jordan, Morocco, and Algeria,” in *Islam, Gender, Culture, and Democracy*, ed. Ronald Inglehart (Willowdale, ON: deSitter Publications, 2003), 13.

<sup>52</sup> *World Values Surveys Four-Wave Integrated Data File, 1981–2004*. Downloaded from the Inter-University Consortium for Political and Social Research.

<sup>53</sup> The question involved asked whether the respondent would accept a “strong leader who does not have to bother with parliament and elections.” Ibid.

<sup>54</sup> The survey is summarized in the *Arab Human Development Report 2004*, 98–99.

<sup>55</sup> *The 2002 Gallup Poll of the Islamic World* (Princeton, NJ: Gallup Organization, 2002). This poll was conducted in December 2001 and January 2002. It included 4,300 Arab respondents from Jordan, Kuwait, Lebanon, Morocco, and Saudi Arabia. Also, James J. Zogby, *What Arabs Think: Values, Beliefs, and Concerns* (New York: Zogby International, 2002), especially pp. 33–42. This poll involved 3,800 Arabs in eight countries. Also, Pew Global Attitudes Project, *Views of a Changing World: June 2003* (Washington, DC: Pew Research Center for the People and the Press, 2003), especially pp. 47–70. This poll deals with only two Arab countries, Lebanon and Jordan. Also see Amaney Jamal and Mark Tessler, “Attitudes in the Arab World,” *Journal of Democracy* 19, no. 1 (January 2008): 97–110.

<sup>56</sup> The most prominent declarations are: the Sana’a declaration of January 2004, which was produced by the Regional Conference on Democracy, Human Rights, and the Role of the International Criminal Court; and the Alexandria Charter of March 2004, which was the result of a conference of Arab civil society organizations entitled “Arab Reform Issues: Vision and Implementation.”

encouraged. It is “building the foundation of a more democratic Arab political culture.”<sup>57</sup>

In addition, civil society groups and activists increasingly undertake demonstrations and other acts of public resistance in support of political change. For example, the *Kifaya* (“enough”) movement in Egypt organized thousands of demonstrators in the spring of 2005 to call for an end to President Mubarak’s rule and the convening of competitive presidential elections. The Muslim Brotherhood mobilized thousands of its followers to participate in these demonstrations. It also organized separate demonstrations to support political and constitutional reform. In Lebanon, the “March 14th” movement brought 1.2 million people onto the streets in 2005 to protest Syria’s presence. They organized several subsequent demonstrations to advocate political reform and national reconciliation.<sup>58</sup> Significant public mobilization in favor of political reform has also occurred in Morocco and Jordan, despite the threat of imprisonment and fines.<sup>59</sup>

#### WHAT IS THE FUTURE OF DEMOCRACY IN THE ARAB WORLD?

For the first time in the region’s history, there are strong indigenous demands for democracy backed by significant international support. These pressures have not yet led to democratic transitions. However, there have been some meaningful steps toward political reform. Improvements in electoral procedure and monitoring have produced more competitive elections in Algeria, Kuwait, Lebanon, Jordan, and Morocco. Judicial independence has increased in Egypt, Kuwait, Jordan, and Morocco.<sup>60</sup> Judges in Egypt and Kuwait, in particular, have shown a willingness to challenge

<sup>57</sup> Marc Lynch, “Shattering the ‘Politics of Silence.’ Satellite Television Talk Shows and the Transformation of Arab Political Culture,” *Arab Reform Bulletin* 2, no. 11 (2004): 3; also, Marc Lynch, *Voices of the New Arab Public: Iraq, Al-Jazeera, and Middle East Politics Today* (New York: Columbia University Press, 2006).

<sup>58</sup> Paul Salem, *Lebanon at the Crossroads: Rebuilding an Arab Democracy* (Washington, DC: Brookings Institution, 2005); Oussama Safa, “Lebanon Springs Forward,” *Journal of Democracy* 17, no. 1 (2006): 22–37.

<sup>59</sup> For further information on Morocco, see: Andrew R. Smith and Fadoua Loudiy, “Testing the Red Lines: On the Liberalization of Speech in Morocco,” *Human Rights Quarterly* 27, no. 3 (2005): 1069–1119; Marina Ottaway and Meredith Riley, *Morocco: From Top-Down Reform to Democratic Transition?* (Washington, DC: Carnegie Endowment for International Peace, 2006). For further information on Jordan, see: George Joffe, *Jordan in Transition* (London: Hurst and Co., 2002); Russell E. Lucas, “Deliberalization in Jordan,” *Journal of Democracy* 14, no. 1 (2003): 137–44; Anne Marie Baylouny, “Jordan’s New ‘Political Development’ Strategy,” *Middle East Report* 35, no. 3 (2005): 40–43.

<sup>60</sup> Nathan Brown, “Arab Judicial Reform: Bold Visions, Few Achievements,” *Arab Reform Bulletin*, October 2004.

executive power.<sup>61</sup> Parliaments have gained greater authority to question members of the executive and remove ministers in Jordan and Morocco. Changes in legislation and procedure have made it easier to form political parties in Morocco and Egypt. Strong civil society groups calling for political reform have emerged in Egypt, Lebanon, Morocco, and Jordan. And, press freedom has improved in Bahrain, Morocco, and Jordan.<sup>62</sup>

In addition, several countries in the region have undergone economic restructuring that carries important repercussions for political change. The massive welfare states that enhanced regime legitimacy in many countries have proven financially unsustainable. Persistent budget deficits and fiscal crises have forced cutbacks in key institutions of state control such as the public sector, the subsidy system, and the civil service. This is particularly the case in Egypt, Morocco, and Jordan.<sup>63</sup> The state in these countries is certainly in no danger of collapsing. However, its capacity to control the economy and society has declined.<sup>64</sup> At the same time, new institutions are emerging within the state (such as independent judiciaries) and within civil society (such as Islamist groups). These institutions challenge and constrain state power. As noted earlier, they may also offer an alternative conception of political order that competes with the regime's ideology.

