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Latin America's Authoritarian Drift

Kurt Weyland ■ Carlos de la Torre ■ Miriam Kornblith

Putin versus Civil Society

Leon Aron ■ Miriam Lansky & Elspeth Suthers

Kenya's 2013 Elections

*Joel D. Barkan ■ James D. Long, Karuti Kanyinga,
Karen E. Ferree, and Clark Gibson*

The Durability of Revolutionary Regimes

Steven Levitsky & Lucan Way

Kishore Mahbubani's World

Donald K. Emmerson

The Legacy of Arab Autocracy

Daniel Brumberg ■ Frédéric Volpi ■ Frederic Wehrey ■ Sean L. Yom

TRANSFORMING THE ARAB WORLD'S PROTECTION-RACKET POLITICS

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Despite the setbacks, conflicts, and violence that the Arab world has endured since the mass rebellions of early 2011, we can at least thank Egyptian heart surgeon turned television satirist Bassem Youssef for giving beleaguered democrats everywhere reason to smile. Even as prosecutors accused him of a host of “crimes”—including insulting the president and Islam itself—Youssef continued to lampoon the government. Taking a page from the previous regime’s playbook, prosecutors insisted that the courts were acting independently and that citizens rather than state officials had brought the charges. Invoking this ridiculous rationale, the police compelled Youssef to review tapes of his show in order to explain his jokes to his unamused interrogators.¹

Does this Kafkaesque tale leave any room for optimism? Watching an unchecked security apparatus regularly operate beyond the reach of a problematic legal system to harass journalists, some Egyptian writers argue that the very idea of transition is a hoax.² Still, Youssef’s bizarre story does point to some hopeful changes. That he could broadcast for months before the police could question him highlights a constellation of twenty-first-century media forces that will be hard to rein in. Moreover, the controversy drew the public concern of activists in Tunisia, revealing the existence of an expanding regional democratic ethos that no Arab government can wish away or ignore.³ Clearly, both Egypt and the entire region are experiencing profound change as well as striking continuity. Although local conditions and forces give each case of political revolt a unique cast, one dynamic that can be found throughout the Arab world is a complex three-way contest among those who wish to reimpose the old order, those who wish to overthrow it completely, and those who would accommodate it, at least in part.

If the ultimate outcome of these contests cannot be predicted two years into the Arab revolts, there is a sufficient record to begin charting their multiple trajectories. Indeed, because early steps shape so much of what comes after, the moment for taking stock has arrived. Among these steps, the most crucial is the forging of an implicit or explicit pact that can be accepted by groups that once enjoyed the old regime's protection (or by regime holdovers such as the security apparatus). Persuading such elements to agree to such a pact will of course mean making compromises with them. The challenge is to make sure that these compromises help rather than hinder democratization.

In the Arab world, pact-making has proven painful and sometimes politically (if not literally) fatal. There are many reasons for this. Two particularly worth mentioning are the persistence of sharp identity conflicts in Arab societies, and the skill with which the Arab world's "protection-racket" autocracies have played upon these tensions for so long.⁴ Where they have fallen, these autocracies have left behind a tricky dilemma: Groups that they once shielded remain significant but cannot win elections, while their rivals (who *can* win elections) wonder why they should make concessions to sure losers. In Tunisia, efforts to address this dilemma have hindered—but not blocked—political accommodation. In Egypt, similar efforts have produced an accommodation between the military and the Muslim Brotherhood that bodes ill for democracy. In Bahrain, Libya, Syria, and Yemen, meanwhile, escalating identity, regional, and social disputes are fueling protracted civil conflict and in some cases state collapse. The difficulties of shifting from an autocratic to a democratic model for protecting different societal interests will preoccupy the Arab world for the coming decade and beyond.

Why have the pacts that budding transitions to democracy need proven so hard to make and sustain in the Arab world? Scholars have cited the strength of Arab security states, the role of oil money and foreign aid in propping up old orders, and the fear that Islamists provoke within key domestic constituencies as well as Western capitals. But all these drivers of authoritarian persistence were part and parcel of a much larger reality: protection-racket systems that fed on regimes' manipulation of multiple identity conflicts. These conflicts encompassed the tensions around political Islam, but also much more. Indeed, a salient feature of Arab autocracies has been their uncanny knack for manipulating a wide array of ethnic, religious, and sociocultural groups by playing upon their fears of political exclusion (or worse) under majority rule and offering them *Godfather*-style "protection" in return for political support.

This protection-racket logic may be most readily seen in such minority-dominated regimes as the Assad family's Syria, where Alawite rulers shield their own community plus other vulnerable groups such as Christians; or Saddam Hussein's Iraq, where before the 2003 invasion a Sunni minority relied on an autocrat to block a Shia majority

from real political participation (a similar situation obtains today in Bahrain). Domination by a specific ethnic or religious minority is not among the racket's requirements, however. Egypt is mostly Sunni, but its sizeable numbers of Coptic Christians (about a tenth of the populace) and secular Sunnis were groups that autocrats could offer to protect from Sunni Islamists. In Algeria, Morocco, and Tunisia (to name three more heavily Sunni countries), the split between Islamists and non-Islamists coincides with and has often been magnified by a cultural and ideological gap between those who identify with the French language and Western Europe and those who identify with Arabic and the Arab-Muslim world. In all three countries, many secular elites have seen autocracy as a necessary evil sheltering them from the prospect of uneven democratic contests with Islamists.

