

Dissent and Reform in the Arab World: Empowering Democrats

*A Report of the American Enterprise Institute
Dissent and Reform in the Arab World Project*

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Introduction

Jeffrey Azarva, Danielle Pletka, and Michael Rubin

Throughout the latter half of the twentieth century, U.S. foreign policy in the Middle East prioritized stability. At the height of the Cold War, makers of U.S. foreign policy offered tacit support if not outright backing to pro-Western authoritarian regimes they viewed as bulwarks against Soviet expansion and as reliable purveyors of oil. Democracy promotion was not a priority. The collapse of the Soviet Union did not lead to a fundamental reassessment among Washington strategists. In U.S. policy circles, conventional wisdom remained that partnerships with illiberal Arab governments, no matter how unsavory, would best serve U.S. national security.

The shock of the September 11, 2001, terrorist attacks shattered the belief that autocratic leaders in Egypt, Saudi Arabia, and elsewhere were stabilizing agents who could deliver peace and tamp down Islamic extremism. Following the attacks, many U.S. policymakers and academics reassessed conventional wisdom and suggested that Arab autocracies were the crux of the problem. Officials questioned whether it was these dictatorships' contempt for the rule of law and freedom of the press, as well as their suppression of peaceful dissent, that lay behind the radicalization and violence. Accordingly, the White House dispensed with the status quo of previous decades and articulated a new policy that pinned U.S. national interests to the Middle East's democratic reconfiguration.

In Washington, the strategic shift met with skepticism. Some within the U.S. foreign policy elite criticized the freedom agenda as a jump from the frying pan to the fire—a strategic blunder that would undermine the war on terror and empower the very Islamists the United States and its Arab allies had sought to marginalize. Those who subscribed to the school of cultural relativism also believed it an exercise in futility. They argued that the precepts of Islam and Arab political culture were antithetical to the ethos of democracy. Ridding the Arab world of tyranny was simply too quixotic: how could the United States push for democracy in a region devoid of democrats?

Yet, despite the belief that the Middle East was a region destined to be contested by either autocratic elites or a theocratic alternative, liberal Arab democrats did—and do—exist. Neither liberalism nor advocacy for reform and democracy in the Middle East is a foreign imposition. Even before U.S. policymakers began speaking of democracy taking root in the Middle East, Arab dissidents, journalists, and civil society activists spoke of an Arab malaise and the need for political, social, and economic reform. In the years following the 1990 Iraqi invasion of Kuwait, Arab intellectuals rethought their societies' political stagnation. Increasingly, even state-run newspapers pushed the boundaries of acceptable

political dialogue. The world of political criticism, long limited to a discussion of Palestinian aspirations for freedom, suddenly expanded.

Arab democrats began to exploit the political space available to them after the liberation of Kuwait. And their voices were heard—not, ironically in the foreign ministries of the Western world or in their embassy chancelleries, but rather in the halls of power in the Middle East. Indeed, it was these classical liberals, even more than the Islamists, who Arab governments targeted with the instruments of state repression. Their collective voice has since helped not only to discredit the autocrat-theocrat dichotomy, but also to dispel the Western myth that democracy is an alien concept to the Arab world.

But while their ranks have increased with the post-9/11 upturn in U.S. rhetoric and support, democracy activists continue to face an uphill battle. At home, they remain squeezed. Many dissidents operate on a tilted playing field that pits them against authoritarian and Islamist forces, unwitting bedfellows determined to prevent the emergence of any liberal alternative. Those dissidents who do persist find themselves undercut by a lack of resources and an inability to coordinate with democracy activists in other Arab countries or with policymakers in the West.

To remedy this, the American Enterprise Institute (AEI) inaugurated the Dissent and Reform in the Arab World project to enable prominent Arab democracy activists first to write about the challenges to dissent and reform in their own countries; and then to establish working relationships with each other and a wide array of U.S. policymakers in order to obviate the need for a middleman in transmitting their messages. They should no longer need to rely on the good graces of Western diplomats, too often uninterested in shaking up the status quo. AEI provided both a venue and administrative support, but it did not intervene in shaping the content of their message.

In 2006, AEI worked to identify those activists who have advocated freedom of the press, gender equality, religious tolerance, economic liberalization, electoral reform, and a host of other reforms. During the course of the year, AEI held three public conferences featuring reformers and civil society activists

from Bahrain, Egypt, Iraq, Jordan, Lebanon, Libya, Syria, Tunisia, and Yemen. Each conference was the culmination of a week-long program designed to give participants unvarnished access to the Washington policymaking community, and a months-long process of consultations, questioning, and discussion. After meeting with a bipartisan array of congressional staff and policymakers in the State Department, Defense Department, and National Security Council, as well as members of the nongovernmental organization community and U.S. and Arab media, the participants returned home with both a better sense of how U.S. policy is formulated and a support network that can provide leverage against entrenched governments.

The following essays by project participants attest to the fact that realizing democracy in the Arab world is both a desirable and daunting task. These pieces not only confirm that the democracy debate exists in the Middle East, but also reveal that it is nuanced. For instance, in countries like Yemen and Bahrain, activists seek to break the state monopoly over communications. In other states, such as Syria and Tunisia, repression permeates society more deeply, and the reforms sought are more fundamental.

The essays also show that while the freedom agenda made headway during the so-called Arab Spring of 2005—Egypt's first ever multicandidate presidential vote that September followed free elections in Iraq and the Palestinian territories in January—regional potentates are still committed to strangling opposition in the cradle. Today, a quick survey of the countries featured in *Dissent and Reform* reveals that with nostalgia for realism on the rise among U.S. policymakers, many Arab leaders have begun to roll back on reform.

Egypt

Nowhere has this backsliding been more discernible than in Egypt, where democracy and civil society activists have come under increasing fire from the regime of Hosni Mubarak. Once considered the linchpin for U.S. democracy efforts in the region, the Egyptian government now flouts

such initiatives with regularity. Its passage of thirty-four constitutional amendments in March 2007 has dealt a resounding blow to reform by undercutting the full judicial supervision of elections, institutionalizing the Egyptian police state, and facilitating plans for a hereditary succession of power. The Mubarak regime has tightened the screws on the country's liberal opposition. Ayman Nour, the founder of the liberal *al-Ghad* (Tomorrow) Party and Mubarak's runner-up in the 2005 presidential elections, continues to languish in prison on trumped-up charges of forgery. Domestic and international entreaties for the release of Nour—perceived as a serious threat to Mubarak's son and presumed heir—have been rejected.

Project participant Ayat M. Abul-Futtouh has also drawn the government's ire. After she and the Ibn Khaldun Center for Development Studies helped organize an independent coalition of civil society groups to monitor the June 2007 *Shura* Council elections, Egyptian authorities waged a smear campaign against her and tampered with the center's outgoing communications. Egypt's independent press has not been immune from the regime's excesses, either. In September 2007, Ibrahim Eissa, editor of the independent daily *Al-Dostour*, was sentenced to a year in prison for breaking taboo and reporting on rumors of Mubarak's deteriorating health.

Syria

In Syria, the brief opening created by the 2000–1 “Damascus Spring,” in which opposition forces seized upon the death of Syrian president Hafez al-Assad to press for political reform, has since given way to retrenchment. Demands for an independent judiciary, a new political party law, electoral reform, the annulment of the 1963 emergency law, and an end to the ruling Baath Party's monopolization of both state and society have gone unheeded. The exercise of power remains the sole prerogative of Bashar al-Assad's minority Alawite regime.

The expulsion of Syrian troops from Lebanon, Damascus's main sphere of regional influence, following

the 2005 Cedar Revolution and three decades of military occupation, has led Assad to shore up his increasingly narrow power base at home. Despite the defection of former vice president Abdul Halim Khaddam from the Baathist leadership in 2005, Assad has had little trouble consolidating authority. Khaddam's self-imposed exile—and his subsequent attempt to mobilize the Syrian opposition through calls for Assad's overthrow and a coalition with the Syrian Muslim Brotherhood (which led to the formation of the National Salvation Front)—has not produced any significant challenge to the status quo. Skepticism over Khaddam's intentions and reformist credentials still lingers; few in Syria's secular and liberal ranks have rallied around his movement.

But even with a weak and divided opposition at home, Assad has been unable to resign himself to a new reality in Lebanon. Since forcibly extending the mandate of the regime's pro-Syrian stooge in Lebanon, President Emile Lahoud, in 2004, Assad has turned his sights on all those who have sought to rid Lebanon of the last vestiges of Syrian hegemony. In Lebanon, he has used brute force to silence his detractors and chip away at the Lebanese government's anti-Syrian majority. Assad's regime has been implicated in the February 2005 assassination of former Lebanese premier Rafiq Hariri—the catalyzing event behind Syria's ouster—and several other outspoken Lebanese who have worked to consolidate their country's sovereignty.

Assad's critics in Syria have fared little better. There, his regime has spent the bulk of its repressive energies on those dissidents who have petitioned for democracy and normalized relations with Beirut. Prominent activists such as Anwar al-Bunni, Michel Kilo, and Mahmoud Issa have all been imprisoned for “weakening national sentiment.” The regime's tolerance for peaceful dissent continues to wear thin. In May 2007, a Damascus court sentenced democracy activist Kamal Labwani to twelve years in prison for meeting with White House officials in 2005. Labwani's sentence (the harshest punishment meted out by the regime since 2000), Washington's *pro forma* response (despite its direct links to Labwani), and Assad's reelection to office with 97.6 percent of the vote the same month

suggest that impediments to Syrian reform will remain formidable in the near term.

Lebanon

Issues of dissent and reform in Syria are, of course, not confined to that country's borders; the democratic fate of Lebanon is intimately linked with that of its next door neighbor in Damascus. A string of political assassinations that have targeted critics of the Assad regime, beginning with Rafiq Hariri and extending to prominent Lebanese such as Samir Qassir, George Hawi, Gebran Tueni, Walid Eido, Pierre Gemayel, and Antoine Ghanem, has threatened to tear Lebanon's brittle democracy asunder. The 2006 summer war between Israel and Hezbollah, Syria and Iran's Lebanese surrogate, has also served to undermine national reconciliation, reinforcing communal affiliations and paralyzing the country's political system.

The thirty-four-day war and its aftermath have highlighted many of the obstacles hindering Lebanon's democratic maturation: militias and the absence of a government monopoly on the use of force; the status of four hundred thousand Sunni Palestinians living in Lebanese refugee camps; and Hezbollah's domination of the Shi'ite community. It is on the latter issue that Lokman Slim, a participant in the Dissent and Reform project and head of *Hayya Bina!* (Let's Go!), a political reform group which promotes civil liberties, has worked to help diversify Shi'ite representation in the Lebanese arena, despite Hezbollah intimidation. Slim, who has sought to counter Hezbollah's political monopoly in southern Lebanon, has experienced the group's browbeating tactics firsthand: during the 2006 war, he was forced to shut down *Hayya Bina!*'s website after receiving veiled threats.

The largest barrier to reform, however, lies with Hezbollah's Syrian patron. Despite its 2005 withdrawal, Syria continues to meddle in Lebanese affairs to preserve its strategic influence. That Syria refuses to open an embassy in Beirut or demarcate its international border with Lebanon is telling. As the United Nations Security Council proceeds with its decision

to prosecute the masterminds behind Hariri's assassination—senior Syrian officials, including director of military intelligence Assef Shawqat, are believed to be complicit in his murder—Syrian efforts to sabotage the Western-backed government of Fouad Siniora will continue posing the greatest threat to dissent and reform in Lebanon.