Although these developments are encouraging, we must be careful not to exaggerate their significance. As one might expect, there have been setbacks. Lebanon, in particular, has suffered from a recent descent into sectarian rivalries and violence. In addition, the autocrats of the Arab world have adopted countermeasures to protect their power and frustrate reform. The still-formidable ruling elites of the region have a substantial

<sup>61</sup> Most recently, the Kuwaiti Constitutional Court voided fifteen clauses of the Public Gatherings Law, which restricts public gatherings that convene without prior permission from the authorities. It held that the clauses violated the right to freedom of assembly guaranteed by the constitution. The ruling marked the first time that a court had challenged the emergency powers of the emir. See *Arab Reform Bulletin*, May 2006 (issue 4). For discussion of the Egyptian judiciary, see chapter 2.

<sup>62</sup> These points are gleaned primarily from a review of the monthly *Arab Reform Bulletin* from September 2003 through May 2006. The *Bulletin* is published by the Carnegie Endowment for International Peace.

<sup>63</sup> The Egyptian case is discussed in chapter 5. For further information on economic restructuring in Morocco, see *Fostering Higher Growth and Employment in the Kingdom of Morocco* (Washington, DC: World Bank, 2006). For information on Jordan, see Katherine Blue Carroll, *Business as Usual? Economic Reform in Jordan* (Lanham: Lexington Books, 2003); Warwick M. Knowles, *Jordan since 1989: A Study in Political Economy* (London: I. B. Tauris, 2005).

<sup>64</sup> For further discussion of the changing character of the state in the Arab world, see Hassan Hakimian and Ziba Moshaver, eds., *The State and Global Change: The Political Economy of Transition in the Middle East and North Africa* (Richmond: Curzon Press, 2001).



arsenal of tools at their disposal.<sup>65</sup> Autocratic institutions are not being swept away in dramatic popular upheavals comparable to the “people power” of the Philippines or the colored revolutions of central Europe. Rather, the tools of centralized state power are gradually eroding. As this unfolds, new institutions emerge alongside these weakened—but still functioning—state institutions. In Egypt, for example, the country’s powerful security institutions and the legal codes that empower them are not being dismantled. Instead, increasingly assertive administrative and constitutional courts challenge their power and limit their authority.<sup>66</sup> In Jordan, the state’s social service institutions and educational system are not shutting down. Instead, they continue to function in a fragmentary and incomplete fashion, and are supplemented by independent Islamic institutions that perform the same functions.<sup>67</sup> Some institutions (such as independent judiciaries) may be products of the regime’s policies, but this does not mean they are controlled by the regime. Rather, they develop and function alongside the autocratic institutions of the state and often constitute a meaningful constraint on it.

The net political result of this process is neither authoritarianism nor democracy. Rather, the outcome is a hybrid regime that shares characteristics of both an autocratic order (characterized by a powerful executive with few formal checks on his authority) and a democratic order (which includes institutions that constrain the state and increase governmental accountability). Furthermore, these democratic institutions are often supported by Islamic thinkers and activists. Islamic political and legal thought plays an increasingly important role in defining and legitimizing the institutional alternatives to autocracy.

A full transition to democracy is not likely in any contemporary Arab regime. However, for regimes with these hybrid characteristics, a reversion to full authoritarianism is equally unlikely. In order to understand the future of democracy in the Arab world, we need to understand how these hybrid regimes emerge, why they remain stable, and whether they will transition toward democracy. The theoretical literature on hybrid regimes provides a valuable starting point for this analysis.

<sup>65</sup> For further discussion of the tactics of Arab authoritarianism, see Eberhard Kienle, *A Grand Delusion: Democracy and Economic Reform in Egypt* (New York: I. B. Tauris, 2001); Maye Kassem, *Egyptian Politics: The Dynamics of Authoritarian Rule* (Boulder, CO: Lynne Rienner, 2004); Russell Lucas, *Institutions and the Politics of Survival in Jordan: Domestic Responses to External Challenges, 1988–2001* (Binghamton: State University of New York Press, 2005); Ellen Lust-Okar, *Structuring Conflict in the Arab World: Incumbents, Opponents, and Institutions* (New York: Cambridge University Press, 2005).

<sup>66</sup> These court rulings will be discussed in chapter 2.

<sup>67</sup> Janine A. Clark, *Islam, Charity, and Activism: Middle-Class Networks and Social Welfare in Egypt, Jordan, and Yemen* (Bloomington: Indiana University Press, 2004), 82–114.

## HYBRID REGIMES AND POLITICAL CHANGE

Scholars of authoritarianism have long been aware of regimes that contain both autocratic and democratic institutions. Linz's classic study of authoritarianism discusses this topic in some detail.<sup>68</sup> Diamond, Linz, and Lipset also examine it in their extensive multi-country study of democratization. They begin by observing that all democracies fall short of the democratic ideal. However, some regimes fall so far short that they cannot be described as democratic. The authors identify several types of regimes that fall within this "grey zone" between democracy and autocracy: "semidemocracy," in which competitive elections occur among multiple parties but there are serious flaws in the electoral process or sharp restrictions on the powers of representative institutions; "low-intensity" democracy, in which vibrant and relatively fair elections take place, but governments lack meaningful accountability during the period between elections; and "hegemonic party systems," in which free elections occur, but one party thoroughly dominates the electoral process and precludes any meaningful competition for power.<sup>69</sup> Each of these is an example of a hybrid regime that exhibits a different mix of authoritarian and democratic institutions.<sup>70</sup> Ottaway describes hybrid regimes in similar terms.<sup>71</sup> They may contain legislatures, independent judiciaries, and civil society organizations. However, they do not allow the transfer of power through elections and, therefore, are not fully functioning democracies.<sup>72</sup>

<sup>68</sup> Juan J. Linz, *Totalitarian and Authoritarian Regimes* (Boulder, CO: Lynne Rienner, 2000), 58–61.