The mass uprisings of 2011 suggested that fear-mongering by autocrats was no longer the winning tactic that it once had been. Although no one could have foreseen the exact chain of events by means of which a single Tunisian's desperate self-immolation led to two dictators being toppled and other autocracies being shaken to their roots, it is clear that deep structural changes had paved the way. Two in particular merit comment. The first was the emergence of a new generation of activists who had no patience for the game of protection-racket politics. Their disaffection with autocratic "business as usual"—coupled with their disdain for corrupt, cronyism-riddled forms of neocapitalist development—gave rise to bridge-building efforts between young Islamists and secularists in Egypt, Jordan, Morocco, Tunisia, and Yemen. Seeing the obvious threat that such cooperation posed to the protection racket, regimes reinforced and unleashed their security agencies. But this gave rise to a backlash that was the second major change. Ever more intrusive and aggressive actions by the *mukhabarat* (secret police) caused pain to tens of thousands of law-biding citizens and generated a terror that made the autocratic arrangement seem a more bitter bargain than before.

Couched in a universal language of dignity, freedom, and economic justice, the heady slogans of rebellion that rang out in Cairo's Tahrir Square and elsewhere across the region were a genuine and fitting response to the humiliation, repression, and twisted economic policies that many Arab regimes had imposed on their societies. Below the surface, however, dynamics were at work that cannot be grasped without careful attention to the varying types of authoritarian legacies with which different Arab societies have had to contend. The main distinction to keep in mind is the one between "liberalized" autocracies and "full" autocracies.

In liberalized autocracies, the protection racket relies on a distorted form of state-controlled pluralism or "neocorporatism." Rulers permit (or even encourage) a wide range of groups to mobilize through parliaments and state-managed electoral systems, professional syndicates,

religious institutions, NGOs, universities, media outlets, and even the courts. Amid the fragmentation that this breeds, rulers play one group against another, helped by the patronage ties that they maintain with various groups.⁵ The resulting jostle of interests leads to an equilibrium that can endure so long as no one group gains enough power to threaten the vital interests of state actors or rival regime-protected groups. To escape this game, opposition leaders must mobilize constituencies across identity divides. The regimes and their minions know this, of course, so they work to stymie such alliances by playing up whatever religious, tribal, or ethnic themes they can in order to *reemphasize* the divides and make rival groups feel as if they must look to the state to save them. This divide-and-rule strategy is enforced by “reserved domains of power”—that is, by powerful militaries that maintain links to rival identity groups; by vast internal-security services allied with the military; and often by judiciaries that furnish the protection racket with vital legal and institutional tools.

In a full autocracy, by contrast, a powerful executive and its security-sector allies repress a single dominant identity group in return for the tacit or explicit loyalty of other, weaker groups. This is simpler to run, as it does not require constantly adjusting relations among many players. But it is also less resilient, for it leaves the autocracy dependent on at most a few key allies and often makes the permanently repressed group irreconcilable, determined to overthrow the regime rather than negotiate with it. Alarmed by the costly precariousness of hegemonic “success” under this system, new leaders posing as “reformists” have now and then turned to the majority community in search of new allies, be they Sunni businessmen in Syria or “moderate” Shias in Bahrain. But such efforts have tended to alienate oppositionists and to harden the ruling minority against any further shifts toward liberalization.

From and to Autocracy in Egypt?

In large societies, liberalized protection-racket systems allow rulers to contain and use pluralism rather than simply repress it. In Egypt, whose current population is about 80 million, three-and-a-half decades of liberalized autocracy created the political topography on which the “revolution” of early 2011 was fought. The structural legacies that proved most critical were: 1) the military’s role as arbiter; 2) the neo-corporatist arrangements by which the regime coopts and fragments the opposition; and 3) the politicization of the judiciary.

The central role played by the military and its allies in the Interior Ministry’s security forces loomed large from the start. Having forced President Hosni Mubarak to resign and thereby having sidestepped most of the blame for the violence used against protesters, the military wielded its nationalist credentials—as well as its vast institutional and

economic resources—to cement its role as chief arbiter. Mubarak had barely left Cairo for house arrest at Sharm el-Sheikh before the Supreme Council of the Armed Forces (SCAF) began its own partial reinvention of his old protection racket. The generals held talks with Islamists and non-Islamists alike: Both Egypt’s secular middle class and its Muslim Brothers have histories of seeking the patronage of the military and its allies within the state bureaucracy and ruling party.⁶

This neocorporatist legacy created the second structural impediment to democracy-friendly pacting. Under liberalized autocracy, the ruling elite had honed patronage networks and (arbitrarily enforced) laws that gave a vast array of organizations different degrees of autonomy to represent competing social and identity-based interests.⁷ Whether it was meant to or not, this arrangement worked to the advantage of Islamists. Their charitable organizations supported the Muslim Brotherhood (which technically was banned but in practice was tolerated), and the Brotherhood in turn was able to act as both a social movement and a quasi-legal political party. In a weak party system dominated by Mubarak’s patronage-dispensing National Democratic Party (NDP), only the Brothers could mobilize a mass constituency. Thanks to it, they would from time to time make gains (usually while running their candidates as nominal independents) in elections for the national legislature or within Egypt’s various trade and professional syndicates, and the state would then push back to contain Brotherhood influence.

