

# Beyond Liberalization?

by Daniel Brumberg

**A**mid all the swirling rhetoric about the future political shape of the Middle East, it's easy to lose sight of a simple but vital distinction: Democracy and political liberalization are not the same thing. Democracy rests on rules, institutions, and political practices through which voters regularly and constitutionally replace or modify their leadership by the exercise of representative political power. Political liberalization, by contrast, is about promoting a freer debate and competition in the media, civil society, and political parties. It's a necessary but far from sufficient condition for democracy.

The distinction between liberalization and democracy goes to the heart of the debate about the kinds of change the United States can or should promote in the Arab world. President George W. Bush has emphasized his administration's desire to promote more freedom in the Middle East, but there's little consensus within and outside government that the United States has the means or the political will to promote democratization.

The roots of this uncertainty run deep. For nearly a decade, the United States has given modest financial support for what is fundamentally a political liberalization strategy in the Arab world—initiatives that attempt to inject vitality and competition into fragmented and harassed civil societies. These initiatives have also included technical projects to enhance the capacity of political (as distinct from civic) institutions and actors, such as parliaments and political parties. Yet however well meaning, the programs have not been intended to alter the basic institutional lay of the land by threatening the hegemony of the region's ruling parties, royal families, or security apparatuses. With the recent exception of Iraq, Arab *states* have not been the target of our democracy aid programs.

The preference for chipping away at the outer perimeter of Arab autocracy can be attributed in part to expediency. In contrast to America's Cold War programs to aid democracy, which were advanced in the hope that communist regimes would collapse, U.S. Middle East programs have sought to reassure regimes closely aligned with Washington. The fact that Islamist parties were the first to benefit from democratic openings in the late 1980s and early 1990s reinforced the logic of this realpolitik thinking. But in the aftermath of 9/11, Washington's long-standing preference for liberalization over democratization came under unprecedented scrutiny both within and outside the Bush administration. Neoconservatives such as Joshua Muravchik

of the American Enterprise Institute, backed by neoliberals such as *New York Times* columnist Thomas Friedman, argued that the very phenomenon of Arab autocracy posed a danger to American security. Since the nihilistic, anti-American ideology that created sympathy for the likes of Osama bin Laden was an indirect product of the swamp of anger and despair that Arab autocracies had created and exploited to hide their own failures, political reform was essential to combating the surge of radical Islamist terrorism. The invasion of Iraq and the effort to build a democracy in that ravaged land heralded the new thinking and signaled that Washington was now ready to entertain an unprecedented level of political risk and uncertainty. Bush reinforced this message in his November 6, 2003, speech before the National Endowment for Democracy, in which he took the unusual step of apologizing for decades of support that the United States had given to Arab autocracies.

Yet there has been no basic shift in the nature and goals of American democracy aid programs, which continue to focus on economic reform, free trade, women's rights, civil society, and promoting more "moderate" or liberal Islamist thinking. This is in keeping with a long-standing desire to make non-governmental, civil society organizations the agents of a *demand-driven* model of slow reforms that ultimately shields Arab regimes from any dramatic challenges. In other words, the idea is to build and reinforce groups within Arab societies that will then push rulers to enact democratic reforms. Very little of what the Bush administration proposes actually requires states to *supply* the reforms that are needed if political liberalization is to become a handmaiden of democratization. Absent some kind of encouragement (or pressure) from the United States, political liberalization might very well improve the lives of many Arabs, but by itself it will not produce democracy.

**T**he question, then, is fundamental: Should the United States augment, or even replace, its traditional *liberalizing* strategy with a *democratizing* strategy, whose manifest goal—in words and, more important, in deeds—is to lay the foundation for an actual transition to competitive democracy? And if the answer to that question is yes, how should the shift be accomplished? At which countries of the Arab world should the new strategy be directed?

Consider the basic political requirements of a genuine democratization strategy. To be effective, it would require at its most elemental level a substantive shift—away from a demand-side, civil society–focused approach to a supply-side, state-focused approach. By the latter I do not mean narrowly conceived technical programs that are geared toward showing legislators how to pass bills or would-be candidates for office how to draft an election manifesto. Those are indeed state-focused, supply-side initiatives, but their narrow scope does little to address the core of the problem, which is the excessive and mostly unchecked power of unelected executives, or of executives who are “elected” in state-managed polls that usu-

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*An American dilemma: Even as it urges reform, the U.S. needs political support from Arab autocrats. At a June 2003 summit in Egypt, President George W. Bush posed with King Abdullah II of Jordan (on left), Crown Prince Abdallah Aziz of Saudi Arabia, President Hosni Mubarak of Egypt, and King Hami Bin Issa of Bahrain.*

ally give them 90 percent or more of the vote.