<sup>69</sup> Larry Diamond, Juan J. Linz, and Seymour Martin Lipset, "Introduction: What Makes for Democracy?" in *Politics in Developing Countries: Comparing Experiences with Democracy*, ed. Larry Diamond, Juan J. Linz, and Seymour Martin Lipset (Boulder, CO: Lynne Rienner, 1995), 7–8.

<sup>70</sup> A variety of other terms appear in the literature to describe this type of mixed regime, including: virtual democracy, pseudodemocracy, illiberal democracy, semi-authoritarianism, soft authoritarianism, electoral authoritarianism, and "partly free." See Steven Levitsky and Lucan A. Way, "The Rise of Competitive Authoritarianism," *Journal of Democracy* 13, no. 2 (2002), 51. Also, Ariel C. Armony and Hector E. Schamis, "Babel in Democratization Studies," *Journal of Democracy* 16, no. 4 (2005), 113.

<sup>71</sup> Marina Ottaway, *Democracy Challenged: The Rise of Semi-Authoritarianism* (Washington, DC: Carnegie Endowment for International Peace, 2003), 3.

<sup>72</sup> This discussion of hybrid regimes draws attention to the importance of distinguishing between liberalism and democracy. Western analysts are accustomed to seeing these two principles merged into a single idea—"liberal democracy." However, they are different concepts. Liberalism is a set of institutions and institutional relationships that constrain state power and protect citizens' civil and political rights. These institutions include a clear and unbiased legal code, the separation of powers, checks and balances among these powers, an independent judiciary, and effective legal institutions that implement the law. Democracy is the process of selecting a country's leaders through free and fair elections. In many hybrid regimes, the

Hybrid regimes have been part of the political landscape for several decades.<sup>73</sup> However, their number grew dramatically after the end of the Cold War. The demise of the Soviet Union led to the withdrawal of external support from many of the world's dictatorships. Russia had neither the resources nor the will to continue supporting communist regimes around the world. With the Soviet menace gone, the United States had little reason to support right-wing dictatorships that counterbalanced communist influence. This termination of external support precipitated severe economic crises in many dictatorships in Africa, Asia, and Latin America. Autocrats had little choice but to open their political systems in order to retain power, but they did so in a manner that fell short of full democratic transition.<sup>74</sup> The result was a sharp increase in hybrid regimes.

The Soviet Union's collapse also left the West in a position of political and economic preeminence. Communist and socialist models of development had lost their credibility and popularity. The Western democratic model swept the global competition of ideas and became the natural choice for advocates of political reform in authoritarian regimes. Furthermore, after the collapse of the USSR, the West held a virtual monopoly on economic assistance. Autocrats who wanted a piece of this pie would need to show at least rhetorical support for the principles of democracy and accountability. Several Western countries went a step further and explicitly incorporated democracy promotion into their foreign policies. As noted earlier, this was particularly the case for the United States and the members of the European Union.<sup>75</sup>

These measures were reinforced by a growing network of transnational civil society groups that promoted democracy and human rights.<sup>76</sup> These

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institutions of liberalism have emerged and constrain some dimensions of executive power. However, the core institution at the heart of democracy—free elections—remains weak or nonexistent. This distinction between liberalism and democracy is particularly important for understanding the Egyptian case. It will be discussed in further detail in chapter 6.

<sup>73</sup> Particularly long-lived examples include Mexico before 1997 and post-independence Malaysia. The following discussion of the history of hybrid regimes draws on Levitsky and Way, "The Rise of Competitive Authoritarianism," 61–63.

<sup>74</sup> Bratton and van de Walle offer a particularly clear discussion of this phenomenon in Africa. See Michael Bratton and Nicolas van de Walle, *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective* (New York: Cambridge University Press, 1997), 97–122.

<sup>75</sup> Thomas Carothers, *Aiding Democracy Abroad: The Learning Curve* (Washington, DC: Carnegie Endowment for International Peace, 1999), 6; Katerina Dalacoura, "U.S. Democracy Promotion in the Arab Middle East since 11 September 2001: A Critique," *International Affairs* 81, no. 5 (2005): 963–79; Ana Echagüe and Richard Youngs, "Democracy and Human Rights in the Barcelona Process," *Mediterranean Politics* 10, no. 2 (2005): 233–38; Richard Gillespie and Richard Youngs, eds., *The European Union and Democracy Promotion: The Case of North Africa* (London: Frank Cass, 2002).

<sup>76</sup> Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998); Marina Ottaway and

organizations included human rights groups, international party foundations, and media advocacy groups. They drew international attention to human rights abuses and lobbied Western governments to monitor and punish autocratic regimes.<sup>77</sup> Some of the groups also sought to protect and strengthen pro-democracy forces through lobbying, funding, and training.<sup>78</sup> In addition, international election observers became an important force for identifying and documenting electoral fraud. Their efforts led to substantial improvements in the fairness and transparency of elections.<sup>79</sup>

These changes in the international setting dramatically increased the incentives for authoritarian leaders to adopt at least the trappings of democracy. As Levitsky and Way conclude, “for most governments in lower- and middle-income countries, the costs associated with the maintenance of full-scale authoritarian institutions—and the benefits associated with adopting democratic ones—rose considerably in the 1990s.”<sup>80</sup> Diamond reaches the same conclusion and observes that “one of the most striking features of the ‘late period’ of the third wave [of democratization] has been the unprecedented growth in the number of regimes that are neither clearly democratic nor conventionally authoritarian.”<sup>81</sup> He estimates that, by 2001, roughly one-third of the world’s regimes could be described as “hybrids.”<sup>82</sup> Furthermore, these regimes have shown remarkable durability. Many hybrid regimes have existed for fifteen years or longer, which exceeds the life span of most bureaucratic-authoritarian regimes in Latin America.<sup>83</sup> This durability suggests that hybrid regimes cannot be charac-

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Thomas Carothers, eds., *Funding Virtue: Civil Society Aid and Democracy Promotion* (Washington, DC: Carnegie Endowment for International Peace, 2000).

<sup>77</sup> Keck and Sikkink, *Activists Beyond Borders*, 12–13.

<sup>78</sup> *Ibid.*; Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights: International Norms and Domestic Change* (New York: Cambridge University Press, 1999).