Running the Table

The upheaval of early 2011 imposed new realities on the old political terrain. Although periodic crackdowns were still possible, henceforth Egypt’s security sector could no longer preclude genuine democratic competition or the election of a truly authoritative parliament. Indeed, SCAF’s plan to have such a parliament appoint a hundred-member constituent assembly to write a permanent constitution created the real prospect that an Islamist-dominated legislature would be able to handpick an Islamist-controlled constitution-drafting body. Whereas a *democratizing* pact requires a consensus respecting the vital interests of *all* key players, what was looming in Egypt was a situation in which *one* player was about to run the table and be in a position to dictate terms to all the rest.

In the run-up to the 19 March 2011 referendum on the SCAF’s proposal, non-Islamist groups mobilized for a “no” vote. If their campaign had merit, it also inadvertently invited Islamists to portray non-Islamists as “anti-Islam.” Amplified by growing Salafi activism, this scare tactic seems to have swayed many rural Muslims, who made up about two-fifths of those eligible to vote. The lopsided result, with its 77 percent majority for the “yes” side, set the stage for a year of living dangerously.

With a parliamentary-election period scheduled to span late 2011 and early 2012, rival opposition forces proceeded to read from what sounded like a script written by the SCAF. Youth activists from the April 6 Movement and other leftist groups were for rejecting any compromise with the military while many veteran activists favored trying to talk to the generals. Muslim Brotherhood leaders played both sides, sometimes endorsing (if not always joining) protests in Tahrir Square in order to press the SCAF, but placating the generals when they took decisions that helped Brotherhood political fortunes. When the SCAF floated basic-law provisions such as one giving the military the role of guarding “constitutional legitimacy,” the Brotherhood quickly condemned the idea, thereby seeming to suggest a closing of ranks with non-Islamists. But when the military then announced that the presidential elections would be pushed back to late 2012 or early 2013—a sign that the generals meant to stay involved in the constitution-drafting process—the Brothers chose to avoid a confrontation with the men in uniform. Thus when SCAF’s actions provoked protests in Tahrir Square in November 2011, Muslim Brotherhood members avoided them.

The Brothers’ opportunism may have burned whatever bridges were left between Islamists and non-Islamists, but it had a clear logic: With parliamentary elections on the horizon, and with Field Marshal Mohamed Hussein Tantawi (the defense minister and head of SCAF) pledging that an elected president would take power by 30 June 2012, the Brotherhood chose to focus on keeping its leaders together and mobilizing its base. Some younger members tried to break ranks, but the leadership frustrated their efforts. The quest for party discipline paid off. From the lower-house balloting that took place between November 2011 and January 2012, the Brotherhood’s Freedom and Justice Party (FJP) and its allies emerged with almost 38 percent of the vote and 235 of the 498 elected seats (ten additional lower-house seats are appointed). The Salafist Nour Party, meanwhile, won a surprising near-quarter of the seats, leaving non-Islamists with about 30 percent of the seats in the lower house. With Islamists showing no sudden readiness to offer “credible assurances” to their non-Islamist rivals, the chances for a consensus-based draft constitution—and indeed for accommodation in general—appeared slim.

The mid-2012 presidential election may have provided one last chance for Egypt to escape the gravitational pull of protection-racket identity politics. The first need was for a consensus candidate supported by all opposition factions. But the closest thing to one who appeared, ejected Brotherhood member Abdel Moneim Abul Futuh, could not muster that kind of support and ended up coming in fourth among the first-round candidates. The mid-June runoff was between the Brotherhood’s Mohamed Morsi and Ahmed Shafiq, a former general and Mubarak’s last prime minister, who championed a security-oriented platform. Facing

this unappetizing choice, many non-Islamists stayed home and Morsi benefited, winning the runoff by a nonresounding 51.7 to 48.3 percent.

The military's response to the changed landscape wrought by Morsi's victory made accommodation between Islamists and non-Islamists even less likely. Shortly after the runoff, the SCAF issued a set of additional constitutional "principles" that limited the president's authority but gave the generals new powers, including what amounted to a veto on decisions by the constituent assembly.⁸ Although this step seemed aimed at checking the Brothers, they readily accepted a new cabinet in which the leading internal and external security portfolios remained in military hands, thereby hinting at a power-sharing deal between Islamists and generals that would leave non-Islamists even farther out in the cold.