Jordan

Aside from a mass influx of Iraqi refugees and the November 2005 hotel bombings, Jordan has enjoyed a period of relative stability under the reign of King Abdullah II. Still, the equilibrium between security and reform remains tenuous. While the monarchy has spearheaded several initiatives in recent years, including a plan to devolve decision-making powers from Amman to outlying provinces, implementation has often failed to match palace rhetoric.

The specter of an ascendant Islamic Action Front (IAF)—the political arm of the Jordanian Muslim Brotherhood increasingly supported by a majority of the Palestinian population—has dampened the regime's will for reform. As a result, initiatives undertaken by King Abdullah have been uneven. For instance, although the new municipalities law passed in February 2007 mandated the local election of mayors and council members, reduced the age for voter eligibility, and granted women a 20 percent quota in council membership, Abdullah has retained the power to appoint the mayor and half of the representatives in the capital, Amman, a traditional IAF stronghold. Nor has the government appeared willing to enact reforms that could encroach on its power base. For instance, while the new political party law of March 2007 provided for the public financing of parties—which are often weak and lack the fiscal resources necessary to compete with the IAF—it significantly raised the thresholds for party registration. But as the kingdom's middle class shrinks and the Islamization of its Palestinian refugee population increases, whether such a cautious approach to reform can undercut the appeal of Islamism in the long run remains open to question.

Iraq

Nearly five years after the U.S.-led invasion of Iraq deposed Saddam Hussein's Baathist regime, Iraq's fledgling democracy has suffered from a Sunni insurgency, al Qaeda–sponsored terrorism, Iranian adventurism, the proliferation of Shi'ite militias, and the inability of the country's Sunni, Shi'ite, and Kurdish communities to forge a political compromise.

Post-Saddam Iraq has been wracked by political instability and sectarian violence, some of which can be traced to the June 2004 decision—proposed by the United Nations and authorized by the U.S. Coalition Provisional Authority (CPA)—to conduct the January 2005 transitional parliamentary elections under a closed list proportional representation system, with the entire country treated as a single electoral district. The outcome of such a decision was all but inevitable: with local candidates marginalized on or left off party slates, lawmakers in Baghdad became unaccountable to the constituents they were supposed to serve. Moreover, since the efficacy of the proportional representation system hinged on a balanced voter turnout of Iraq's various ethnic and religious factions, under-representation of the Sunni minority was nearly assured, given the concentration of insurgent activity in Sunni enclaves. Indeed, the Sunni boycott of the January 2005 elections led to a parliament heavily stacked with Shi'ite and Kurdish representation. Left with little political recourse, many Sunnis gravitated toward violence.

Disputes concerning federalism, a concept vaguely enshrined in the 2005 constitution, have also contributed to the sectarian impasse. Questions of whether federalism will be predicated on geographic or ethnic divisions lie at the heart of the matter. In July 2007, Prime Minister Nouri al-Maliki's cabinet approved a draft hydrocarbon law that would guarantee the equitable distribution of oil revenues on a per capita basis, legislation which many see as a prerequisite for national reconciliation; but it still has not been ratified by Parliament because of disagreements over regional autonomy. Political reforms must also address government malfeasance. The Ministry of Health, for example, has become a bastion of

sectarian patronage; Muqtada al-Sadr's de facto control over the ministry has led to a steady exodus of qualified personnel and the installation of loyalists from his Shi'ite militia. Such corruption has fed perceptions that Maliki's Shi'ite-led government is neither able nor willing to achieve political reconciliation.

Project participant Haider Saeed has attributed such sectarianism in part to the 2005 constitution's retreat from a consociational model of democracy and from a broad-based political majority, as reflected in the CPA's Transitional Administrative Law. He contends that the permanent constitution has instead fostered sectarianism and perpetuated demographic majority rule by legitimizing Lebanese-style communalism. But unlike in Lebanon, where there is no clear-cut majority, the power-sharing model that has emerged in Iraq has revealed itself more prone to sectarian imbalance. It will be imperative that constitutional revisions redress the amount of power invested in government posts held by minorities, such as the presidency, so that they can act as a counterweight to stronger institutions in the executive. The empowerment of local and provincial institutions, such as directly elected municipal councils, can also help blunt the central government's influence in Baghdad. Yet creating a more equitable balance of power, Saeed believes, will ultimately necessitate giving the Sunni minority de facto veto power over constitutional amendments, a political tool that only the Kurds presently enjoy.

Bahrain

The Sunni-Shi'ite dynamic, to a much lesser extent, is also on display in Bahrain, where the minority Sunni monarchy of Sheikh Hamad bin Issa al-Khalifa presides over a significant Shi'ite population. Exacerbated by the Iraq war, intercommunal tension in the Arab world's smallest state is nothing new. During its two centuries in power, the al-Khalifa family satrapy has done much to marginalize the island's Shi'ite majority. King Hamad's ascension to the throne in 1999, however, seemed to augur a reversal of this trend. The monarchy's 2001 National Charter

promised to enfranchise women, establish an independent judiciary, and create a bicameral legislature with an elected lower body—a key Shi'ite demand following Parliament's dissolution in 1975. In 2002, Hamad promulgated a new constitution, held the country's inaugural parliamentary elections, and called for Sunni-Shi'ite equality.

But while the monarchy's reforms have positive elements, its drive toward political liberalization has left much to be desired. Six years after its restoration, Parliament remains toothless: few pieces of meaningful legislation have originated from its chambers. The government's stranglehold over the media and telecommunications industries represents another roadblock to reform. More troubling, though, has been the al-Khalifa regime's campaign to sideline the Shi'ite majority from political participation. The September 2006 "Bandargate" scandal, named after government whistleblower Salah al-Bandar, exposed the efforts of certain al-Khalifa royals to rig parliamentary elections and dilute the country's Shi'ite majority through an accelerated nationalization of Sunnis. Despite these revelations, systemic change does not appear imminent. With the Shi'ite-led opposition's historic gains in the November 2006 elections and the Shi'a-Iranian menace hovering nearby, there is little reason to believe that the kingdom will abandon its sectarian-based policies anytime soon.

Tunisia

With a sizable middle class and much of its economy privatized, Tunisia is in a better position to undertake reform than perhaps any other Arab state. But while the country cultivates an image of liberalization in the West, it is in reality one of the region's most repressive states. Under the stewardship of President Zine El Abidine Bin Ali, political freedoms are nonexistent. Those who speak out are subject to arbitrary detention and government harassment. After democracy activist Neila Charchour Hachicha took part in the January 2006 Dissent and Reform conference and appeared on *al-Jazeera*, the Bin Ali government retaliated against her husband and daughter, and she

withdrew from the program. A zero-tolerance policy toward peaceful dissent has eroded the foundation of civil society and opposition politics.

Like other autocracies in the region, the regime in Tunis employs various means to maintain its stifling grip on power. Though Bin Ali has guaranteed his political rivals a voice in Parliament, opposition representation amounts to little more than a release valve for public discontent. Restrictions on opposition activity extend to the press, particularly print media. Bin Ali likewise retains a chokehold over the Internet. Criticism of Bin Ali is criminalized. Lawyer Muhammad Abbou was jailed by Tunisian authorities in March 2005 for exposing torture in state prisons and comparing Bin Ali to Ariel Sharon, then Israeli prime minister, in an online article. Plainclothes police also engage in the Orwellian-style surveillance of cyber cafes and personal e-mail under the guise of combating terrorism. With Bin Ali's regime firmly entrenched, prospects for reform are dim. Constitutional amendments passed in 2002 have consolidated his power further by abolishing the very presidential term limits he reinstated upon coming into power. Though the amendments left in place a presidential age limit of seventy-five (Bin Ali will turn seventy-five in 2011), most Tunisians expect the self-proclaimed "citizen president" to stand for reelection in 2009 and beyond.

Yemen

If Tunisia has successfully replicated the China model and thus can eschew political pluralism, the regime of Yemeni president Ali Abdullah Saleh appears to have no such luxury. Dwindling resources, coupled with endemic corruption, make reform a necessity in the Arab world's poorest country. Yet despite the need to secure international aid and head off an economic collapse, the pace of reform remains sluggish. Obstacles to change abound. Though the Saleh government has suspended a controversial draft press law, infringements on press freedom are still commonplace. His regime continues to censor the Internet, prohibit the private ownership of broadcast media, and reject the licensing of new newspapers. In June 2007, authorities

detained journalist and human rights activist Abdul Karim al-Khaiwani for his peaceful critique of government policy.

Saleh's concentration of power in the capital, Sana'a, and his appointment of all governors and heads of municipal councils have also retarded political development. Saleh has pledged to open these positions to direct election, but the regime possesses little incentive to refrain from meddling in local affairs. Press and administrative reform notwithstanding, though, it is the patronage network underwriting the Saleh regime that represents the greatest barrier to democratic change. With Yemen's economy in dire straits, the regime's ability to regenerate itself through the distribution of government handouts presents a significant challenge to institutionalizing the rule of law. The weakness of government institutions like the judiciary has helped reinforce the importance of clientelism by compounding problems of adjudication. Saleh's government has demonstrated the will to tackle corruption, but time for concrete action is running out. The Millennium Challenge Corporation's February 2007 decision to reinstate Yemen's eligibility for millions in U.S. aid—provided the country meets certain benchmarks for good governance—could be Saleh's final opportunity to place Yemen on the path to real reform.

Libya

Since renouncing terror and abandoning its weapons of mass destruction program in 2003, Libya has stood to benefit from copious amounts of Western aid and investment. U.S. and European reconciliation with the Libyan government has sought to reintegrate the former pariah state into the international community. Washington's decision to lift U.S. sanctions and foster bilateral relations with Tripoli, though, has not had the corollary effect of inducing internal change. At its core, Muammar Qadhafi's Libya remains an authoritarian state.

In power since 1969, Qadhafi has shown little interest in genuine reform; his forfeiture of weapons of mass destruction (WMDs) in 2003 was based, in part,

on an assumption that he would be exonerated from U.S. pressure to democratize. Here, his actions speak volumes. Despite a 2003 government initiative to amend the Libyan penal code—and its widespread application of capital punishment and life imprisonment—to date, no new legislation has been enacted. “Reforms” which have been introduced are cosmetic: while Qadhafi abolished the People's Court in 2005—the extraordinary court notorious for its kangaroo-style prosecution of political prisoners—he simply transferred its authority and personnel to the criminal court system. A majority of those dissidents convicted prior to its termination have been neither released nor retried.

Fathi El-Jahmi, brother of Dissent and Reform project participant Mohamed El-Jahmi, is one such dissident. Libyan authorities first detained El-Jahmi in October 2002 after he called for free elections, freedom of the press, the release of political prisoners, and abolition of *The Green Book*, the manifesto which serves as the philosophical underpinning for Libya's *jamahiriyya* (state of the masses) system of government. U.S. intervention helped win his release in March 2004, but El-Jahmi was rearrested after a brief furlough in which he reiterated his calls for democracy. At the time of writing, Libyan authorities continue to hold El-Jahmi incommunicado and deny him proper medical treatment. As Qadhafi prepares to enter his fifth decade in power, there should be little expectation of change. Until El-Jahmi and countless other prisoners of conscience are released from his prisons, Libyan reform will remain a mirage.