An adequate state-focused strategy must begin by addressing the rules of the game that inhibit democratic representation. These rules are enshrined in constitutions that, by hook or by crook, give presidents or monarchs ultimate power. Such constitutions may not completely denude legislatures of power or authority, but they severely circumscribe them—through provisions, for example, that explicitly make the monarchy the supreme seat of authority (as in Morocco), or that subordinate the legislature to an all-powerful president (as in Tunisia and Egypt), or that provide for an upper house whose members are chosen directly or indirectly by the office of monarch or president, and can therefore be counted on to exercise their *constitutional* prerogatives to block or modify laws approved by the lower house (as in Morocco, Algeria, and Bahrain). Absent sweeping constitutional reforms—along the lines of those that

have set the stage for parliamentary and presidential elections in Indonesia this spring—even the most successful legislative training programs will make barely a dent in the flexible armor of Arab autocracies. After all, these programs cannot be effective unless parliaments have real authority and power to represent electoral majorities.

A second requirement for genuine democratization is an overhaul of the judiciaries of the Arab world. While the judiciaries of some Arab

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states, such as Egypt, have on occasion exhibited remarkable independence, most are hamstrung by constitutional, legal, and informal mechanisms that allow rulers to subordinate courts and judges to their will. Those informal mechanisms are especially insidious. Financial pressures, coupled with “old boy”

patron-client networks, give regime allies a discreet but effective means of pressuring judges into issuing rulings that serve the political and personal whims of those in power. The result, as George Washington University political scientist Nathan Brown has observed, is that rule *by* law rather than rule *of* law is the norm.

To remedy the situation, at least two kinds of constitutional reforms are needed. First, rulers must get rid of conditional constitutional clauses—of the sort that allow “total freedom of speech and assembly” *providing* that such freedom does not “violate” Islamic, national, or Arab values. Since it is the ruler, acting through the courts, who arbitrarily defines when such values are violated, the conditional loopholes make a mockery of constitutional guarantees. The loopholes must go. Second, clauses that formally subordinate judicial authority must be replaced with new ones that secure real independence for the judiciary. For this purpose, the introduction of high courts, or a reinforcement of the authority of high courts that already exist but are not in fact truly independent, is vital.

**R**ule *by* rather than *of* law is sustained as well by the subordination of legislatures to executives. Where they exist in the Arab world, legislatures are often controlled by the president’s party—as in Egypt, Algeria, and Yemen—or by members of the royal family. In Jordan, Kuwait, and Bahrain, kings and princes use their alliances with traditional tribes or clans to thwart the efforts of pro-democratic groups to mobilize their followers. Thus, the overhaul of the legal system cannot be separated from the constitutional reform needed to breathe real representative authority into legislatures. Each piece in the dense ecology of Arab autocracies is linked to every other. The creation of independent and authoritative parliaments will require sweeping reforms of the electoral systems and of laws that hamper the creation of coherent political parties. Together with parliaments, such

parties—able to organize and represent constituencies with distinct and competing social, cultural, and ideological interests—constitute the very foundations of an effective *political society*. Yet the plain fact is that, with the possible exceptions of Morocco and Lebanon, no Arab state has a constitutionally protected and competitive political party system.

**P**olitical society in the Arab world remains weak and fragmented in part because a long tradition of state control has placed large segments of the population outside the realm of daily politics. Political life has been dominated by a thin layer of elites, whose preoccupation is to negotiate with the ruling regime through state-controlled—and often state-financed—parties, professional syndicates, unions, and traditional tribes. Lacking grassroots support, such organizations are not the building blocks of effective political society. Because Islamist organizations are usually the only groups that have managed to overcome this legacy of enforced depoliticization, rulers have been hesitant to allow the kinds of wholesale reforms that would permit freely constituted parties to mobilize mass support in unfettered electoral competition. Paradoxically, legal restraints, such as laws that give rulers arbitrary powers to legalize new parties or that impose “emergency laws” restricting open competition, often redound to the benefit of Islamists. Their control of urban mosques and charitable institutions gives them a distinct advantage over non-Islamists. Genuine party and electoral reforms are thus bound to be risky, not because Islamists are a majority but because they constitute an *organized* plurality. Yet, without such reforms, the vast majority of political parties and parliaments in the Arab world will continue to be arenas for elite bargaining and debate rather than for limiting executive power or for the free representation of an engaged and voting public.