<sup>79</sup> Thomas Carothers, “The Observers Observed,” *Journal of Democracy* 8, no. 3 (1997): 17–31.

<sup>80</sup> Steven Levitsky and Lucan A. Way, “Autocracy by Democratic Rules: The Dynamics of Competitive Authoritarianism in the Post–Cold War Era.” Paper presented at the conference, “Mapping the Grey Zone: Clientelism and the Boundary between Democratic and Democratizing.” (New York: Columbia University Press, 2003), 6.

<sup>81</sup> Larry Diamond, “Thinking about Hybrid Regimes,” *Journal of Democracy* 13, no. 2 (2002): 25.

<sup>82</sup> Diamond identifies three categories of hybrid regimes: competitive authoritarian (in which competitive elections exist within a stable authoritarian regime), hegemonic electoral authoritarian (in which a single party dominates regular elections), and “ambiguous regimes” that straddle the boundary between democracy and authoritarianism in other ways. *Ibid.*, 26.

<sup>83</sup> Steven Levitsky and Lucan A. Way, *Competitive Authoritarianism: International Linkage, Organizational Power, and Hybrid Regimes in the Post–Cold War Era* (New York: Cambridge University Press, forthcoming), chap. 1.

terized as “stalled” or “prolonged” or “incomplete” transitions to democracy.<sup>84</sup> Rather, they are a distinct regime type that needs to be understood on its own terms.<sup>85</sup>

As hybrid regimes became more numerous and long-lived, scholars of comparative democratization began to study them with greater care. Levitsky and Way undertook a project that analyzed thirty-seven of these regimes. They found that traditional authoritarian regimes assume a hybrid character through the emergence of four arenas where opposition forces challenge autocratic incumbents: elections, in which opposition candidates run successfully against members of the regime; legislatures, where opposition parliamentarians challenge and constrain the government; the judiciary, where judges repeal repressive laws and limit the scope of executive power; and the media, where independent journalists investigate and expose abuses of power by the regime.<sup>86</sup> Their careful study of change in each of these arenas suggests that hybrid regimes emerge through three processes:

*Elite calculations for survival:* Ruling elites in autocratic regimes often confront periods of crisis brought on by poor economic performance, military defeat, excessive repression, or a similar event. They may also face external demands to democratize as a condition for economic aid or membership in international organizations. In order to cope with these pressures, ruling elites may adopt limited reforms such as releasing political prisoners, expanding civil and political rights, and allowing some political competition. These measures are carefully calibrated to enhance the regime’s legitimacy and international stature without allowing genuine competition for power.

*Change in the relative power of institutions within the state and society:* Authoritarian regimes are based upon control of several key institutions. The most obvious are the security services and police, which provide the “hard power” to maintain order and repress opponents. However, these regimes also rely on “soft power,” which shapes the priorities of citizens by providing them with incentives to support the existing order. At the heart of this “soft power” are economic institutions such as the public sector, the subsidy system, and the bureaucracy. These institutions provide jobs, food, housing, education, and a host of other important services. A successful authoritarian regime utilizes them to maintain the loyalty and cooperation of its supporters. These institutions are also valuable tools for co-opting or harassing the regime’s opponents.

<sup>84</sup> Levitsky and Way study 37 cases of hybrid regimes from 1990 through 2005. Of these, only 14 underwent a transition to democracy. *Ibid.*, chap. 1.

<sup>85</sup> Thomas Carothers, “The End of the Transition Paradigm,” *Journal of Democracy* 13, no. 1 (2002): 5–21.

<sup>86</sup> Levitsky and Way, “The Rise of Competitive Authoritarianism,” 54–57.

These institutions may be undermined by economic crises, economic mismanagement, or economic restructuring. When these institutions are weakened, the regime's patronage network erodes and it can no longer provide the services that are essential for preserving its legitimacy and power. This can lead to two institutional outcomes that contribute to the development of a hybrid regime. First, governing elites may allow the emergence of new institutions within the state in order to enhance the regime's economic performance. They may, for example, allow the development of an independent judiciary in the hope that it will create a more attractive investment environment by protecting property rights and ensuring reliable enforcement of contracts. Second, the weakening of the institutions that provide public services creates an opportunity for private service organizations to emerge and grow. These may take the form of charitable organizations, religious groups, or commercial firms. They help to meet the basic needs of society in fields such as housing, medical care, and education. Thus, a hybrid regime may emerge through the combination of autocratic institutions weakening and alternative institutions expanding within the state and civil society.

*Erosion of the political ideas that legitimate the regime:* Autocratic regimes often rely on a set of ideas to justify their centralization of power and their denial of civil and political rights. For example, the Institutional Revolutionary Party (PRI) in Mexico stressed the goal of reordering society to achieve the justice and equity promised by the Mexican revolution. Tanzania under Julius Nyerere tried to implement African socialism, which was based on Nyerere's unique mix of socialist and tribal principles. Egypt under Nasser sought to advance Arab nationalism, which combined Egyptian nationalism, anti-colonialism, and aspirations for regional leadership. Political ideas such as these may not be sufficiently rigorous or systematic to warrant the label "ideology." Nonetheless, they matter for legitimating an autocratic regime and justifying its monopoly on power. These legitimating ideas often erode due to the death of the founding leader, poor economic performance, excessive repression, military defeats, and other practical failures of governance. As these ideas erode, alternative views of political order have the opportunity to develop and build support within the state and society. The growth of these alternative conceptions of law and governance is another important step in the creation of a hybrid regime.