With Arab governments seemingly impervious to reform, and with the war in Iraq consuming so much attention and manpower, it has been no surprise that support for democratic change has waned in Washington. Many U.S. policymakers interpret instability in Iraq and Palestine to vindicate the view that genuine democracy cannot take root in Arab societies. And for the Arabs themselves, the Iraq experience has raised doubts about the costs of freedom and the peril of life after dictatorship. On the other hand, a

surprising number of activists, many of whose voices are heard in this volume, continue to argue for the evolution of the Middle East. They understand, as some in the United States have forgotten, that the alternative to dictatorship is not chaos, but freedom. They also make clear that the foundations of freedom—rule of law, market economies, women's rights, religious and intellectual freedom, constitutional democracy, and more—are the secrets to the stability of democratic systems.

Less than one hundred years after the American Revolution, a bloody civil war was fought to end slavery and maintain the union. More than half a century after that, women in America gained the

right to vote. Decades later, the American Congress enshrined civil rights into the nation's laws. These benchmarks, the cornerstones of a democratic system, came only after tireless advocacy by committed liberals. In the Arab world, building these foundations may also take decades. But, as the chapters ahead demonstrate better than any presidential speech, Arab democracy activism will continue whatever the ebb and flow of external support. Though it may be true that liberal reformers do not, at present, command a significant following on the Arab street, it is they, and not the Islamists, who are the true engines of democratic reform in the Middle East.

Part I

Essays by Program Participants

1

Bahrain

Challenging Government Control of Media

Omran Salman, November 2006

The Kingdom of Bahrain is the smallest Arab country. An island emirate in the Persian Gulf, Bahrain is located east of Saudi Arabia and west of Qatar. It is a constitutional monarchy headed by King Sheikh Hamad bin Issa Al-Khalifa. The head of government, Sheikh Khalifa bin Salman Al-Khalifa, is the prime minister, and presides over a cabinet of fifteen members. Islam is the official religion of the state.

Bahrain has been ruled by the Al-Khalifa family since the eighteenth century. The family consists of more than 3,000 members—all of whom have received an allowance since birth—in a population of approximately 700,000 people, 235,000 of whom are non-nationals. Members of the royal family hold numerous positions in the government's administrative and executive branches. Bahrain has a bicameral legislature, with each house comprised of forty members serving four-year terms. The lower house, called the Chamber of Deputies, is elected by universal suffrage, while the upper house, referred to as the *Shura* Council, is directly appointed by the king. In 2002, Bahrain conducted its inaugural parliamentary elections.

According to the 2001 national census, Muslims constitute 81.2 percent of the population; of these, 70 percent are Shi'a, and 30 percent are Sunni. Christians make up 9 percent of the population, and the

remaining 9.8 percent of society practices other Asian or Middle Eastern faiths. Despite the fact that the Shi'a represent the Bahraini majority, Sunni Islam is the predominant sect in the government, military, and corporate sectors.

In 1975, Amir Sheikh Issa bin Salman Al-Khalifa disbanded Parliament after it refused to pass the State Security Law and threatened to introduce legislation mandating greater accountability of the Al-Khalifa family. In 1994, demands for restoring the constitution and an elected parliament sparked a wave of rioting by disaffected Shi'ite Muslims. The kingdom witnessed intermittent violence in the mid-1990s in which over forty people were killed in clashes between government forces and the Bahraini citizenry. When Sheikh Hamad bin Issa Al-Khalifa succeeded his father as head of state in March 1999, he reinstated elections for Bahrain's parliament and municipalities, and released all political prisoners.

Journalism in Bahrain

Breaking the media monopoly is essential to dissent and reform in Bahrain. Despite its small size, Bahrain has a relatively long history of publication. Beginning

in the 1930s, a number of magazines and journals began to appear weekly, or several days a week. The first Bahraini newspaper was *al-Bahrain*, founded in 1939.¹ The first daily newspaper, *Akhbar al-Khaleej*, began publication in 1976 at the initiative of the private sector. The first editor-in-chief was Mahmud al-Mirdi, and the majority of its staff was Egyptian, Sudanese, and Bahraini. Today, it is headed by Anwar Abdul Rahman.

In 1989, Tariq al-Mu'ayid, a former information minister, founded *Al-Ayam* with the help of financing arranged by the ministry. Its original editor, Nabil al-Humr, is a former Information Ministry employee and current Information Affairs advisor to the king. *Al-Ayam's* staff is a mix of Information Ministry employees and some journalists who came from *Akhbar al-Khaleej*. The editor-in-chief today is Issa ash-Shayji. The *Gulf Daily News*, an English daily newspaper, caters to the kingdom's expatriate population. In contrast to the Arabic dailies, this publication is allowed to probe somewhat deeper into local issues, perhaps because it targets a foreign audience. However, it is still owned by *Dar al-Hilal*, the same company that publishes its sister *Akhbar al-Khaleej*. In all, there are nearly one hundred Bahraini newspapers and journals in circulation.

While the private sector owns most newspapers and publications, the government retains control over publishing policies and the appointment of important officials, such as editors-in-chief and managing editors. Usually, they must be Sunni. With these top-level positions already appointed, the newspaper management is responsible for hiring other employees, although the government retains the right to dismiss journalists. This domination of the media by Sunnis has led many Shi'ite citizens—the majority of Bahrain's population—to feel marginalized in society, unable to convey their opinions, and incapable of presenting their problems and concerns.

In a policy paper submitted to the third annual conference for the Arab Organization of Press Freedom, which took place in Rabat, Morocco, in 2004, the Bahraini journalist Maha as-Salihi wrote, "In an unusual message sent by the Minister of Information to the local press, Nabil al-Humr informed them of

the ministry's prohibitions. He said that there are a set of forbidden subjects that should not be mentioned, like describing the constitution as a 'gift constitution.'" Bahrainis often refer to the constitution as such since it was "bestowed" upon them by the king without their consent. Al-Humr also instructed them that the nation's U.S. naval base should be called a "facility" so as to diminish the perception of its size and importance among ordinary Bahrainis. If editors fail to abide by al-Humr's dictates, they risk dismissal. Thus it is the editor's job to censor his journalists and their writings.

Journalism and Politics

Bahrain became fully independent of the British in 1971. Between 1975 and 2000, the Bahraini government sought to suppress opposition forces. Torture was endemic.

The government used the State Security Law of 1974—the same law which Parliament refused to pass before being disbanded in 1975—to detain opposition members for a renewable period of three years without trial. This law remained in place until 2001. During this period, it was used by the government to crush political unrest. The law contained measures permitting the government to arrest and imprison individuals without trial for a period of up to three years for crimes relating to state security. Other measures relating to the 1974 law—namely, the establishment of State Security Courts—facilitated the practice of arbitrary arrest and torture. The royally appointed prime minister, Sheikh Khalifa bin Salman Al-Khalifa (uncle of the present king), was head of government during this period of alleged malfeasance and continues to serve in this position to the present day.

The situation became especially tense in the mid-1990s. In December 1994, protestors on al-Badee'a Street, in the western area of the capital city of Manama, demonstrated against a marathon whose participants were not "clothed properly." The police suppressed the demonstrators, causing the protest to broaden in scope. It soon spread to all Shi'ite districts

in Bahrain. These agitators began asking for political reforms, such as reactivating the constitution and restoring the elected parliament which had been disbanded in August 1975. In the ensuing demonstrations, police killed a number of protestors and detained several thousand. The main opposition leaders were exiled to Great Britain.

The threat of the security law's application was sufficient to enable the Ministries of Information and the Interior to control journalists and, in effect, censor *al-Ayam* and *Akhbar al-Khaleej* to ensure that they remained committed to the general policies of the government. Both papers tended to report the activities of the royal family and government officials on their front pages. This news—imposed on the papers—was replete with photos, and used to come directly from the minister of information. The same was true of government statements and political arguments that were compiled by a “political editor.” News concerning political stability came directly from the Ministry of Interior and Bahraini intelligence.

The papers published these without any modification. They were prohibited from commenting negatively—whether in news reports, articles, or editorials—on states having distinguished relations with Bahrain, namely Saudi Arabia, Egypt, and Jordan. Also, the government prevented the newspapers from criticizing or slandering state officials, as well as from publishing news about the opposition. Accordingly, there was little difference between the two publications. They were, in effect, the formal institution for government propaganda. It was the worst period that the Bahraini press has ever endured.

During this period, there were no reports of the detention or dismissal of newspaper officials. If such events even transpired, details remained scant because journalists were prevented from establishing any groups, organizations, or unions. The government agreed to allow a syndicate—the Bahraini Journalists Association—only in August 2000, and then only on the condition that it would include Ministry of Information officials and all media employees, in addition to the editors-in-chief of the newspapers themselves.

The Bahraini Press in the Age of Reform

On March 6, 1999, Sheikh Hamad bin Issa Al-Khalifa took power from his father. The new ruler adopted a number of reforms to turn the page on the bloody instability of the 1990s. These included releasing scores of political prisoners, authorizing the return of exiled opposition members, annulling the security law, and preparing a national pact which was confirmed by referendum on February 14–15, 2001.

But the reformist spring did not last long; it soon began to chill. Not long after the voting on the national pact, the government reneged on its promises to the opposition, the most important of which was the establishment of a parliament with regulatory powers as outlined in the 1972 constitution. Rather, Sheikh Hamad issued a new constitution on February 14, 2002, one that transformed Bahrain into a constitutional monarchy and allowed for parliamentary and municipal elections. The constitution established a parliament—the National Committee Council or the *al-Majlis al-Watani*—which is half-elected and half-appointed and consists of two committees, the Chamber of Deputies and the *Shura* Council. The new constitution conferred upon the king absolute powers, among them the ability to dissolve Parliament and appoint the judiciary, the latter of which Sheikh Hamad presides over. The king can also appoint and dismiss members of the *Shura* Council and possesses the right to amend the constitution, suggest and approve laws, and announce their issuance.² Consequently, the separation of powers between the legislative, executive, and judicial branches has ceased. The executive authority, represented by the king, practically controls the judiciary and Parliament.³ Of course, this change reflected negatively on the general political climate in the country, which in turn resulted in the boycott of parliamentary elections by four opposition parties, and a series of demonstrations and peaceful protests.

Still, press freedom expanded somewhat as a result of the reforms instituted by Sheikh Hamad, and four new daily newspapers now operate in Bahrain. *Al-Wasat*, whose editor-in-chief, Mansour al-Jamri, was one of the former leaders of the oppositionist Bahraini

Liberation Movement, began printing in 2002. Bahrainis initially believed it to be affiliated with the Shi'ite opposition party, the Islamic Bahrain Freedom Movement, headed by Abdul Amir al-Jamri. However, it is now considered to be close to Sheikh Hamad. The second newspaper, *al-Mithaq*, was established in 2004 under editor-in-chief Muhammad Hasan as-Satri. It is accountable to the Shi'ite bloc that supports the government and is represented by the movement of Sulaiman al-Madani. The third paper, *al-Watan*, was established the following year under the editorship of Muhammad al-Banki. Its sectarian affiliation is Sunni, and it is thus linked closely with the government. The fourth paper, *al-Waqt*, was established in 2006. Its editor-in-chief, Ibrahim Beshmi, is a member of the *Shura* Council. *Al-Waqt* is relatively independent.