The non-Islamists still had one institution left over from the *ancien régime* with which they could hope to deflect Islamist challenges. Egypt has a complex judicial system featuring a multiplicity of institutions and actors equipped with varying degrees of autonomy. This state-tolerated quasi-pluralism had been essential in the days of divide and rule, creating courts that could favor Islamists one day and non-Islamists the next. Moreover, liberal judges could occasionally even defy state dictates, while the state could use its judicial-appointment powers to blunt such challenges.

After the parliamentary elections, several NGOs and human-rights organizations—upset that non-Islamists accounted for only 15 of the 100 people whom parliament had named to write the new constitution—had asked an administrative court to suspend the constituent assembly. As the presidential runoff loomed, a mixture of liberal groups and former regime apparatchiks appealed to the High Constitutional Court and its Mubarak-appointed chief justice. In a decision with a questionable legal rationale issued just two days before the presidential second round, this court declared that the procedures used to elect parliament had been unconstitutional. The legal basis for the constituent assembly's very existence was now in doubt, since there is no way that an unconstitutionally chosen legislature could name a body with legally valid powers.

Morsi could not remain idle in the face of this ruling and keep his followers' backing. He struck back on 12 August 2012, forcing Tantawi to retire and overruling the military's previous decree limiting presidential powers. A hundred days later, on November 22, Morsi issued decrees that assigned his office unprecedented powers, including the right to override the judiciary. Thus within six months of his election he had opened the door for the Islamist-controlled constituent assembly to complete a draft constitution with no interference by the military and the judiciary—and no input from non-Islamist groups. The new constitution passed with 64 percent of the vote in a low-turnout December 2012 referendum, coming into force shortly before the end of the year.

Despite the Islamists' control of the writing process, the new constitution *does not* create an Islamist state per se. True, Articles 4 and 219 con-

tain provisions that could enhance the capacity of al-Azhar's religious authorities to influence legislation. But these articles are not the document's center of gravity. Instead, other provisions suggest a power-sharing formula, with Islamists and the military retaining key areas of authority. On the positive side, the new constitution provides an elected lower house with real authority and sets out the civil and political rights that should support a multiparty system. Moreover, Articles 126, 127, and 152 ensure that a strong president will be checked by a powerful judiciary. Yet given the constitution's vague language regarding the procedures for appointing the High Constitutional Court (Article 177), in the very likely event that the same party controls both the executive and legislature there could very well be fewer checks on the joined power of both institutions. What is more, the constitution reintroduces an institution—the upper legislative house known as the Shura Council—that all former Egyptian presidents used to manipulate and divide the opposition. With a third of its 264 members appointed by the president, the Shura Council could in theory give the executive a means to check the authority of a lower house, but it could also provide yet another ally for a hegemonic political party.⁹

The abuse of power by such a party is made more likely by a series of troublesome articles that sustain and even enhance the state's authoritarian toolkit. For example, Articles 10, 11, 38, 43, 44, and 81 set out vague criteria that could give the police and judiciary power to arbitrarily limit freedoms whenever the state purports to detect a violation of communally defined norms of national, Islamic, family, or cultural “unity.” Finally, the new constitution *expands* the military's institutional autonomy by providing for a National Defense Council (NDC) that will probably have more room for maneuver than the SCAF.¹⁰ Although the president is to chair the fifteen-member NDC, serving military officers will have eight permanent seats, thus ensuring their control. The military also now has special courts in which it can try civilians arrested for crimes involving military or police personnel.¹¹ In sum, the new constitution provides the basis for a pact that protects both newly empowered players and holdovers from the old regime. Given the failure to reform the security sector and the total absence of any plans for serious efforts at transitional justice or judicial reform, key groups that once received at least some sort of protection under autocracy—secular professionals, intellectuals, businessmen, the Coptic Christian minority, and labor—will face an uphill struggle or worse.

Democratization in Tunisia: *Too Much Consensus?*

Tunisia's transition has run into many obstacles, but the pact-making process there has enjoyed advantages that are lacking in Egypt. First and foremost, the authoritarian protection-racket system in this small North African country (population 10.6 million) was much simpler and more centralized than its sprawling Egyptian counterpart. The Tunisian military

was and is small and politically neutral, and does not run a business empire. The authoritarian regime's praetorian guard consisted not of soldiers but of police and intelligence personnel who were kept split into separate institutional silos in order to prevent them from turning as one against the regime. The security apparatus's main task was to repress Islamists. Non-Islamists such as secularly oriented Sunni Muslim businessmen, professionals, and students relied on the regime's protection, but the regime relied at least in part on their tacit support as well. Bolstering this entente was the corporatist relationship between the state and the Tunisian General Labor Union (UGTT). Although friction between labor and business was not unknown, the hostility that many rank-and-file unionists felt toward Islamists helped to glue the protection racket together for decades.