The weakness of political society in the Arab world cannot be offset by promoting civil society. Over the past decade, the American-led effort to vest in nongovernmental organizations some of the functions and responsibilities of political society has not fared well. When civic organizations with specialized missions take on the particular burdens of political representation that only political parties can assume, the result is not democracy but rather the excessive politicization and ideological fragmentation of the groups themselves. Thus, to take just one example, in Egypt the quest to defend human rights has been hampered by sharp ideological splits within the community of nongovernmental organizations, especially between Islamists and secularists. This dysfunctional dynamic has often abetted the divide-and-rule strategies that Arab autocrats depend on for their survival.

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The dysfunctional burdening of civil society organizations could be considerably reduced if we redirect our energies toward supply-side, state-focused reforms, such as the promotion of effective political party systems. This does not mean the United States should simply drop all civil society reform initiatives. Quite the reverse. Their value will *increase* in concert with a greater focus on state-based reforms. But we must place a much greater emphasis on promoting those organizations whose specific task it is to buttress the authority and effectiveness of political society. Here I have in mind, for example, the creation of independent domestic electoral commissions, along the lines of the one formed in Mexico during the early 1990s. That commission gave Mexico's opposition parties an effective means to deter fraud at the polls, thus setting the stage for parliamentary and presidential elections that ousted the long-ruling Institutional Revolutionary Party (PRI) from power. Given the widespread cynicism in the Arab world about the very process of elections, independent electoral commissions offer the only real hope for inspiring people to take the act of voting seriously.

To identify the key elements of any genuine democratization strategy is also to recognize the revolutionary nature of such a project. Democratization will require undermining the very foundations of autocracy and tackling, in short order, a number of other linked political practices. After all, democracy, no less than autocracy, rests on an interdependent ecology of rights, powers, and institutions. So gradualism, as Thomas Carothers, of the Carnegie Endowment for International Peace, has observed, may not be a realistic reform option if we are serious about promoting democracy. But gradualism may be the most reasonable and least costly *political* option, given that the ruling elites of the Arab world believe that the alternative is much too risky. The dilemma over whether to proceed gradually or rapidly is compounded many times over by the fact

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that the United States counts on these very elites to defend its geostrategic interests in general—and to aid in the war on terrorism in particular.

Rather than address the dilemma, the United States has long preferred to back, or at least not undermine, the Arab world's "liberalized autocracies"—states that tolerate and even promote a measure

of political openness and reform sufficient to meet the minimal demands for change of mainstream domestic political groups but insufficient to give such groups the means to pose a mortal danger to the rulers' political survival. Through state-controlled elections, "managed" party competition that favors the state's clients and allies, "opposition presses" that are constrained by official and self-imposed censorship, and the pro-



*A storied institution in the Arab world, the coffee shop remains, in the absence of a vigorous civil society, an essential outlet for informal political debate and the exchange of news and gossip.*

liferation of hundreds of small civil society organizations that have little capacity for cooperation, liberalized autocracies expand their room for maneuver above a divided field of manipulated political competitors.

Still, many Arab opposition activists and parties have concluded that state-managed political liberalization offers them a means of both negotiating with ruling elites and expanding the opposition's grassroots support. And given the still-yawning ideological gap between Islamists and more secular-minded Arab political activists, liberalized autocracies allow for experiments in state-managed power sharing. To varying degrees, those experiments succeed precisely because Arab parliaments do not provide the opposition a substantial means to exercise legitimate authority on behalf of the electorate. Since no one group has the capacity to impose its agenda democratically, a measure of peaceful coexistence can obtain among Islamists, secularists, and ethnic groups (such as Kurds or Berbers)—so long as no one questions or undermines the basic rules and institutions that are at the core of liberalized autocracy. This is the sort of coexistence that has characterized Kuwait, Jordan, Algeria, Morocco, and, more recently, Bahrain.

The downside of the arrangement is that autocrats retain ultimate political power, while legislatures and legislators rarely get the experience or develop the ethos that's vital to building democracies. And because Islamists can use mosques and charitable institutions to organize, their political parties usually benefit most from liberalized autocracy.