Each of these papers is owned by a mix of businessmen and technocrats. That two editors-in-chief are Shi'a broke a long-established taboo. With the appearance of these new dailies, the press began to tackle issues that it had not touched previously, as papers began criticizing some of the smaller government ministries. They also tackled the bankruptcy of social insurance and retirement funds, caused by corruption and government attempts to naturalize thousands of Syrians, Jordanians, Yemenis, and others in order to tilt the demographic balance in favor of Bahrain's Sunni population. Still, criticism of executive authority remained prohibited, and the press failed to document wider corruption scandals or the embezzlement of public funds.

The relation between the government and the newspaper management essentially stayed the same, in terms of the latter's subordination to the former. Newspapers continued to toe the government line. Limits imposed on journalists by the state remained the same; that is to say, criticizing the king, a member of the royal family, or neighboring countries like Saudi Arabia, Egypt, and Jordan remained forbidden.

Indeed, the government sought to further constrain the press. Prior to the parliamentary elections held on October 23, 2002, the Bahraini government issued a new press and publishing law, known as Law No. 47, which replaced its predecessor passed in

1979. With the help of the new law, the government attempted to strengthen its grip on the Bahraini press, and a majority of the state's press violations can be attributed to it. This law conferred upon the Ministry of Information wide-ranging authority to officially censor all types of media—print, audio, visual, and electronic among them—and subjected journalists to harsh punishments, including imprisonment, for violations of the laws. It also banned attacks on the official state religion and criticism of the king or the monarchy.⁴ Some Bahraini lawyers consider this law as openly facilitating the imprisonment of journalists. Article 68 makes it possible for the executive authority to punish media outlets and journalists with whom it disagrees.⁵ And they have.

Press freedom reports published by the organization Reporters without Borders stated that Bahrain's ranking—measuring international press freedom—fell sharply between 2002 and 2005. In 2002, Bahrain was ranked 67th internationally, but fell to 117th just a year later. By 2004, Bahrain slid even further to 143rd. In 2005, there was only slight improvement, as Bahrain crept up to the 123rd spot.⁶

In its 2005 report concerning freedoms in the Arab world, the General Union for Arab Journalists stated that Bahrain witnessed a number of interrogation cases involving journalism employees and state security services. Some of these employees stood trial or were subjected to investigations. Examples include the case of Rahdi al-Mussawi. On September 24, 2002, Bahraini police investigated al-Mussawi, the editor-in-chief of the National Democratic Labor Union's periodical *ad-Dimuqrati* (The Democrat), after the police received a tip from within the Ministry of Information's Tourism Administration accusing Mussawi of publishing a defamatory article, even though the article in question had mentioned neither the accuser's name nor his position.

On May 26, 2003, the police investigated *Akhbar al-Khaleej's* editor-in-chief, Anwar Abdul Rahman, after his paper published an article detailing a female activist's sit-in in front of the Justice Ministry, which caused her to lose custody of her children. Abdul Rahman paid a \$2,650 fine but protested that his paper had done nothing wrong. "As a newspaper, we

did nothing but cover the sit-in and report the opinions of the people,” he explained. Police also harassed *al-Wasat* staff.

Summary dismissal of journalists or their black-balling from public events also became more frequent. In December 2002, the government prohibited *Ahkbar al-Khaleej* journalist Ali al-Salah from writing for two weeks after he published an article entitled “Siege of Fear,” which Bahraini authorities considered an attack on its policies toward religious extremists in the kingdom. In February 2004, *al-Ayam* terminated the employment of Ahmed al-Bousta because of his participation in a “constitutional conference” which was conducted by four political opposition groups. A third example took place two months later, when al-Humr issued a decree prohibiting *al-Wasat* journalist Abdullah al-Abbasi from writing because he had published an article mocking the lack of government accountability. He compared the situation in East Asia, where, he argued, government officials are indeed accountable, to that of Bahrain. Yet another example occurred in 2005, when *al-Wasat* fired the female chief of its investigative bureau, Fatima al-Hajri, without providing cause.

Journalists have protested Law No. 47, but despite government promises to amend it, a new draft law has yet to be passed.

Bahrain Enters the Internet Era

As soon as the Internet became available in Bahrain in the mid-1990s, the Shi'ite population—long disenchanted with the Sunni tone of the media—began establishing websites. For example, some Bahraini Shi'a formed the Electronic Manama Newspaper, but the government soon closed it. Another website, Bahrain Online, opened in 1998. Today, it is one of the most active and influential websites in Bahrain, with at least thirty-two thousand registered users. The website deals with a variety of topics, such as national, political, cultural, and sports-related clubs. It also includes an area for English speakers.

In addition, online chat-room groups became popular. One of the most prominent Yahoo chat

rooms is AWAL Group, established in March 2001 to serve an educated elite but without sectarian overtones. Today, its registered users number 2,569. Another chat-room group named *Lena Haq* (We Have a Right) was established in December 2005 to express the opinions of Bahraini liberals and reformers. It has 100 registered users. A third chat-room group is *ad-Deer*, which provides an outlet to discuss Arab, Islamic, and international issues. It was established in 2002 and has 506 registered users.

Each Shi'ite village and area maintains its own website.⁷ However, these village sites differ from those established by clubs, political groups, and religious figures.⁸ The Shi'ite websites tend to focus on two issues—politics and religion. They publish the opinions and positions of ordinary citizens with respect to daily political happenings. Also, they convey real-time news, provide space to exchange different opinions, and express opposition to government policies. Sometimes harsh language is used against official figures, including the head of the government and his supporters. Other websites focus on commemorating Shi'ite religious occasions, like *Ashura*, or discussing Shi'ite history.

It was not long before some websites began to feature seminars and lectures conducted directly by the opposition leadership, who were reacting against state negligence and media distortion. Such organizations also publish political statements and announce seminars, public events, and mass rallies. They report on public responses to government statements and cover issues related to detainees in Bahraini prisons and to the unemployed. They even publish the articles and commentary of those journalists prevented from writing in the official press. Accordingly, these websites form a parallel structure to both state-run and semi-governmental media.

Most of the managers and employees of these websites are young Bahrainis in their twenties or thirties. Most use aliases out of fear of government reprisal. They participated in and lived through the demonstrations of the 1990s. While these websites are an outlet for Shi'ite opposition, none of the sponsoring organizations are affiliated with political parties; indeed, they often criticize Shi'ite societies like the

Society of the Islamic National Consensus, one of the largest Shi'ite groups.

In a country where Internet users exceed one hundred thousand (one-seventh of Bahrain's population), it is only natural that the government is apprehensive about the Internet's development. Government concern is compounded by the fact that none of the Bahraini newspapers sells more than five thousand copies daily.⁹

The Bahraini government has increasingly sought to curtail this new medium. In 2005, Bahraini security forces arrested Bahrain Online's general administrator, Ali Abdul Imam, a twenty-eight-year-old electronics engineer from the village of al-Bilad al-Qadim, for allegedly inciting hatred against the regime. Abdul Imam admitted his administrative responsibility for the website, but insisted on the right of freedom of expression and information sharing that is enshrined in the Bahraini Constitution and law. After fifteen days, he was released. Subsequently, Bahrain Online reported that the Ministry of Information, headed by Muhammad Abdul Ghaffar, who also serves as state minister of foreign affairs, brought a lawsuit against it, accusing the website of broadcasting statements, photos, and information which included propaganda and incitement.¹⁰

The government has also moved to exert greater control over telecommunications, and has sought to rein in organizations by shutting down objectionable websites. In 2002, Bahrain acknowledged its censorship of the Internet, to the extent that it prevented access to and closed certain websites that did not receive the approval of the Bahraini government. Al-Humr explained, "We welcome any criticism, but we will not accept statements that inflame sectarian strife."¹¹

In 2001, the Bahraini government blocked six websites: Bahrain Online, Bahrain Forums, the Electronic Newspaper of Manama, and the websites of the Bahraini Freedom Movement, Abdul Wahhab, and the AWAL Group. In March 2002, a senior Information Ministry official told Bahraini newspapers that these websites used modern communication channels to air material that violated social mores and Islamic principles.

On April 7, 2004, the government again shut down the Bahrain Online website. When the website administrators from Batelco, the Bahraini telecommunications monopoly, inquired about the monitoring, the government responded by stating that the company had received a demand from the Interior Ministry to carry out a judicial order closing the website.

On May 3, 2006, International Press Day, the Bahraini Youth Society for Human Rights issued a statement declaring, "The organization is concerned about the recent campaign to close some Internet websites that usually criticize the political system in Bahrain." The group said that Batelco, the only company providing Internet service in Bahrain, was blocking sites, and that affected sites included the National House Club, Bahrain Online, the National Committee for Torture Victims and Bahrain Martyrs, Bahrain Forums, and the *ad-Draz* Cultural Club.

In reality, the monitoring of Internet websites for political reasons is not limited to Bahraini websites, but also extends to non-Bahraini Arabic websites. On April 29, 2006, the Bahrain Forums website published a statement by the Arab Organization for Defending Freedom of the Press and Expression. In it, the organization stated that Bahraini authorities tended to screen Civil Dialogue, a popular and secular site launched from Denmark.¹² Bahraini sources said that the National Islamic Platform (Muslim Brotherhood) eventually provoked the government into closing the website, which officials considered a liberal assault on Islam. Bahraini authorities have also begun to monitor the Transparency of the Middle East website. In addition, the government hired Nasr al-Majali as a media consultant specializing in "fighting Shi'ite thought."¹³ Accordingly, websites and forums seek to stay one step ahead of the censors by frequently shifting their addresses and disseminating news to their members via e-mail.

Conclusions

The Al-Khalifa family still adopts an air of superiority toward the Shi'ite citizenry. The government has been—and remains—devoted to a policy of sectarian

discrimination for more than two centuries. Sunni dominance over the media is one of the manifestations of this policy. If it is true that democracy does not exist without democrats, then it is also true that it is impossible to achieve political reform without a free press. Despite the many laudable reform initiatives undertaken by the Bahraini government, government control over the media remains the chief impediment to dissent and reform.

State efforts to control the media are more broadly seen in the state's unwillingness to fully sanction the separation of powers. The press could be a check on the abuse of power, but state censorship makes this impossible. Reform of the press in Bahrain will commence only when the government ceases its control of the media, officially recognizes the latter's freedom in publishing and exchanging news and commentary about foreign and domestic events, and annuls portions of Law No. 47.

The widespread visibility of Internet forums and websites, given prominence by Bahrain's Shi'ite majority, indicates the presence of a fissure in the country's media policy. The government is clearly nurturing this split by continuing to marginalize the Shi'ite population, as it excludes the Shi'a from the political and media decision-making process.

In order to continue operating in Bahrain, websites, blogs, and Internet forums do not need foreign monetary and technical assistance, although these sites are established by individual efforts and small groups. Rather, they are in need of moral and political support from governments that believe in reform and the freedom of press. These governments can exert pressure on the Bahraini government to curb its influence on the Internet, while demanding that it respect freedom of expression.

The United States—an ally of the Bahraini government—should pressure the Al-Khalifa regime to respect international standards regarding press freedoms and human rights. There is an assumption among many Bahraini citizens that the American silence concerning government behavior toward local media, especially the electronic media, indicates nothing but implicit support for these actions.

About the Author

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Notes

1. See the *Al-Member* website, Association for Progressive Democratic Podium, at <http://www.almember.com/view/article.asp?ID=913>.