The racket's center of gravity lay in the cities. This helped the regime to keep the underdeveloped rural interior—exploited for its crops and mines and potentially restive—safely cut off. Or so it seemed: The upheavals that would sweep like wildfire far beyond Tunisia began in December 2010 in the dusty hinterland town of Sidi Bouzid. In Tunisia itself, the sheer speed with which demonstrations spread to Tunis and coastal areas kept the focus on the cities. With protestors pouring into the capital's streets and soldiers refusing to shoot, middle-class professionals and a newly emerged vanguard of civil society groups made known their rejection of the old protection racket. As in Egypt, the early and heady days of revolt fed a giddy notion that all political horizons lay open. But such excitement could not long hide the truth that the advent of competitive politics would open the door to Islamists, many of whom might well want to seek a settling of scores in a democratic Tunisia.

The Political *Tabula Rasa*

How then to explain the relative lack of fear—and even more remarkable, the efforts of Islamists and non-Islamists to find common ground—during Tunisia's first postauthoritarian year? Perhaps it was because the old regime left behind neither an arbitrating mechanism nor the courts and security apparatus to support it. Without these things, Islamists and non-Islamists had little choice but to talk. Then too, many leaders of Ennahda (the foremost Islamist group) had enjoyed much time for new thought and reflection while in West European exile. Their "sheikh," Rachid Ghannouchi, had lived abroad for decades and returned promoting a current of pluralism that may also reflect deeper historical legacies, including Tunisia's Sufi heritage and the influence of a certain strain of reform-oriented Islamism associated with Zeytouna University in Tunis. More recently, efforts at reaching a political accommodation between Islamist and secular opposition parties had begun with meetings held in Europe starting in 2003, thus offering a useful precedent for the pact-making that followed the toppling of Ben Ali.

That said, the rocky path of political bargaining that Tunisia found itself inching painfully along in 2012 and early 2013 shows how unrealistic it is to expect some cultural or ideological legacy or exchange of “mutual assurances” to smooth every rough spot. To romanticize a “useable past” is to underrate two challenges. The first is the persistent nature of identity conflicts. Tunisia’s experience shows how hard it is for Islamist leaders to sideline a distinctly Islamist agenda without stripping their movement of its symbolic force. The second comes from open political competition itself. As the focus shifts from elite pact-making to public election campaigning, Islamists inevitably make identity-based appeals to their followers that rouse non-Islamists’ fears.

With the return of Ghannouchi and other London-based exiles, many in Ennahda began hoping for a new dawn of political consensus and inclusion that would somehow win over non-Islamists. But in truth, Ennahda’s sudden reemergence unnerved the secular intellectuals and activists who held most of the places on the special commission that had been set up in March 2011 to oversee the transition. With a mere handful of seats on this body, Ennahda staged repeated boycotts of its meetings and had to be coaxed back. As plans for electing a constituent assembly were debated, secular activists insisted that it should have only constitution-drafting powers and no authority to pass laws. Ennahda sharply disagreed on this and related points, and came to suspect that secular groups were bent on sabotaging the transition. Eventually the problem was finessed by means of a vaguely worded joint declaration that skirted some of the hottest hot-button issues, including the central question of a legislative mandate for the constituent assembly.

This agreement to disagree set the stage for two years of escalating struggles around the wording of a new constitution. The October 2011 elections for the constituent assembly made things harder by producing an outcome that no one had anticipated: Ennahda won 89 of 217 seats, putting it in a position to dominate the majority-coalition “troika” that it formed with a pair of smaller secular parties that had 28 seats between them. The choice of veteran opposition leader and human-rights activist Moncef Marzouki as assembly president was not enough to allay the fears of non-Islamists, who dismissed Ennahda leaders’ avowals of readiness to compromise as “double speak” that would stop once the Islamists got their hands on power.

Although this perception of Ennahda’s leaders is understandable, it does not capture the full complexity of their motives or how changing circumstances affected their decisions. Like other Islamist intellectuals who had lived in the West or grappled with Western political thought, Ghannouchi and many of his allies had not clearly thought out how the quest for a more democratic and pluralistic politics could be hitched to an Islamic agenda. Such dissonance left them vulnerable to the sudden proliferation of diverse forms of Islamist activism, not merely by jihadi

groups that were often placed under the blurry “Salafi” rubric, but also by a wide range of Islamist actors who came from within Ennahda itself.

If decades of oppression had invited this surge of exuberant public activity by Islamists, there is no denying that it left many non-Islamists feeling terrified. Radical Islamists viewed settings that many Tunisians had long assumed would (or should) protect secularism—public universities, the media, theaters, and even in some ways the family—as providing venues for Islamists to vent their rage and shout their agenda. Amid the polarization that ensued, the conversation regarding a new constitution became a hostage to the wider Islamist-secular conflict. The 1959 Constitution opened by declaring, among other things, that Tunisia’s “religion is Islam,” but some veteran Ennahda leaders (contradicting an earlier assurance by Ghannouchi) insisted that the new constitution’s preamble would have to include language making Islamic law a source (or even the sole source) of legislation.¹²