The dilemma facing the United States and its democratic allies is that the very attempt to exit the trap of liberalized autocracy in the Middle East might open the door to Islamist electoral victories. If that were to happen, democratization could not only invite a return of the military but dishearten would-be democrats in the secular or ethnic camps. Following the example of like-minded Algerians in 1992, who recoiled when Islamists triumphed at the polls in the nation's first competitive parliamentary elections, they might decide that they prefer a coup or a return to autocracy over the black hole of full democratization. It's precisely this hellish outcome that the political purgatory of liberalized autocracy is meant to avoid.

**I**n view of all these constraints, the United States cannot direct a democratization strategy at the entire Arab world. Rather, its strategy must be aimed much more narrowly, at an Arab state whose political institutions are already sufficiently independent and competitive that, if Islamists do enter a genuinely open election, they must be prepared to negotiate and ultimately share power with non-Islamist parties. Morocco is the most likely candidate for such an experiment. Although the credibility and legitimacy of Morocco's non-Islamist political parties have diminished over the past decade, the two largest secular parties, as well as several smaller parties, enjoy enough public support that, together, they can probably contain the challenge of mainstream Islamist parties. This point was demonstrated in Morocco's 2002 parliamentary elections, in which the Islamist Justice and Development Party finished a close third behind the Socialist Union of Popular Force and the Independence Party.

As a monarchy, Morocco enjoys a structural advantage that the Arab world's presidential systems lack: a leader who is not tied down by a hege-

monic ruling party, and who can therefore serve as an arbiter brokering compromises over social, cultural, legal, and economic policy. This brokering function is formalized in a constitution that, despite its democratic provisions, gives the king ultimate and supreme power over the legislature and the cabinet

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should he choose to use it. The constitution's eclecticism is both an advantage and a liability. For some six years now it has allowed for the creation of governments that have included ministers from different opposition parties. At the same time, it has given the king the authority to appoint ministers of his liking (technocrats with few party affiliations), thereby undercutting the legitimacy of his governments. Nevertheless, with bold leadership from its young king, Mohammad VI, and the readiness of all parties to negotiate the terms of a new democratic pact, Morocco just might



move beyond the confines of such eclectic experiments in state-managed liberalization. That said given the high level of poverty, and the capacity of Morocco's urban poor to mobilize, a democratization strategy would still carry considerable risks. King Mohammad alluded to that very point when he said, more than a little defensively, that "each country has to have its own specific features of democracy"—an implicit if obvious rationale for maintaining Morocco's particular brand of liberalized autocracy.

A common American-European policy on promoting political reform could certainly help Arab leaders imagine alternatives to such thinking.

This is perhaps why, in the run-up to the Group of Eight meeting in Istanbul this June, Arab leaders have warned against any effort to "impose" an American-European agenda on the region. The irony is that there's little desire among leaders on both sides of the Atlantic to promote full-throttled democratization. The president's advisers surely know how difficult a supply-side, state-focused approach will be, not only because it could unleash radical forces, but also because it could threaten the stability of regimes whose cooperation in the war on terrorism the United States needs. Thus, Bush administration officials have repeatedly reassured Arab leaders that political reform is a protracted process that must remain in tune with the region's political, social, and cultural realities. Bush himself made this point in his November 6 speech heralding the administration's democracy policy. Since then, he has reiterated his desire to see *freedom* and *liberty* prevail in the Middle East. By design or default, this position echoes the administration's preference for a gradualist, political liberalization strategy.

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There is, of course, one Arab country where the United States is advancing a very different strategy, and that is Iraq. By taking the right steps from the start—such as adopting an interim constitution that provides for the kinds of political and civil rights absent in Arab constitutions—the administration hopes that the foundation for a pluralist democracy can be laid. Success in this fractious and ravaged land would, it hopes, eventually inspire rulers and oppositions elsewhere to get off the circular track of liberalized autocracy. Yet such a strategy represents a huge gamble. What if Iraq doesn't work out? What if the ethnic, religious, and ideological tensions generated by the very push for democracy produce civil conflict or, worse, civil war? By investing all its hopes in Iraq, the administration is skirting the challenge of promoting genuine democratization in the Arab world. This is why Washington would be far better off hedging its bets through a strategy that makes at least one Arab country a candidate for something more than the old liberalization game. Morocco might be a good place to start. □