2. See the new Bahraini constitution issued in 2002 (Articles 33, 35, and 42).

3. See Ali Saleh, "The Crisis of the Press in Bahrain," paper presented at the annual conference of the Arab Organization for Press Freedom, May 2002, <http://www.apfw.org/indexarabic.asp?fname=report%5Carabic%5C2004%5Cspa1002.htm>. Saleh is a Bahraini journalist.

4. The press law states in Article 68 that "without having committed any harsher crime, he who publishes what is prohibited by the following will face a minimum punishment of six months' imprisonment: (1) Exposing the official state religion or its pillars to negative criticism; (2) Exposing the king to negative criticism or holding him responsible for government actions; (3) Inciting the commitment of any type [of] crime—killing, stealing, arson—that undermines the security of the state; (4) Inciting regime change. In the case of repeating one of these crimes within three years, the punishment will be imprisonment for a period of no less than five years." Article 75 of Law No. 47 includes other punitive measures which can still be implemented regardless of this five-year imprisonment. This article outlines these provisions, which include closing the newspaper for a period of six months to a year, with the possibility of revoking its operating license.

5. See Fareed Ghazi, "Imprisonment of a Journalist: The Legislator Confirmed the Press Freedom and 'Punishments' Intensified the Grip," *al-Wasat*, April 28, 2006, <http://www.alwasatnews.com/view.asp?tID=95324>. Ghazi is a lawyer and parliamentarian.

6. See the annual international freedom reports published by Reporters without Borders, http://www.rsf.org/rubrique.php3?id_rubrique=554.

7. Examples, of which there are more than forty, include the *al-Ma'ameer* club, *al-Malikiya* club, the village of Sanafir club, and the *al-Manar* club.

8. There are no less than nine websites for senior Shi'ite figures, and there are approximately nine websites for Shi'ite religious occasions.

9. Bahrain News Agency, May 4, 2004, <http://bna.bh/?ID=26963>.

10. *An-Neba'* Information Network, March 1, 2005.
11. BBC Network, March 27, 2002, http://news.bbc.co.uk/hi/arabic/news/newsid_1895000/1895748.stm; BBC Network, May 5, 2002, http://news.bbc.co.uk/hi/arabic/middle_east_news/newsid_1969000/1969668.stm.
12. Civil Dialogue is an independent daily electronic newspaper which publishes opinions and dialogue about important subjects related to the political left, secularism, democracy, human rights, civilization, and promoting women's rights to create a secular, civil, and human society that guarantees the basic, social, economic, and political rights of man. See <http://www.rezgar.com>.
13. Bahrain Forums, April 29, 2006, <http://www.montadayat.org/modules.php?name=News&file=article&sid=11367>.

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Egypt

Challenges to Democratization

Ayat M. Abul-Futtouh, November 2006

Over the last two years, Egypt has witnessed large demonstrations led by new democratic civil society movements, including *Kefaya* (Enough), the Judges Club of Egypt, journalist advocacy groups, civil society coalitions, and other human rights activists. These groups have championed a number of causes, including an independent judiciary, contested presidential elections, presidential term limits, and the annulment of emergency law. While most of these demands have yet to be met, some gains, as exemplified by the 2005 presidential and parliamentary elections, have been made.

However, it remains to be seen whether or not this surge of democratic fervor will succeed in pressuring President Hosni Mubarak's regime to take meaningful steps toward opening the system and allowing for broader democratic participation. Egypt's rulers have not been seriously challenged by a domestic opposition for over five decades. Behind a fortress of restrictive laws, the regime has managed to undermine nascent political parties and keep them weak, fragmented, and unable to develop any constituency among the people. Civil society groups are likewise shackled by laws that have constrained their formation and activities.

Since the late 1970s, following Egypt's peace treaty with Israel, the Egyptian government has received

unwavering financial and moral support from Western democracies—particularly the United States. Egypt is seen as a staunch ally in the region, a partner in managing the Israeli-Palestinian conflict and Arab-Israeli relations, and, after the 9/11 attacks, a valuable source of intelligence in the war on terror. The regime has used this support to maintain its suffocating grip on political activity.

Then, starting in 2004, it seemed a new day had dawned for Egyptian reformers. Calls by the United States for Arab governments to democratize resonated strongly within civil society, rapidly escalating domestic demands for radical political reforms. President Bush has often cited Egypt as an example of a developing democracy in the region. But the Egyptian regime is actually a hybrid of deeply rooted authoritarian elements and pluralistic and liberal aspects. There are strong state security forces, but also an outspoken opposition press and an active, albeit constrained, civil society. In short, Egypt is the perfect model of a “semi-authoritarian” state, rather than a “transitional democracy.”

President Mubarak's government continues to proclaim its commitment to liberal democracy, pointing to a vast array of formal democratic institutions. The reality, however, is that these institutions are highly deficient. The ruling elite maintains an absolute

monopoly over political power. President Mubarak was elected last September for a fifth six-year term in office. In order for democratic reforms to advance in Egypt, substantial institutional and legal changes must be made.

Democracy in Egypt must rest on values and institutions guided by those reforms, but this foundation will take time to build. Even radical reforms will not make Egypt a full-fledged democracy overnight, but incremental steps that can begin immediately will go a long way toward setting the country on a path of genuine reform.

Six Aspects of Reform for Democracy in Egypt

There are six primary institutional and legal changes necessary for the advancement of democracy in Egypt.

- 1) The boundary between government and religion and its related institutions must be better defined. This will allow for the inclusion of Islamic parties in the political process, while not giving them an advantage over others.
- 2) The principles of the constitution, particularly concerning minority rights and the right of religious freedom, must be upheld.
- 3) Constitutional reforms are needed to correct the balance of power between the executive and legislative branches.
- 4) The laws governing the formation and activities of political parties, and electoral laws restricting the participation of political parties in contested elections, must be revised.
- 5) The laws governing the formation and activities of non-governmental organizations (NGOs) must be made less restrictive.
- 6) Finally, primary and secondary school curricula must be purged of religious teachings (both explicit and implicit) that foster intolerance and exclusion of the “other.”

Better Define the Boundary between Government and the Religious Establishment

The main source of injustice in Egypt is the fact that the regime is a firmly entrenched semi-authoritarian entity whose sole purpose is to retain uncontested political power. In order to achieve this purpose, the regime uses Islam in two distinct ways. On the one hand, the regime raises the specter of Islamist empowerment whenever the notion of political reform—which would lead to rapid democratization—is mentioned. Though the government insists that Islam is the basis of legislation in Egypt, it nevertheless cites radical Islam and political Islamists as a threat to the security of the country. Thus the need to keep Islamists from taking over the “moderate” Egyptian state provides the regime with justification for resisting the implementation of genuine political reforms.

On the other hand, since the early 1970s, when the Sadat government courted the Islamists as a means of combating its political opponents from the Left, as well as enhancing its legitimacy vis-à-vis the potent Islamic opposition movement represented by the Muslim Brotherhood, the regime has adopted a discourse heavily saturated with what it claims is the true Islam. Ironically, the state’s adoption of Islamic rhetoric and Islamic symbolism has created fertile soil for further fostering the very Islamist political movement it seeks to suppress. This double-edged sword remains the regime’s greatest weapon: it uses “the Islamist threat” to restrict the rights of civil society groups that could challenge the dominance of Islamic political parties, thus ensuring that Islamists remain the only option—an option the West does not support. This hypocrisy guarantees that the regime’s reign is secure, despite its apparent failure to stem the tide of Islamism, evidenced by the Muslim Brotherhood’s rising popularity. The Brotherhood is also now cashing in on the regime’s suppression of all liberal and secular parties and movements over the past three decades—the same period in which Islamists have propagated their message through hundreds of thousands of mosques.

Whether to include Islamist parties in the political process has been central to the debates about reform

in the Arab world. However, if the state is to abide by democratic principles, Egyptian Muslim movements cannot be denied political rights. All groups must be entitled to form parties and participate in the political process, so long as they do not espouse violence or seek to violate the rights and freedoms of other citizens. The rights of association and participation must apply equally to both secular and religious groups. Egypt's foremost Islamist movement, the Muslim Brotherhood, is presently denied political legitimacy by the ruling regime. Candidates from the Muslim Brotherhood are allowed to run individually, but not as part of a political party bloc.

The inclusion of Islamic parties will not taint the political process if the boundaries between state and religion are carefully defined. Policymaking is the right of the government. A democratically elected government should be free to design and implement policies without oversight or control of this process by religious groups or institutions. The constitution should not grant any religious group or religious institution special status or the right to oversee policy decisions.

In Egypt, implementing this demarcation of rights will require, at minimum, modification of the article in the Egyptian Constitution which mandates that Islamic *shari'a* is the main source of legislation. An alternative wording of this article could allow more universal concepts of human rights—such as those embodied in international conventions—to be incorporated in the constitution, while still accommodating the religious sensitivities of Muslims. For example, “No law shall be passed by parliament which contradicts an explicit command of *shari'a* that is undisputed by all recognized Islamic authorities.”

Delineating this boundary will also help protect against what some scholars refer to as the “Islamic free-elections trap.” In this trap, Islamist groups alter their tactics for the purpose of winning a democratic election, usually by changing their calls for implementing strict *shari'a* (which has always been their ultimate aim) to vehement proclamations that their goal is democracy and a civil government based on Islamic values. Once in power, however, they abandon this new-found admiration of democracy.

But while Samuel Huntington and others may believe that the problem is not Islamic fundamentalism but Islam, and that Islam leaves no room for the growth of liberal democratic forces in a predominantly Muslim country, these fear-mongering views ignore the fact that no religion speaks with one voice. Though Islamic fundamentalists are seen by many, particularly in the West, as the representatives of “authentic Islam,” the truth is that there are many other Muslims in the world who see no incompatibility between Islam and democracy, tolerance, and pluralism. Many scholars maintain that engaging the Islamists in competitive politics is not a trap but a means of “encouraging the diversity of Muslim political expression.”¹

The Muslim Brotherhood is the most potent opposition force in Egyptian politics, but its popularity has never been tested. Legitimizing its participation in politics will call into question the halo of purity its members live beneath. As long as they are legally excluded from political participation, they cannot be associated with the corruption that taints the rest of the government. Allowing them to participate as a legitimate party will enable people to see them as politicians, compromising their ideals for political gain. The process of dealing with the practical political issues of governance will force the Muslim Brotherhood to abandon its meaningless slogan of “Islam is the Solution” and instead will obligate it to detail how Islam can solve Egypt's housing and unemployment problems, or any of its myriad crises of development. But in order for this to happen, the relationship between the state and Islamic groups must be better defined.

Uphold the Constitution on the Rights of Religious and Other Minorities

The Egyptian Constitution, as written, is irreproachable with regard to the rights of minorities. But these constitutional guarantees are openly disregarded by the state. Egyptian Christians (the Copts), for example, are denied their religious rights and the rights of citizenship.

The Copts are restricted by an elaborate set of institutionalized laws, regulations, and practices. Few Copts are permitted in the top posts of the state's institutions, including the bureaucracy, the judiciary, the army, the police, local government, and state universities. Other "sensitive" areas, such as the security services and presidential departments, bar Copts completely on the grounds that they are a security risk. The most striking example of legal discrimination against the Copts is the Hamayonic Decree, which governs the construction, renovation, and reparation of churches. The decree enables the state to obstruct, for an indefinite period of time, the maintenance or building of churches. Even if approval is granted, local authorities and the State Security Bureau can stop any work they deem a "threat to the security of the state."