Likewise on women’s issues, including the explosive topic of the *hijab*, Ghannouchi had pledged in October 2011 that Ennahda would “not change the way of life. It will leave that up to Tunisian women.”¹³ The Family Code—the Arab world’s most liberal and egalitarian—seemed invulnerable to direct assault, but some sought to bypass it by proposing a constitutional article that would declare women “complementary” to men. Finally, alarms went off over proposals to revise Article 3 to state that its provision guaranteeing “freedom of speech and practice” would be conditioned by the government’s obligation to “criminalize all attacks on that which is sacred.” In this proposal lay the groundwork for replicating the blasphemy laws that autocrats in the Arab world and elsewhere (Pakistan, for instance) had long used to cow secularists and curry favor with Islamists.¹⁴

Non-Islamists responded with intensified political action. In April 2012, former premier Béji Caïd Essebsi tied a number of small secular parties (plus elements of the outlawed former ruling party) into the Call of Tunisia (NTP). Fearing an old-regime comeback, Ennahda called for a ten-year ban on political involvement by former ruling-party politicians. Later in the year, the rising public profile of the League for the Defense of the Revolution (LDR) and its local committees provided the context for an escalation of violent attacks on secular activists and Sufi shrines. The September 2012 burning of the U.S. embassy and nearby American Cooperative School in Tunis while security forces failed to quickly respond (the LDR denied any involvement) was a disaster with near-fatal implications for the transition. It fed non-Islamists’ fears that they could not depend on the police and courts for protection. Worse yet, Ennahda’s leaders were slow to condemn the violence, while Ghannouchi’s behind-the-scenes talks with Salafis—widely reported by the secular media—reinforced non-Islamists’ suspicions that his conciliatory rhetoric was duplicitous.

While (again) understandable, this familiar concern risked caricatur-

ing a far more complex reality. As Monica Marks noted, Ghannouchi seems to have genuinely believed that through dialogue, education, and political participation in electoral politics, some Salafi parties could be integrated into a pluralist democracy. But this was too much for secular leaders. They pointed out that the government was putting intellectuals and journalists on trial for allegedly insulting religious values even as those who had carried out violent antiseccular assaults were walking around free.¹⁵ Many asked whether a share of blame for the 6 February 2013 assassination of veteran liberal activist Chokri Belaïd should not be laid at the feet of government inaction.

A Constitutional Balancing Act

The 22 April 2013 Tunisian draft constitution may be understood as the product of a renewed search for the center after the painful shock of these events. But what has inevitably (and perhaps necessarily) resulted is a pragmatic compromise that tries to take account of Islamist and secular sensibilities and thus includes fundamental agreements on rights and democratic protections as well as several “agreements to disagree.” Striving to forge this difficult consensus, Ennahda renounced previous (and highly controversial) language on Islamic law, the status of women, and blasphemy. It also endorsed many articles that protected individual rights and, created a mixed system that provides for both legislative and executive powers (while favoring the former). Moreover, in sharp contrast to Egypt’s constitution, Tunisia’s basic law sets out clear provisions that reinforce the political neutrality of the military and the independence of the judiciary. The provision, for the first time in Tunisia’s history, of a Supreme Court with the right of judicial review, is especially encouraging.

Still, in a bid to pacify its base, Ennahda added to the preamble “conditional” language that promises to respect “universal human rights that are in harmony with the Tunisian people’s cultural specificity (*al-khasys-iyat*), and retained Article 148, which provides that “no constitutional amendment shall harm Islam in so far as it is the religion of the state.” This latter provision sharply contradicts Article 2’s provision that “Tunisia is a civil state,” and thus could be used to water down other democratic freedoms or to remove Article 2 itself.¹⁶ In the coming weeks and perhaps months, these and other potentially conflicting articles will provoke heated debate both within and outside the assembly. Indeed, sharp disagreements over both content and procedure have been emerging ever since the most recent constitutional draft appeared on 1 June 2013. But so long as the domestic-security situation remains stable, Tunisia’s leaders will probably reach one final compromise, thus paving the way for passing the constitution by a two-thirds or plus majority of the assembly itself. Such an event would mark a huge step forward, even if, in the long haul, democratization will depend far less on a paper political consensus, and far more on creat-

ing a wider balance of social, political, and civil forces whose collective voice can impel Tunisia's Islamist and secular leaders to jointly focus on the country's pressing social, economic, and environmental challenges.

The Challenges Ahead

Whatever its shortcomings, the pre-2011 scholarly literature on authoritarian persistence in the Arab world did illuminate structural similarities that linked together a wide range of hybrid regimes and semi-autocracies.¹⁷ Although this literature could not have possibly predicted the upheavals that began in late 2010, it remains valuable for the light that it sheds on the deeply embedded character of authoritarian mechanisms and their ability to endure even after the formal institutions of democracy have been installed. Still, an emphasis on path dependency is risky, threatening to trick us into "reading history backward" as we trace any particular turn of events during a transition to its apparently sufficient causation in some historical legacy or point of origin. Thus a transition that seems to be succeeding must be feeding off a "useable past," but if things begin to go sour then that past shrinks back into irrelevance or insignificance amid a complex welter of more immediate circumstances. In point of fact, transitions are always affected by rapidly changing internal and external conditions—by a "useable present" that can produce positive or negative consequences that loom far larger than even the nearest and clearest historical legacy.