Thus, hybrid regimes emerge through a combination of elite calculations, institutional change, and ideational competition. However, as scholarly interest in hybrid regimes increased, research tended to concentrate only on the short-term maneuvering of autocratic elites.<sup>87</sup> The litera-

<sup>87</sup> See, for example, Maxwell A. Cameron, *Democracy and Authoritarianism in Peru: Political Coalitions and Social Change* (New York: St. Martin's Press, 1994); William Case, "Can the 'Halfway House' Stand? Semidemocracy and Elite Theory in Three Southeast Asian

ture focused particularly on the role of elections in authoritarian regimes. Works by Schedler, Magaloni, Geddes, Pripstein Posusney, Lust-Okar, Lucas, Brownlee, and others examined the tactics and political dynamics of elections under authoritarianism with care and precision.<sup>88</sup> However, this literature leaves several important aspects of hybrid regimes underexplored and unconceptualized. While providing insight into the short-term calculations that sustain these regimes, it neglects the longer-term institutional interaction and ideational competition that produce them, determine their stability, and shape their development. These institutional and ideational considerations include: changes in the size and functions of the state; deterioration of the state's capacity to monitor and control society; erosion of the political ideas that legitimate the regime; and the emergence of competing ideas and institutions that constrain the state and further weaken its legitimacy. These longer-term processes are the underlying explanation for the emergence of a hybrid regime. Elections are merely a symptom of the regime's weakness and a tactic for managing it. This does not render them unimportant. However, analysis of this tactic for regime survival tells us relatively little about the underlying institutional and ideational dynamics that determine the regime's character and stability.

In a similar vein, the focus on elections has tilted the literature toward study of elite calculations at a given moment in time within a fixed set of institutional and ideational constraints. It does not analyze the origins of

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Countries," *Comparative Politics* 28, no. 4 (1996): 437–64; Michael McFaul, "The Fourth Wave of Democracy and Dictatorship: Noncooperative Transitions in the Postcommunist World," *World Politics* 54, no. 2 (2002): 212–44.

<sup>88</sup> For examples from the literature on comparative authoritarianism, see Andreas Schedler, ed., *Electoral Authoritarianism: The Dynamics of Unfree Competition* (Boulder, CO: Lynne Rienner, 2006); Andreas Schedler, "The Nested Game of Democratization by Elections," *International Political Science Review* 23, no. 1 (2002): 103–122; Andreas Schedler, "The Menu of Manipulation," *Journal of Democracy* 13, no. 2 (2002): 36–50; Beatriz Magaloni, *Voting for Autocracy: Hegemonic Party Survival and Its Demise in Mexico* (New York: Cambridge University Press, 2006); Barbara Geddes, "Why Parties and Elections in Authoritarian Regimes?" Paper presented at the annual meeting of the American Political Science Association, Washington, DC, September 2005; William Case, "Southeast Asia's Hybrid Regimes: When Do Voters Change Them?" *Journal of East Asian Studies* 5, no. 2 (2005): 215–238; Todd A. Eisenstadt, *Courting Democracy in Mexico: Party Strategies and Electoral Institutions* (New York: Cambridge University Press, 2003). For examples dealing specifically with the Middle East, see: Marsha Pripstein Posusney, "Multiparty Elections in the Arab World: Election Rules and Opposition Responses," in *Authoritarianism in The Middle East: Regimes and Resistance*, ed. Marsha Pripstein Posusney and Michele Penner Angrist (Boulder, CO: Lynne Rienner, 2005), 91–118; Jason Brownlee, "The Double Edge of Electoral Authoritarianism: A Comparison of Egypt and Iran." Paper presented at the annual meeting of the American Political Science Association, San Francisco, September 2001; Bradford Dillman, "Parliamentary Elections and the Prospects for Political Pluralism in North Africa," *Government and Opposition* 35, no. 2 (2000): 211–36; Curtis R. Ryan and Jillian Schwedler, "Return to Democratization or New Hybrid Regime? The 2003 Elec-

the institutional and ideational context that shapes the options open to elites, affects their choices, and influences how those choices unfold. The literature also assumes that these institutional and ideational constraints are constant when, in reality, they are undergoing steady change in many hybrid regimes.

In addition, the concentration on elections has steered analysis into an arena of politics where the regime has extensive capabilities to manipulate the outcome. In most hybrid regimes, the government controls every dimension of how elections unfold. It determines who may register to vote. It defines the nature of the electoral campaign, including which candidates may participate, the amount of money they may spend, the size and frequency of their rallies, and their degree of access to the media. It also controls the polling process itself, including who may have access to the polls, who counts the votes, how the results are announced, and how the electoral outcome is translated into political power (number of seats in parliament, in municipal councils, etc.). Concentrating only on elections produces two biases in our understanding of hybrid regimes. First, it yields an exaggerated sense of the regime's capacity to control the polity. It gives the impression that the regime can manipulate every corner of political life as thoroughly as it controls the electoral process. Second, a focus on elections neglects those aspects of political competition that are not part of the electoral process. These include institutional dynamics that can constrain the power of an autocratic state (such as the emergence of an independent judiciary) and ideational competition that involves actors who are either excluded from elections or whose participation is tightly constrained (such as Islamists).

This emphasis on elections is largely the product of scholars assuming that hybrid regimes are transitioning toward democracy. This assumption leads many scholars to base their research upon the theoretical literature on democratization. This literature argues that democracies emerge through a two-stage sequence. The first stage is a democratic transition, which is defined as the holding of free and fair elections. The second stage is a protracted process of democratic consolidation. This entails forming institutions that constrain executive power (such as an autonomous legislature), increase transparency (such as independent media outlets), and establish the rule of law (such as an independent judiciary). Consolidation also involves the widespread adoption of democratic political ideas such as popular sovereignty, equality before the law, and governmental accountability.<sup>89</sup>

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tions in Jordan," *Middle East Policy* 11, no. 2 (2004): 138–51; Lucas, *Institutions and the Politics of Survival in Jordan*; Lust-Okar, *Structuring Conflict in the Arab World*.

<sup>89</sup> This sequence is explained with particular clarity in Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and*



Scholars of hybrid regimes have implicitly accepted this sequence and focused tightly on elections, which are the first step along the road to democratic transition and consolidation. However, hybrid regimes are not necessarily in transition. They occupy a stable middle ground between democracy and autocracy. They *combine* the institutions of autocracy and democracy. As a consequence, institutions that scholars of democratization defer to later in their analysis—such as independent judiciaries, strong civil society groups, and independent media outlets—assume a prominent and early role in the analysis of hybrid regimes. Similarly, political ideas that are generally associated with the consolidation phase of democratic development—such as regime accountability, popular sovereignty, and respect for individual rights—may emerge quite early in a hybrid regime and develop support within parts of the state and civil society.