By maintaining laws and practices that discriminate against the Copts, the state has perpetuated the view that they are "infidels" and fostered prejudice against them within society. This negative bias has in turn created—within the context of the current resurgence of Islamic sentiments—a diffused feeling of hostility toward Christians among broad sectors of society. Newspapers, particularly Islamic publications, often carry articles demeaning the Copts and Christianity in general; fundamentalists explicitly denounce Christians in widely distributed pamphlets and cassette tapes; and Friday sermons in mosques decry Copts as infidels. But none of these actions ever elicits a response from the government.

The state's official language is saturated with Islamic rhetoric. But the state's discourse is distinguished not only by what it says, but also by what it leaves unsaid. The Copts are estranged from the polity. At present, there are very few Copts willing to face the perils of political participation. While Muslims are encouraged to proselytize (*nashr al-da'wa*, literally meaning to spread the "call to God"), non-Muslims are strictly prohibited from doing so. In fact, in Egypt it is illegal to preach any religion other than Islam in public.

The firmly entrenched and institutionalized state discrimination against the Copts and other minorities continues to belie the regime's commitment to basic human rights, to say nothing of democratic

principles. Prospects for reform rely, for the time being, on the president's willingness to enforce the constitution and treat all Egyptians equally. Measures such as lifting the Hamayonic Decree and ensuring equal opportunity in the civil service and military are essential elements of any such reform.

Reform the Constitution to Correct the Balance of Power

Egypt's authoritarian, president-centric government is the product of a flawed constitutional balance of power. Not only does the constitution grant the president powers that enable him to dominate the entire political system, it fails to establish accountability to Parliament, and places him above all three branches of the state. The president is assigned the task of maintaining the proper balance of power between the branches, thus ensuring that there will be no checks to his centralized power.

The sweeping presidential powers embodied in the Egyptian Constitution must be cut back. The process of changing the constitution is very difficult, but it is not impossible to introduce significant democratic modifications. The last modification of the constitution, in March 2005, was for the selection of the president via a contested multicandidate election, instead of the traditional yes-no referendum on a candidate nominated by Parliament. This amendment took only one week to pass. Other democratic modifications that curb the power of the executive should be possible as well.

For example, increased independence of the judiciary and unimpeded judicial supervision of elections—in all their stages—are two essential means of facilitating reform and safeguarding its progress. Without a serious reform of the present electoral system, which now affords the ruling National Democratic Party (NDP) overwhelming dominance in Parliament, and constitutional reform that would roll back the sweeping powers currently granted to the president, any attempt at revising the relationship between the legislative and executive branches is bound to be futile. Only when the Parliament has

become sufficiently diverse can the devolution of power from the executive to the legislative branch truly begin.

Revise Laws Governing the Formation and Activities of Political Parties

The current law requires that new political parties be licensed by the Political Parties Commission, which is dominated by the ruling NDP. As a result, the process of forming a new political party is very difficult. In addition, the law prohibits the formation of religiously based political parties, a caveat which has been used to ban the Muslim Brotherhood from politics.

No restrictions should be placed on the formation of political parties, provided that their platforms do not call for violence or the violation of the rights of others. The government should also not be allowed to give support or privileged status to any parties, as it currently does. This change would limit the creation of “paper parties” that survive on such support, and which cultivate the image of pluralism without possessing any of its substance.

The present endemic weakness of Egyptian political parties is a major hindrance to democratic reform. To bolster party strength, a two-stage process of election reform would be helpful. In the first stage, voting for all legislative bodies would be by party slates, with only a very limited space allowed for independent candidates. Also, to encourage mass participation, an electoral system that allows for proportional representation with a low threshold (say 2 percent) should be adopted. This will encourage the creation of parties which can develop a voting record and a constituency through parliamentary participation. Thus, in the second stage, parties will be able to prove whether or not they are sustainable after a decade or so.

Liberalize Laws Governing the Formation and Activities of NGOs

Egyptian law restricts the formation and activities of civil society associations. The government will close

down any NGO if it engages in political activities or activities other than those for which it is specifically licensed. These two restrictions act as a sword of Damocles; they also open the door for abuse by Egypt’s authoritarian government. The vagueness of these and a number of other clauses in the law allows for the arbitrary closure of NGOs.

No restrictions should be placed on the formation of NGOs, or on their freedom to interact with their international counterparts. Under the current law, Egyptian NGOs must seek government approval before associating with international organizations. Additionally, they may not accept funds from foreigners or from Egyptians living abroad without prior approval from the government. In practice, such approval is granted only to NGOs beholden to the government.

The government not only regulates NGOs’ relations abroad, but meddles in their internal affairs as well. The government reserves the right to place a representative on the board of trustees of domestic NGOs. This place is guaranteed through a small monetary contribution, and is used to monitor NGO accounts and veto board actions. This state interference, along with the restrictions mentioned above, must cease in order to allow Egyptian NGOs to function more effectively.

Remove from School Curricula Religious Teachings That Foster Intolerance

History and religion textbooks assigned to primary and secondary school students in Egypt are replete with teachings that demean women and foster hatred toward non-Muslims. A striking example of this is the textbooks currently used by students in the Azhar high schools.² To quote only a few examples:

- “If a Muslim kills a non-Muslim (an infidel), he is not subject to capital punishment since the life of a ‘superior’ cannot be forfeited for killing an ‘inferior.’”
- “The blood-money for a Christian or Jew is one-third that for a Muslim, and for a woman it is half that for a man.”

- “There can be no stewardship of a non-Muslim over a Muslim, but the infidel Christians and Jews can be each other’s guardians, since all infidels are of one kind.”
- “It is mandatory to kill an apostate (unless he repents), as well as one who abandons prayer out of laziness (unless he repents).”

Any democratic reform in Egypt must entail tolerance of other cultures and religions and respect for all Egyptians. School curricula must not teach hatred or exclusion of the “other.”

The Role of the United States and the European Union in Promoting Democracy in Egypt

The six reforms described above must be implemented for real democracy to flourish in Egypt, and while pressure from civil society groups inside the country must be the basis of reform, pressure from Egypt’s Western allies will greatly speed the process.

Over the last three years, the United States and the European Union have detailed how the promotion of democracy in the region will go a long way toward enhancing the security of Western democracies. But so far their efforts at democracy promotion in Egypt have fallen short of what had been hoped for.

The EU has continued to focus on traditional economic development, with no more than 10 percent of its funds going toward political reform efforts. The EU works mainly with governments rather than civil society organizations, and it has proceeded with extreme caution. Even though the EU’s bilateral agreement with Egypt (the Barcelona Accords) conditions EU support on Egypt’s progress with reforms, the EU relies on positive incentives (more funds, access to European markets) rather than sanctions and shies away from challenging the autocratic Egyptian government when it routinely fails to honor its promises. This is seen by both the government and reformers in Egypt as a marked unwillingness to implement genuine reform.

The efforts of the United States have not fared much better. During the so-called “Arab Spring” of 2004–5, the United States repeatedly declared that its

relationship with Egypt would be tied to the regime’s progress in implementing genuine political reforms, but this initial enthusiasm for rapid democratization soon waned. With more serious issues on its agenda, the United States did little more than provide modest funding for a few activist NGOs and express concern at the frequent acts of repression of civil society perpetrated by the Egyptian government. It is very discouraging to Egyptian reformers that the United States, despite its bold rhetoric in support of liberal forces in Egypt, seems highly reluctant to provide concrete assistance to liberals by applying serious pressure on the Egyptian regime.

Compounding the problem of Western ineffectiveness is the lack of coordination between the United States and the EU. The failure to adopt a joint strategy for democracy promotion in the region has allowed Egypt to delay reforms by playing the “idealist” U.S. approach to reform (which envisions rapid results through strong pressure) against the “realist” EU approach (which accepts that significant political reform might require a generation or more). These approaches are not mutually exclusive, however. The U.S. approach could be applied on a smaller scale, particularly with regard to the persecution of individual activists or organizations, while the more measured EU approach could be applied to the reform of government institutions.

If the U.S. and the EU were to coordinate their efforts by taking a greater interest in long-term reform issues, while simultaneously addressing individual cases, great progress could be made by political reformers in Egypt. On a broader scale, support for electoral and judicial reform would help to lay the groundwork for a smooth transition to democracy. On a smaller scale, more vocal opposition to the arbitrary arrest and abuse of political activists would encourage reformers while simultaneously increasing government respect for the rule of law.

Unfortunately, Western efforts to promote democracy in the Middle East have focused largely on free and fair elections, while neglecting the infrastructure necessary to maintain the democratic process in the long term. In the absence of viable democratic institutions, most elections in the region will lead to illiberal

Islamist parties coming to power. Years of political repression have stunted the development of a viable secular opposition, but Islamists have created a large constituency through mosques and long-established social service networks. While not denying the importance of free, contested elections, a parallel effort should be made to build institutions and lay the groundwork for a real democratic transition. This includes not only a strong judiciary that could hold current and future government officials accountable, but also the electoral reforms outlined above, which would serve to build a constituency for the secular opposition.

Encouraging broad political participation in Egypt will be no easy task. The long period of authoritarian rule has created a feeling of general apathy and cynicism among Egyptians. This is amply demonstrated by the extremely low voter turnout (18 percent) in the last parliamentary elections. Unless this attitude is changed, there can be no meaningful political engagement. However, *Kefaya* and similar fledgling democratic

movements indicate that there is still considerable vitality in Egypt's civil society. These beginnings—if supported morally and politically by the United States and the EU—can develop a momentum that will open wide spaces for civil society-driven political reforms.

About the Author

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Notes

1. S. V. R. Nasr, "Democracy and Islamic Revivalism," *Political Science Quarterly* 110 (Summer 1995): 279.
2. The textbook for the Azhar high school students is *Al-Iqna'* (Cairo: Azhar, 1997).

3

Iraq

Pluralism—Its Wealth and Its Misery

Haider Saeed, November 2006

Iraq's new permanent constitution—the eighth constitution in the history of modern Iraq—was created in 2005. This is also the second permanent constitution to have been predicated on a moral crisis—quite similar to the crisis spawned by Iraq's first constitution, the 1925 Basic Law. In both cases, a core Iraqi group—one of Iraq's various ethnic, religious, and sectarian groups which are now referred to in Iraq's political lexicon as the “structures of the Iraqi people”—rejected the constitution. The Shi'a's rejection of the 1925 constitution paralleled their negative stance toward all political systems that emerged after the dissolution of the Ottoman Empire. This stance also witnessed the Iraqi Shi'a's boycott of the 1923 parliamentary elections. The 2005 constitution, however, was rejected by the Sunni community with an absolute majority in the two Sunni provinces of Anbar and Tikrit, and with a lesser majority in the provinces of Mosul and Diyala. In both 1925 and 2005, there was a basic justification behind this rejectionist stance—that these constitutions were drawn up at the hands of occupiers, or under their mandate.

However, the occupier in both cases permitted the public's ratification of the constitution. While the 1925 and 2005 constitutions were both born under the shadow of foreign occupation, they are the only Iraqi constitutions characterized by permanence, not

provision. The 1925 Basic Law was approved by an elected parliament, and the 2005 constitution was ratified by popular referendum. The liberal ideals espoused by the British and Americans—the last two occupiers of Iraq—enshrined the concept of political participation and the individual's voice in these documents. Iraq's other constitutions, though, issued under the aegis of nationalistic regimes, were provisionally based and failed to consider the people's will.