One key illustration of such present challenges is the striking degree of convergence that we can detect between the Egyptian and Tunisian cases, particularly as regards the conflict between Islamists and non-Islamists. This conflict has an intrinsic psychological and symbolic dimension that resists—although it does *not* necessarily exclude—the pragmatism required for democratic pact-making. In both countries, the rise of Salafis has confronted mainstream Islamists with a choice between watering down long-held principles or mobilizing support for those principles and frightening non-Islamists. What, after all, is an Islamist party if it distances itself from the very symbols and ideals that gave it force and authenticity in the first place? In this sense, if political Islam is not *the* problem, as I have argued elsewhere, it is surely one difficult challenge.¹⁸

In Tunisia this challenge complicated but did not prevent accommodation, even if firming up what is still a highly fragile consensus will take years of effort. Paradoxically, persistent economic crisis might help, if only because it may spur the UGTT to mobilize in ways that cross the identity divide or promote a more level playing field. But economic crisis would also intensify the suffering of the same poor areas whose protests ignited the revolution. These places remain vulnerable to the allure of radical Islam in a region where jihadi groups can and do move easily across porous borders, a dynamic that has produced violent

confrontations with the Tunisian military. If this threat fuels the rise of beefed-up and more intrusive security agencies, obvious political dangers could ensue. Thus Tunisia's democratic-consolidation prospects could hinge as much on regional as on domestic factors.

In Egypt, both the near- and medium-term prospects are grim. Class divisions within the non-Islamist camp will impede the opposition unity that will be essential if non-Islamists are to make major gains in the next parliamentary election. In the meantime, the only remaining barrier (other than the military) to Islamist hegemony is the judiciary. If the Muslim Brotherhood and its FJP take control of courts and judges, this check will disappear, and Egypt could move from liberalized autocracy to electoral authoritarianism and a version of the "Turkish model." If this happens, some semblance of stability may emerge, but at a high cost. And if a superficial political stability gives way under the weight of fear and popular resistance, or if economic conditions worsen, the resulting domestic strife could provoke the military to jump directly back into politics, even if the generals loathe the prospect.

Although the comparative trajectories of Tunisia and Egypt illustrate the difficulties of bridging identity divides, this challenge is even greater where such cleavages fall along sectarian, tribal, or regional lines, with disparities in numbers or access to natural resources acting as further irritants. In Bahrain and Syria, rulers and their constituents lash out with violence—in Syria's case, to the point of prolonged mass bloodletting—for fear that they could never survive any real democratic opening. Regional and global dynamics add fuel to the fires of internal strife in both states as Gulf money backs radical Sunni Islamist forces in Syria and the Saudis and their regional and global allies stand behind the Sunni king of Bahrain. As Sunni-Shia tensions worsen across the region—Iraq included—and the U.S.-Iran cold war continues, internal reconciliation in Bahrain or Syria comes to seem an ever more distant prospect.

In Libya and Yemen, things do not look quite so gloomy. Yemen's fragmentation along tribal, religious, sectarian, and geographic lines is so multifaceted that it might even act as an incentive for compromise as the current "national dialogue" goes forward—no one player can really dream of dominating the place. As for Libya, the growth of militias has compounded tribal and geographic splits between east and west and left competing leaders viewing negotiations over creating a new constitution as nothing more than a chance to outfox rivals. This only feeds the militias while undermining the prospects for uniting a weak state

The "stateness" problem, of course, is hardly unique to Libya. With the possible exception of Bahrain (a small island), state collapse looks to be a real threat across all these countries. Yemen may escape via the dialogue route, but then again, the Arab world has a long tradition of state-managed dialogues that lead nowhere. Bahrain has a dialogue going on as well, but in contrast to the more earnest efforts of Yemen's leaders to discuss their

future, so far nothing has induced the ruling al-Khalifa family to offer concessions that might meet the opposition's minimal requirements. Indeed, given the widespread sense among Bahraini Shia that the power-sharing arrangement (dating to 2004) which preceded the February 2011 uprising was a failure, prospects for meaningful and durable compromise are slim.

Viewing the above developments, the leaders of the region's remaining autocracies have not ventured beyond cosmetic reforms. Thus versions of liberalized autocracy will probably endure in the Middle East for some time to come. While there is room to debate why some monarchies have so far weathered rising discontent better than one-party-dominant presidential systems, I remain convinced that the arbitrating capacity of many monarchies enhances their capacity to sustain the divide-and-rule protection racket. Liberalized autocracy is indeed a trap, and one that is likely to become more painful as the constant alliance-shuffling that is central to it saps regimes of credibility and legitimacy.¹⁹ But unless oppositions can join forces to create an organized alternative to this trap—one that ensures democratic protections—many potential oppositionists will likely choose to endure the status quo rather than attempt to overthrow it.

NOTES

1. Youssef's encounter with the police is described in Robert Mackey and Kareem Fahim, "Egypt and U.S. Argue over Jon Stewart, 'America's Bassem Youssef,'" 2 April 2013, <http://thelede.blogs.nytimes.com/2013/04/02/egypt-and-u-s-argue-over-jon-stewart-america-bassem-youssef/>.