The key feature of a hybrid regime is that these democratic institutions and ideas emerge alongside the institutions and ideas of an autocratic regime and co-exist with it. Furthermore, this phenomenon is not simply the outcome of careful calculations by autocratic elites who manipulate the political arena to their advantage. It is also the result of institutional and ideational competition. It is the product of an autocratic regime's declining power amid the emergence of institutional and ideational alternatives. The regime may tolerate this development, often because it lacks the power to stop it or the cost of stopping it is unacceptable. But, this acquiescence does not mean that the regime controls it or supports it.

In order to more fully understand hybrid regimes, we need a framework that pays due attention to the short-term calculations of elites. However, it must also place these calculations within the broader context of institutional development and ideational competition. Historical institutionalism offers the basis for such a framework.

#### UNDERSTANDING THE EMERGENCE OF HYBRID REGIMES: A HISTORICAL INSTITUTIONALIST APPROACH

The defining feature of a hybrid regime is the development of democratic institutions alongside well-entrenched authoritarian institutions. This phenomenon of a polity containing multiple—and conflicting—institutions has received considerable attention from scholars of historical institutionalism, particularly Skowronek, Hall, Skocpol, Steinmo, Mahoney, Pierson, and Thelen.

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*Post-Communist Europe* (Baltimore: Johns Hopkins University Press, 1996), 3–15. Also see Larry Diamond, *Developing Democracy: Toward Consolidation* (Baltimore: Johns Hopkins University Press, 1999), 1–23.

One of the leading scholars of this approach, Peter Hall, defines institutions as “the formal or informal procedures, routines, norms and conventions embedded in the organizational structure of the polity or political economy.”<sup>90</sup> The historical institutionalists regard the polity as an interlocking set of institutions that were created at different times, often to serve different purposes.<sup>91</sup> This mosaic of clashing institutions is a persistent feature of the political landscape that pushes development along particular paths. It creates a structural context that defines the relative power of actors and the range of options available to them.<sup>92</sup>

In the historical institutionalist perspective, political change occurs as a result of critical junctures that weaken old institutions and strengthen others. There are different types of critical junctures, which produce different opportunities for change. The major types include the following:

*Military defeat:* Loss of a war can smash a regime’s legitimacy and rob it of the resources needed to govern, thereby setting the stage for institutional change. Argentina’s defeat in the Falklands war is a good example.

*Succession crises:* The legitimacy of newly established regimes is often built around the charismatic appeal of a single national leader, such as Nasser in Egypt, Khomeini in Iran, or Attaturk in Turkey. To the extent that these leaders construct institutions, they are usually designed to reinforce and extend the personal power of the leader rather than create a rational-legal basis for authority. The death of the charismatic leader often

<sup>90</sup> Peter A. Hall and Rosemary C. R. Taylor, “Political Science and the Three New Institutionalisms,” *Political Studies* 44 (1996): 938. Practitioners of historical institutionalism generally accept this definition. For a slightly different perspective on how to define institutions, see Theda Skocpol, “Why I Am an Historical Institutionalism,” *Polity* 28, no. 1 (1995): 105.

<sup>91</sup> Stephen Skowronek, “Order and Change,” *Polity* 28, no. 1 (1995): 95; Karen Orren and Stephen Skowronek, “Institutions and Intercurrence: Theory Building in the Fullness of Time,” in *Political Order*, ed. Ian Shapiro and Russell Hardin (New York: New York University Press, 1996): 111–46; James Mahoney and Dietrich Rueschemeyer, “Comparative Historical Analysis: Achievements and Agendas,” in *Comparative Historical Analysis in the Social Sciences*, ed. James Mahoney and Dietrich Rueschemeyer (Cambridge: Cambridge University Press, 2003), 3–40; Paul Pierson and Theda Skocpol, “Historical Institutionalism in Contemporary Political Science,” in *Political Science: The State of the Discipline*, ed. Ira Katznelson and Helen V. Milner (New York: W.W. Norton, 2002), 693–721. Historical institutionalists also use the metaphor of “layering” of institutions. This results from new institutions being established on top of existing institutions, rather than replacing them. The product is an increasingly complex set of institutions—resembling a layered cake—that often work at cross purposes with each other.

<sup>92</sup> Kathleen Thelen, “Historical Institutionalism in Comparative Politics,” *Annual Review of Political Science* 2 (1999): 369–404; Sven Steinmo and Kathleen Thelen, “Historical Institutionalism in Comparative Politics,” in *Structuring Politics: Historical Institutionalism in Comparative Analysis*, ed. Sven Steinmo et al. (Cambridge: Cambridge University Press, 1992), 1–32; Ira Katznelson, “Structure and Configuration in Comparative Politics,” in *Comparative Politics: Rationality, Culture, and Structure*, ed. Mark Irving Lichbach and Alan S. Zuckerman (New York: Cambridge University Press, 1997), 81–112.

leads to a period of crisis, as potential successors compete for power and as institutions seek to secure the resources and authority needed to sustain their influence.

*Economic decline:* Rampant inflation and unemployment can undermine public confidence in a political and economic order and produce social despair that fuels calls for change. It can also sap the state of the resources needed to sustain key institutions, patronage networks, and social services. The collapse of the Weimar Republic and the rise of German fascism occurred amidst this type of critical juncture.