The constitution in each case spurred a conflict between various groups in Iraq, but in each case, the group that rejected it was not primarily reacting to the document's text or ideas, or the context within which it was written (the context of occupation); rather, the constitution's rejection stemmed from the belief that one of the groups would monopolize power and the entire political process, and in doing so legitimize such control. Thus, this rejection was a rejection based on perceived dominance.

These two constitutions were created in a volatile context, and served as a new battleground for continued conflict—an old conflict between different factions which were coalesced in a political entity called Iraq. The constitutions were supposed to settle this conflict, in that they should have served as a political agreement for the different groups, while devising a

relationship between them based on appropriate power sharing.

Perhaps this was not the role envisaged for the 1925 Basic Law, which was drawn from a nationalistic model rooted in the nation's unified will, and not from a consociational agreement between different groups with different desires and viewpoints. Previously, the weaknesses of the political order, though not visible at the time, did not allow for the embrace of pluralistic societies. The 2005 constitution, one would assume, was created with a basic purpose—to form such a consociational agreement.

There were two main views, I believe, that served as a basis for the last constitution. The first view was that reconciliation with the past was necessary: the constitution worked to treat the structural crises which were caused by the Iraqi political system, not during the Baathist era and the Saddam Hussein regime only, which ended with the fall of Baghdad on April 9, 2003, but in every period of the modern Iraqi state. The political system which was established in the 1920s was transformed into an autocratic regime ruled by an elite from one of Iraq's ethnic groups (i.e., the Sunnis). This group is a demographic minority relative to Iraq's other ethnicities. This monopoly on power was made possible because of the centralized nature of the Iraqi ruling order. Thus, the 2005 constitution attempts to prevent such a reoccurrence by formulating a political partnership or consociation, one that weakens centralized rule by distributing power through a federal and decentralized system. The constitution also aims to redistribute wealth, which was the mainstay of the dictatorial regime.

The Mitigated Theocracy

The other view on which the constitution is based is the Islamist view. This does not mean that this constitution is an Islamic constitution, or that it legitimizes an Islamic regime like the one in Iran, for example. It does mean, though, that it includes some elements of theocracy. It establishes a state guided by clerics and thus a nation in harmony with, or content with, religion. It establishes a state that works to preserve

(by protecting and guarding) the religious community, with all of its historic values, without trying to incorporate modern civil values. Religious values—in the Islamic meaning—are not spiritual and ritual values only, but are also legal and social in nature. Finally, it acknowledges and perpetuates the state's Islamic character, one which is a social characteristic more than a national attribute. However, the constitution makes it the duty of the state to preserve this character as it represents the community's identity. The second article of the constitution states, "This constitution guarantees the preservation of the Islamic identity of the majority of the Iraqi people."

The state and the political class that emerged after April 9, 2003, were legitimized by clerics who influence important elements in the current political process. The constitution resulted from the clerics' insistence on including the phrase, "We recognize the right of God upon us, answering the call of our country, citizens, and religious clergy, and the insistence of our great religious *maraji'* (authorities), leaders, and politicians to proceed to the ballot box for the first time in our history." Thus the state becomes a security apparatus that protects the religious community in a number of ways:

- Article 2 prevents any law that can threaten or oppose the religious community. It states, "No law contrary to the established provisions of Islam may be enacted." This is ensured by the participation of Islamic jurisprudence experts in the Supreme Union Courts, tasked with monitoring laws and their adherence to Islamic principles.
- The constitution renders legally illegitimate any possible social phenomena—mainly public and private freedoms—that can contradict the country's general Islamic character. Article 2 of the constitution is charged with preserving "the Islamic identity of the majority of the Iraqi people." Article 2 makes the constitution itself the legal reference for permitted freedoms, without any recourse to international law, stating that "no law contrary to the rights and basic

freedoms *stipulated in this constitution* may be enacted” (emphasis added). Thus, the constitution does not permit freedom of religion and the right to choose one’s religion—freedoms forbidden under Islam. While a general clause (Article 40) asserts that “every individual has the freedom of thought, conscience, and religion,” Article 41 requires the state “to guarantee the freedom of worship and the protection of holy sites.” These specifications of freedoms illustrate a stance that rejects the global trend in values and instead reverts back to a cultural identity based on Islam as a religion, a history, and a value system. In addition, the constitution is vague (if not contradictory) on whether freedoms enshrined in international conventions and charters should be permitted; it should not be forgotten that the constitution was written by a board comprised of opposing movements. According to Article 44, “There will be no restriction on practicing any rights or freedoms mentioned in the constitution except by law, as long as these practices do not violate the core values of rights and freedoms.” However, neither the “law” nor the “core values” referred to in Article 44 are specified.

- The constitution obligates the state to protect religious, social, and ritual values. As previously mentioned, Article 41 says that “the state guarantees the freedom of worship and the protection of holy sites.” Article 29 reads, “The family is the basis of society, and the state protects its religious, moral, and national values.”
- The state permits the establishment of a religious society independent of the state, and this is made possible by referring issues of family law to the religious establishment (Article 41). Particularly concerned about creating an independent religious community and establishment, the constitution’s authors introduced a special clause within Article 41 that says,

“Every religion or denomination should adhere to the practice of religious rites, and manage their own religious affairs and endowments.” This article should have been supplemented by referencing the independence of NGOs, considering that the religious establishment is non-governmental in nature. This would have obviated the need to define public freedom as the freedom to practice religious rites. It is understood that this text tries to prevent a recurrence of the state’s governance of religious institutions such as occurred under the Baath Party, and it establishes the independence of the religious establishment from the state. If this was not already evident, Article 41 laid the groundwork for the establishment of religious courts, whose rulings are implemented and imposed through the state’s executive apparatus.

From the Consociational Model to the Majority Trend

A comparison of the 2005 constitution and the Transitional Administrative Law (TAL), which was legalized by the Coalition Provisional Authority (CPA) in March 2004 and resembled a temporary constitution for Iraq during the roughly two-year transitional phase following the fall of Saddam’s regime, reveals a core difference in the conception of these two texts. In TAL, the liberal trend attempted to embody universal values (codified in charters and international treaties that are legally superior to Iraqi laws and which Iraq should abide by—chief among them, the Universal Proclamation of Human Rights). However, the Islamist trend manifested itself in the 2005 constitution by subjugating such laws to local values.

But what is more dangerous in my view—and this is the main thesis of the paper—is the retreat in the 2005 document from the consociational model which the administrative law was based on. To be more specific: the constitution retreats from a principal aspect of the consociational model and establishes

a template that privileges the majority. This model consistently produces a ruling elite from the country's demographic majority. This shift between the two documents occurred because the conditions for a consociational model were not yet ripe. This consociational model in one sense remains a conception, one proposed by the U.S. and legalized by the administrative law without the necessary conditions for its realization. Requisite conditions for building a consociational democracy, writes Arned Lijphart, are the establishment of a broad-based national coalition, which Iraqi political elites have failed to achieve, and the formation of a broad-based political coalition, which includes a political elite representative of Iraq's different religious, ethnic, and sectarian groups.¹ The Iraqi political elite has failed in untangling the complicated interconnectedness between two concepts—the demographic majority and the political majority—which still govern (and will continue to govern) the course of the Iraqi electoral process.

When this elite was charged with drawing the contours of the Iraqi political system in the 2005 constitution, the majority trend, and not the consociational one, grew stronger, due to the latter's immaturity and the sectarian conflict—within which there existed a majority model that legalized political dominance.

This majority tendency is reflected in these aspects of the constitution:

- The parliamentary system has legislative powers that can centralize authority in the hands of Parliament, which is controlled by a political majority (as well as a demographic majority) and a prime minister who is selected by this majority.
- It does away with (almost entirely) the concept of reciprocal vetoing, which constitutes one of the basic pillars of the consociational model, and is a weapon employed by minorities to confront any tyrannical overture made by the majority.
- It changes the expression of political will, especially in the legislative branch, from an absolute majority to a simple majority, so

that the need to form political coalitions is reduced.

- Most importantly, this constitution—despite the fact that it does not legitimize political sectarianism—permits a form of political sectarianism (in political terms at least). This form of political sectarianism is based on two pillars: it essentially aspires to distribute power quantitatively based on the demographic, ethnic, and religious blueprint of the country; and it establishes a political practice, similar to that of Lebanon, which distributes three principal offices—the office of prime minister, the speaker of Parliament, and the presidency—among Iraq's three major groups, the Shi'a, Sunnis, and Kurds.

However, such a political system—one that fails both to untangle the overlapping relationship between the demographic and political majorities and to form a broad-based political coalition—will only serve to strengthen and revitalize sectarian polarization, enabling the demographic majority to monopolize every power and political institution in Iraq. It will do so first through legislative institutions and Parliament, in which the majority rules; and then through executive powers and a government formed by a parliamentary majority, which maintains an oversight role. It will also do so through judicial means, since Parliament is charged with legalizing organizations and their management. Lastly, it will do so through financial, media-related, and regulatory institutions (such as the Board of Integrity and the High Commission for Human Rights) that are related to Parliament and that serve a supervisory function.

True power sharing cannot be achieved by distributing the three most powerful government posts among citizens representative of Iraq's various factions. The exercise of power, practically speaking, is not limited to such positions, and thus this arrangement cannot be considered a true distribution of power. It is apparent that the constitution—which permits this political practice—centralizes authority in the hands of Parliament and the prime minister, chosen by legislative majority. In addition,

the president remains a figurehead, while the powers of the speaker of Parliament are constrained by the ruling majority in Parliament.

The existing Lebanese model has, to a large extent, dictated Iraq's political process and its attempt to build a form of political sectarianism. While it was said to be the only solution for Iraq's woes, the Iraqi political elite failed to notice the real differences between Lebanon and Iraq. There exists no clear-cut demographic majority in Lebanon as there does in Iraq, and while there is greater sectarian balance in Lebanon, all of its factions are minorities.² The authority of the Lebanese speaker of Parliament is not limited by an ethnic or sectarian majority, while the Lebanese president possesses greater latitude in the decision-making process than what is granted to his Iraqi counterpart by the 2005 constitution.

The majority trend which is enshrined in the constitution—which centralizes power in the hands of a political and demographic majority, deprives minorities of their leverage over the majority, and permits a political system that continuously reproduces a demographic majority elite—will create a dangerous political game with inherent contradictions. On one hand, this parliamentary system means that Iraq will once again revert back to a classical model of nationalism, based on the idea of a united national will and one national power base. The parliamentary system is defined by electoral competition on the basis of Iraq's identity, and thus gives authority to victorious parties in this regard, without any consideration to ethnic, religious, and sectarian diversity—and its critical role in electoral politics. This model, the one on which the Iraqi state was based in 1921, is largely responsible for producing dictatorship, and the country has not benefited from past mistakes in the post-authoritarian era. On the other hand, this trend will create a democratic "game" that resembles a closed system, one where the monopolization of authority prevents minorities from obtaining power and representation. Consequently, instead of feeling a sense of participation in such a system, minorities will experience a feeling of alienation. This implies that the devolution of power will be among Iraq's majority elite, not between the various factions that form Iraq.

Thus, the concept of power sharing will be devoid of any meaning, and the country will instead revert back to a model of political monopolization. In particular, this sense of disaffection will be instilled in the Sunni community because the Kurds, Iraq's second biggest minority, have been more receptive to federalism than to the distribution of power among different ethnic and sectarian groups. Minorities will not allow themselves to be bound by this constitution and democratic "game," as it does not reflect their interests or facilitate their taking power.