2. See Reem Abou-El-Fadl, "Mohamed Morsi Mubarak: The Myth of Egypt's Democratic Transition," *Jadaliyya*, 11 February 2013, available at www.jadaliyya.com/pages/index/10119/mohamed-morsi-mubarak_the-myth-of-egypts-democrati.

3. Farah Samti, "Tunisians Show Solidarity with Egyptian Satirist Bassem Youssef," *Tunisia Live*, 3 April 2013, www.tunisia-live.net/2013/04/03/tunisians-show-solidarity-with-egyptian-satirist-bassem-youssef/.

4. See Charles Tilly, "War Making and State Making as Organized Crime," in Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol, eds., *Bringing the State Back In* (Cambridge: Cambridge University Press, 1985), 169–86. Tilly used the term "protection racket" in reference to the dynamic by which rulers tried to establish state authority. This involved raising armies to defeat external threats, a goal pursued by providing protection to local populations from those threats in return for their raising revenue for the state. This was a "racket" because to varying degrees it involved *producing* "both the danger and, at a price, the shield against it" (171). I use the term to refer to domestic dynamics between regimes and oppositions, but warmaking also fed such domestic rackets. See Steven Heydemann, ed., *War, Institutions, and Social Change in the Middle East* (Berkeley: University of California Press, 2000).

5. Thus as is the case in all protection-racket systems, one dancer may be much stronger than the other, but it still takes two to tango. See Holger Albrecht, "How Can Opposition Support Authoritarianism? Lessons from Egypt," *Democratization* 12 (June 2005): 378–97; and Albrecht, *Raging Against the Machine: Political Opposition Under Authoritarianism in Egypt* (Syracuse: Syracuse University Press, 2013).

6. See Wael Eskandar, "Brothers and Officers: A History of Pacts," *Jadaliyya*, 25 January 2013, available at www.jadaliyya.com/pages/index/9765/brothers-and-officers_a-history-of-pacts.

7. See Sarah Elisabeth Yerkes, "Pluralism, Co-optation and Capture: Navigating the Civil Society Arena in the Arab World," PhD diss., Georgetown University, 2012.

8. Evan Hill, "SCAF's Last-Minute Power Grab: The New Decree from Egypt's Military Rulers Means the Incoming Civilian President Will Have Very Limited Powers," *Al Jazeera*, 18 June 2012, available at www.aljazeera.com/indepth/spotlight/egypt/2012/06/201261812449990250.html. The text of the declaration may be found at www.jadaliyya.com/pages/index/6061/english-text-of-scaf-amended-egypt-constitutional-.

9. The current situation illustrates this point. The Shura Council was reconstituted in early 2012 through national elections in which less than a fifth of all voters took part. Having won 105 of the 180 elected seats, and having obtained nearly all the appointed seats, the Muslim Brotherhood was in a position to start passing laws unilaterally so long as the lower house was not convened.

10. The previous constitution also provided for an NDC, but that institution had a negligible role given that the president himself was closely tied to the military. Now that the presidency and the military have been more clearly separated, the NDC will have a more formal, corporate role.

11. See Yezid Sayigh, "Morsi and Egypt's Military," *Al-Monitor*, 8 January 2013, available at www.al-monitor.com/pulse/originals/2013/01/morsi-army-egypt-revolution.html.

12. Duncan Pickard, "The Current Status of Constitution Making in Tunisia," Carnegie Endowment for International Peace, 19 April 2012, available at <http://carnegieendowment.org/2012/04/19/current-status-of-constitution-making-in-tunisia/ah1s>.

13. Heba Saleh, "Tunisia Victors Seek to Calm Women's Fears," *Financial Times*, 28 October 2011.

14. Monica Marks, "Speaking on the Unspeakable: Blasphemy and the Tunisian Constitution," *Sada*, 4 September 2012, <http://carnegieendowment.org/2012/09/04/speaking-on-unspeakable-blasphemy-tunisian-constitution/drca>.

15. See Monica Marks, "Ennahda's Rule of Engagement," *Sada*, 18 October 2012, available at http://carnegieendowment.org/sada/index.cfm?fa=show&article=49728&solr_highlight=.

16. Article 34 also provides reasons for concern because it states that the "right of access to information shall be guaranteed within limits that do not prejudice national security, public interest, or the personal information of others." If by *maloumat* (information) is meant *governmental* information, as some have argued, this will have to be clarified. Even so, the vague language contravenes other protections and rights afforded to Tunisians by their basic law.

17. See the May 2011 report prepared by the Stimson Center, "Seismic Shift: Understanding Change in the Middle East," available at www.stimson.org/images/uploads/research-pdfs/Full_Pub_-_Seismic_Shift.pdf.

18. Daniel Brumberg, "Islam Is Not the Solution (or the Problem)," *Washington Quarterly* 29 (Winter 2005–2006): 97–116.

19. Daniel Brumberg, "The Trap of Liberalized Autocracy," *Journal of Democracy* 13 (October 2002): 56–68.