*Technological change:* The introduction of new technologies can weaken the state and strengthen opposition groups, thereby facilitating the decline of a political order and stimulating the emergence of new institutions. For example, improvements in communications technology in Iran in the 1970s greatly aided the dispersion of radical Islamic doctrine that undermined the legitimacy of the shah's regime and contributed to its overthrow in 1979. More recently, the widespread dispersion of satellite television in the Middle East since the early 1990s weakens the state's monopoly on the dissemination of information and exposes citizens to alternative conceptions of politics and society. This development erodes state power and legitimacy and creates opportunities for change.<sup>93</sup>

The direction of change at one of these critical junctures is shaped by two factors:

1. The relative strength of major institutions, which is the result of institutional histories and the effects of the critical juncture. The strength of an institution is a function of its degree of adaptability, complexity, autonomy, and coherence.<sup>94</sup>
2. The conception of politics embedded<sup>95</sup> in each of the clashing institutions.<sup>96</sup> The range of political ideas on offer at a specific critical juncture defines the menu of choices available to political actors. The amount of influence exerted by an idea is shaped by the strength of the institution in which it is embedded.

<sup>93</sup> Lynch, *Voices of the New Arab Public: Iraq, Al-Jazeera, and Middle East Politics Today*.

<sup>94</sup> This approach to assessing the strength of an institution is taken from Samuel P. Huntington, *Political Order in Changing Societies* (New Haven, CT: Yale University Press, 1968), 12–23.

<sup>95</sup> By “embedded,” I mean integrated into the norms and policies of the institution as reflected in its publications, training programs, and speeches by leading officials. For a useful discussion of how ideas become embedded in an institution, see Kathryn Sikkink, *Ideas and Institutions: Developmentalism in Brazil and Argentina* (Ithaca, NY: Cornell University Press, 1991), 26–27.

<sup>96</sup> Hall and Sikkink explore the role of ideas in particular detail. See: Peter Hall, “The Movement from Keynesianism to Monetarism: Institutional Analysis and British Economic Policy in the 1970s,” in *Structuring Politics: Historical Institutionalism in Comparative*

Thus, in order to understand the direction of change, we need to analyze changes in the strength of major institutions and the ideas of political order embodied in these institutions.<sup>97</sup> It should be stressed that this approach emphasizes the importance of *both* ideas and institutions. Ideas exert a sustained impact on politics only when they are embedded in an institution that provides financial resources, personnel, and an effective organizational structure.

This historical institutionalist perspective suggests that an authoritarian regime can develop into a hybrid regime through the following scenario:

- Critical junctures (such as an economic crisis or a military defeat) weaken key institutions of state power. The institutions affected may include political institutions (such as the presidency), security institutions (such as the armed forces), or economic institutions (such as public-sector companies or the subsidy system).
- Regime elites try to preserve their power under these new conditions by adopting political, legal, and economic reforms. For example, they may strengthen the judiciary and the rule of law in the hope that this step will improve the efficiency of the state and attract essential foreign investment. Or, they may adopt laws that expand civil and political rights in the hope that these measures will enhance the regime's popularity. These reforms create opportunities for competing conceptions of the polity to emerge and grow.
- Institutions that espouse alternative conceptions of the polity (such as the judiciary or Islamist groups) exploit these opportunities. They may be joined by other actors—such as lawyers, human rights activists, intellectuals, and businessmen—who support political change due to their normative beliefs or their self-interest (or both). This interaction between reformist institutions and key actors in civil society broadens and deepens the constituencies for political change. It also defines the agenda for reform and determines which institutions command the greatest influence as the reform process unfolds.
- The government permits this process to proceed either because it is unable to stop it, or because the reforms it produces provide benefits to the regime. These benefits might include economic growth stemming from a strengthening of the rule of law, or enhanced regime legitimacy produced by improvements in civil and political rights.

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*Analysis*, ed. Sven Steinmo et al. (Cambridge: Cambridge University Press, 1992), 90–113; Sikkink, *Ideas and Institutions*.

<sup>97</sup> For further discussion of the sources of institutional change, see Kathleen Thelen, “Time and Temporality in the Analysis of Institutional Evolution and Change,” *Studies in American Political Development* 14 (2000): 102–9; Kathleen Thelen, “How Institutions Evolve: Insights from Comparative Historical Analysis,” in *Comparative Historical Analysis in the Social Sciences*, ed. James Mahoney and Dietrich Rueschemeyer (Cambridge: Cambridge University Press, 2003), 208–40; Kathleen Thelen, *How Institutions Evolve: The Polit-*

- The resulting hybrid regime not only tolerates multiple conceptions of the polity. Its operation is grounded in the regular interaction of these competing ideas and the institutions that embody them. In this environment, political entrepreneurs can pursue several strategies: they may look for opportunities to broaden their support by cooperating with major institutions and co-opting their ideas; they may regard existing institutions and ideas as threats to their power and seek to isolate and weaken them; or, they may try to create entirely new institutions that break new conceptual ground and mobilize new groups into the political process. The mix of cooperation, conflict, and innovation determines both the stability of the hybrid regime and the trajectory of change from it. In order to understand the development of this regime, we must trace the changes in the relative strength of major institutions, the ideas that these institutions embody, and the behavior of political entrepreneurs.

This is an analytical approach that not only examines key actors and the tactics that they employ to maximize their interests. It also considers the institutional setting that constrains these actors and the ideas that these institutions espouse. It explicitly analyzes the institutional and ideational context that shapes the interests, options, and decisions of the major actors within the polity.

This perspective suggests the following strategy for studying the emergence of a hybrid regime:

1. Delineate the major conceptions of political order that compete for preeminence in the polity. These constitute distinct schools of constitutionalism that offer alternative visions of the country's political future.<sup>98</sup> In order to understand these distinct conceptions of politics, the analysis will focus on each school's ideas in two areas:

- Its approach to governance, which includes its views regarding constraints on state power, governmental accountability, protection of civil and political rights, and public participation in political life.
- Its conception of law, which consists of its ideas regarding three issues: the institutions that are empowered to draft, interpret, and implement law; the source of law's legitimacy (whether it lies with the people, the state, or God); and the purpose of law. This last point asks: is law intended primarily to protect citizens from the state and regulate their interaction with each other?

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*ical Economy of Skills in Germany, Britain, the United States, and Japan* (New York: Cambridge University Press, 2004).

<sup>98</sup> This project utilizes the definition of constitutionalism put forward by Stephen Holmes. He defines constitutionalism as "a method of organizing government that depends on and adheres to a set of fundamental guiding principles and laws." Stephen Holmes, "Constitutionalism," in *The Encyclopedia of Democracy*, ed. Seymour Martin Lipset (Washington, DC: Congressional Quarterly, 1995), 299.

Or, is it primarily an instrument of state power that aids the implementation of policy? Or, is it a reflection of divine will that aims to create a divinely guided community on earth?

2. Identify the institutions that espouse these competing conceptions of constitutionalism and analyze their development.

3. Study the critical junctures that weaken the autocratic institutions of the state. These include military defeats, succession crises, economic crises, and moments of disruptive technological change.

4. Examine the regime's efforts to adapt to these critical junctures through political, legal, and economic reforms.

5. Assess how these reforms strengthen institutions that compete with the regime and create opportunities for alternative conceptions of constitutionalism to broaden their support within the state and society.

6. Examine how these competing conceptions of constitutionalism produce a distinctive trajectory of political change. This entails studying their points of convergence and difference regarding the character of governance and the source and purpose of law. Interaction in these two arenas determines the nature of the hybrid regime, its stability, and the type of regime it will transition toward.

#### THE PATH AHEAD

The following volume applies this analytical framework to Egypt. This country is a particularly insightful and important case for understanding the prospects for democracy in the Middle East. All three conceptions of political order that compete for preeminence in the Arab world—liberal, Islamic, and statist—have deep historical and institutional roots in Egypt. Furthermore, the competition among them has been relatively open. It can be examined through study of sources that are easily accessible and through interviews with relevant actors. Thus, the Egyptian case provides an opportunity to analyze the competition among ideas and institutions that shapes the entire region. Furthermore, Egypt is the key to promoting democracy in the Middle East. It has the Arab world's largest population (81 million in 2008), largest military, and second largest economy. It is the cultural leader of the region and an important source of Sunni religious thought and tradition. The country also serves as a model for political development in other Arab states. Its political and legal institutions have been emulated to varying degrees in Kuwait, the United Arab Emirates, Jordan, Iraq, and Syria. All of these factors give Egypt unique stature and influence. Its experience with liberalism, Islam, and democracy will exert

a profound demonstration effect on its neighbors. It will shape the timing, character, and success of democratization throughout the Arab world.

The analysis of Egypt begins in chapter 2, which studies the emergence of liberal constitutionalism. It examines the historical foundations of Egyptian liberalism in the late nineteenth and early twentieth centuries, and observes that this conception of governance became tightly integrated into the development of the legal profession. As a consequence, lawyers and judges became the most dedicated advocates of liberal reform. The Bar Association played a leading role in promoting the liberal cause for most of the twentieth century. However, changes in its membership and steady regime repression eventually fragmented the Bar and undermined its effectiveness. The judiciary, in contrast, has retained a strong sense of liberal identity and has developed a robust conception of liberal constitutionalism. In order to understand this approach to law and politics, the chapter studies the decisions of Egypt's major courts (the Supreme Constitutional Court, the administrative courts, and the Court of Cassation). It uses this body of jurisprudence to analyze the judiciary's views with regard to four core elements of constitutionalism: the rule of law, constraints on state power, protection of basic rights, and public participation in governance.

Chapter 3 examines the development of Islamic constitutionalism, which is based in the Muslim Brotherhood. The chapter begins by studying the re-emergence of the Brotherhood since 1970 and the political pressures that have pushed it toward a moderate conception of Islamic governance. It then analyzes the writings of four contemporary thinkers who play a critical role in defining the Brotherhood's view of constitutional order: Yusuf al-Qaradawi, Muhammad Salim al-'Awwa, Kamal Abu al-Majd, and Tariq al-Bishri. The analysis focuses on their positions regarding the same four aspects of constitutionalism discussed in the previous chapter: the rule of law; constraints on state power; protection of civil and political rights; and public participation in politics.

Chapter 4 begins with a concise summary of the statist conception of political order that underlies Egypt's current autocratic regime. It then documents the economic contradictions that brought this order to the point of crisis in the early 1990s. In response to this crisis, the regime adopted reforms that enabled liberal constitutionalism and Islamic constitutionalism to broaden their influence and support. The analysis examines the growth of these two alternative views of constitutionalism through the actions of their most determined advocates: the de facto professional association for judges (the Judges' Club—*Nadi al-Quda*) and the Muslim Brotherhood. The analysis finds that political competition under Egypt's repressive regime has pushed advocates of liberal constitutionalism and Islamic constitutionalism toward common ground. Their political agendas

converge in several areas, particularly with regard to key elements of liberalism such as constraints on state power, strengthening the rule of law, and protection of civil and political rights.

Chapter 5 observes that the implementation of market-oriented economic policies since 1991 has strengthened the political influence of the business community. Egypt's most powerful businessmen have used this opportunity to articulate a distinctive conception of market liberalism through the publications of a prominent think tank, the Egyptian Center for Economic Studies. The chapter documents and analyzes this view of the state, law, and the economy. It also notes that this approach to market liberalism has been adopted by the ruling National Democratic Party and implemented by the reformist prime minister who assumed power in 2004 (Ahmad Nazif).

Chapter 6 observes that the path of institutional change advocated by these market liberals shares important areas of agreement with the reforms advocated by supporters of liberal constitutionalism and Islamic constitutionalism. Each of these groups favors the creation of a more liberal state with effective constraints on its power, a clear and unbiased legal code, and protection of civil and political rights. However, there is no comparable degree of consensus on the value of broadening public participation in politics. This fact suggests that liberalism and democracy have become de-linked in the Egyptian case. Liberalism is likely to progress steadily in the future, while democracy is likely to advance slowly and unevenly. This trajectory may eventually lead to democracy at some point in the future, particularly if liberalism enhances the private sector's independence from the state and leads to a more autonomous and politically active middle class. However, this outcome is not inevitable. Recent amendments to the Constitution in 2007 were particularly disappointing to democrats. They suggest that Egypt is likely to remain a hybrid regime that contains some legal and institutional constraints on executive power, but which falls short of Western norms of democracy.