Thus, the root cause of violence in Iraq—the sense that the Sunni minority has been systematically excluded from power—will continue.

The Sunni Problem and Its Characterization as a Minority Problem

Perhaps, the Sunni problem—the most prominent political issue since April 9, 2003—should have initially been dealt with as a minority problem, which would have given the Sunnis political guarantees that are bestowed upon minorities in other consociational democracies. The Kurdish problem used to be seen through the lens of modern Iraq's political history and was perceived as the only minority issue in the country. While there was limited attention paid to other minorities (i.e., Turkmen, Christians), the minority problem was seen as one of cultural—and not political—rights. Moreover, these groups did not adopt a violent or confrontational stance. Iraq's political discourse has treated only the Kurdish problem as a problem of political minorities. On this basis, the Kurds were the only ones given political guarantees granted to minorities (after 2003). These safeguards were designed to conform with the natural, demographic distribution of Kurds in Iraq. In the CPA, for example, a veto was included in the draft of the permanent constitution as a Kurdish "weapon" in the event that Iraq's Arab majority did not accept federalism or any other Kurdish demands. Thus, this veto required the backing of two-thirds of those who vote in any three Iraqi provinces, which happens to be the number of Kurdish provinces.

However, this political arrangement did not apply to the Sunni community, who were not seen as a minority but were rather considered to constitute the majority of Arabs and Muslims in Iraq. They were not given the same political guarantees as the Kurds because in Iraq minority issues are conflated with the Kurdish problem. The fact that the Sunni political elite did not even consider obtaining minority rights in a comprehensive consociational agreement—and possessed no minority-based agenda—also contributed to this oversight. Self-understanding as a minority did not enter into the Sunni political conscience, and the Sunni community therefore did not treat its problem as a minority problem. Thus the Sunni intelligentsia still tries to counterbalance Shi'ite claims of majority rule by refuting these assertions. It would have been possible, for example, to incorporate a veto into a permanent draft constitution that would take into account the Sunnis' minority position and demographic distribution. This veto would have been designed to achieve a simple majority of three or four provinces, or two-thirds of two provinces, perhaps. It is important that such a veto in the future not be a rigid, sacred, mathematical equation; rather, it should enable Iraq's various factions, including minorities, to express their different stances and opinions.

Iraq may be in need of more radical thinking when it comes to creating a political partnership, because forming a parliamentary system and distributing government posts based on the Lebanese model cannot

settle internal differences, and has failed in creating a sense of power sharing among Iraqi factions. This feeling of exclusion still remains. Absent a political, consociational solution, these matters could be settled by restoring an authoritarian system, which is how a small Sunni elite ruled Iraq for more than eighty years. This should not occur under the banner of revolutionary legitimacy and a unified national will, but instead under a slogan of demographic majority rule. However, the latter slogan is just as dangerous as the former. Such an authoritarian regime could be produced through oligarchic rule by a small elite from the demographic majority, or by a sole dictator who could capitalize on existing sectarian differences—as well as the desire of the demographic majority to rule and exact revenge for decades of political exclusion. In either case, the dream of a consociational agreement between Iraq's various factions will remain a distant hope.

About the Author

Haider Saeed is the director of the Iraqi Cultural Forum, an independent think tank in Baghdad.

Notes

1. See Arned Lijphart, *Democracy in Plural Societies* (New Haven: Yale University Press, 1977).
2. *Ibid.*

Iraq

The Development of Shi'ite Islamic Political Theory

Sama Hadad, March 2006

The strong showing of Shi'ite Islamists in Iraq's first ever genuinely democratic elections in January 2005 and then again in December 2005—they won nearly half the seats in the National Assembly—confirmed their position as the most powerful faction in Iraq and the driving force in the construction of a new state.

Whether or not Iraq becomes a beacon for democracy and liberty in the Middle East will be determined by the Shi'ite Islamists. However, can Islam ever be compatible with democracy? Some argue that Islamists are intrinsically antidemocratic and once in office, they would not give up power to a democratically elected non-Islamic government.

Others argue that some interpretations of Islam can make Islam and democracy compatible with each other. However, compatibility does not equate with necessity, leaving open to question the sincerity of Islamists' commitment to democracy.

While Iraq faces many challenges on its road to democracy, the greatest impediment to democracy is from the Islamists. If democracy is to succeed, then it needs to be an integral part of Islam and not simply compatible with it. Thus interpretations of Shi'ite political theory become a vital factor to elucidate impediments and challenges that face the new Iraq.

The Evolution of Shi'ite Political Theory

About two-thirds of Iraqis are Shi'a. Within the larger Islamic world, however, the Shi'a account for, at most, 15 percent. As a minority, the Shi'a have at different points throughout Islamic history been targeted, marginalized, and oppressed. From the occultation (disappearance) of the Twelfth Imam in the year 939 AD until the turn of the twentieth century, the Shi'a did not concern themselves with governance and politics in general. Instead they adopted a fatalistic attitude, feeling that they had little option but to wait for the Hidden Imam, their promised savior, to return.

It was not until the early 1900s that ideas such as nationalism and constitutionalism permeated Shi'ite circles. This led to the reevaluation of classic Shi'ite political theory within clerical circles. The most significant work to emerge from this period was Mirza Muhammed Hussein Na'ini's *Tanbih al-Ummah wa Tanzih al-Millah* (The Admonition and Refinement of the People). Na'ini argued that, in the absence of the infallible imam, the community had a choice of two modes of governance: tyranny or constitutionalism. While referring to both as usurpation of the Hidden Imam's authority, constitutionalism was, in his words, "preferable." Na'ini also believed in the right of people's representation within a constitutional

framework using a *shari'a*-endorsed process of appointing *wukala'* (deputies).¹

However ambiguous, Na'ini's views were innovative and contrasted significantly with centuries-old Quietist opinion. The Quietist view had always maintained that there can never be just, legitimate rule on earth until the reappearance of the Twelfth Imam along with the Messiah. Scholars did not develop Na'ini's views for several decades as they struggled with how to legitimize the rule of the government in an Islamic state during the occultation.

In the second half of the twentieth century, there was another burst of progress in the development of Shi'ite political thought. Activist scholars put forward ideas on what form an Islamic state should take during the occultation. In the Iraqi shrine city of Najaf, these efforts led to the crystallization of two main ideas: Khomeini's *wilayat al-faqih* (rule of the jurist) and Muhammad Baqir Al-Sadr's *wilayat al-ummah* (rule of the people). Both tracts have had profound influence on modern Shi'ite political thought.

The two scholars presented two intrinsically differing ideas, and these differences were also palpable in their relationship with one another, which although remaining formal at all times, occasionally revealed underlying tensions. Despite Khomeini's spending fourteen years in the city of Najaf, where Al-Sadr lived, there is not a single instance of any significant contact between them.² After the Islamic Revolution, Khomeini refused permission for Al-Sadr, who feared Saddam's brutality, to enter Iran.³ While Al-Sadr addressed Khomeini as a Grand Ayatollah (*Ayatollah al-'udma*), Khomeini degraded Al-Sadr's status, using the *Hujjat al-Islam* title of lower rank, thereby belittling his contributions to Islamic thought.⁴ The tension between the two scholars personified the growing divisions in Shi'ite political thought.

Wilayat al-Faqih

In a series of lectures delivered in Najaf in 1970, Khomeini advocated the direct intervention of the scholars in all issues that concern the state. While

political participation of the scholars was not a new concept, Khomeini went much further and defined the *wilaya* (rule) of the *faqih* (scholar) as the "governing of people, the administration of the state and the execution of the rule of law."⁵ Leadership of the nation was not just an option for scholars, but a religious responsibility (*hukuma*).

Khomeini dealt with the question of legitimate authority in the period of the occultation by explaining that the scholars were the rightful heirs to the leadership of both the Prophet and preceding imams. He used a famous tradition from the first Shi'ite imam, which referred to "those that come after me and transmit my traditions and practice and teach them to the people after me."⁶ Khomeini applied this tradition to the period of the occultation, insisting that "there cannot be the least doubt that the tradition we have been discussing refers to the governance of the *faqih* (scholar), for to be a successor means to succeed to all functions of prophethood."⁷ He explained that "just as the Prophet was entrusted with implementing divine ordinances and the establishment of the institutions of Islam . . . so, too, the just *fuqaha* (scholars) must be leaders and rulers, implementing divine ordinances and establishing the institutions of Islam." He went so far as to bestow on the "just *faqih*" (scholar), during the occultation, the same standing and responsibility within an Islamic state as an infallible imam of the past.⁸

Wilayat al-Ummah

Al-Sadr, in contrast, presented a more in-depth and comprehensive idea of how a modern-day Islamic state should function. He challenged Khomeini's simplistic approach to legitimizing rule of an Islamic state during the occultation. Instead, using his mastery of the Quran and his innovative subject-based approach to Quranic exegesis, Al-Sadr extracted two concepts from the holy text in relation to governance: *khilafat al-insan* (man as heir or trustee of God) and *shahadat al-anbiya* (prophets as witnesses).⁹

Al-Sadr demonstrated that *khilafa* (governance) is "a right given to the whole of humanity" and

explained it to be an obligation given from God to the human race to “tend the globe and administer human affairs.” This was a major advancement of Islamic political theory, as Al-Sadr stated that the legitimacy of a government in an Islamic state comes from the people.¹⁰

While Al-Sadr identified *khilafa* as the obligation and right of the people, he used a broad-based exegesis of a Quranic verse to identify who held the responsibility of *shahada* in an Islamic state: first, the prophets (*anbiya'*); second, the imams, who are considered a divine (*rabbani*) continuation of the prophets in this line; and lastly the *marja'iyya*.¹¹ While the two functions of *khilafa* (governance) and *shahada* (testimony; supervision) were united during the times of the prophets, the two diverged during the occultation so that *khilafa* returned to the people (*ummah*) and *shahada* to the scholars.¹²

Al-Sadr also presented a practical application of *khilafa*, in the absence of the Twelfth Imam. He argued that the practical application of the *khilafa* (governance) required the establishment of a democratic system whereby the people regularly elect their representatives in government¹³—a point championed by Al-Sadr even in his final days.¹⁴

Al-Sadr was executed by Saddam Hussein in 1980 before he was able to provide any details of the mechanism for the practical application of the *shahada* (supervision) concept in an Islamic state.¹⁵

Wilayat al-Faqih vs. Wilayat al-Ummah

All Islamists, whether Shi'a or Sunni, agree that absolute sovereignty belongs only to God. Up until Al-Sadr's *wilayat al-ummah*, Islamists argued, just as Khomeini had done, that legitimacy is passed down from God to the religious scholars to rule over mankind. However, Al-Sadr argued that authority is handed from God not to the scholars, but to the people. According to the theory of *wilayat al-ummah*, the legitimacy of a government is derived not from its religious status but from the will of the people—a concept similar to that presented by Enlightenment thinkers.

Unlike other Islamists, who saw democratic elections as a means to power that could then be done away with once power was gained, Al-Sadr viewed them as an essential mechanism for the proper implementation of an Islamic state. For Al-Sadr, democracy had a theological basis and was the cornerstone for the practical application of *khilafa* (governance). In contrast, Khomeini's *wilayat al-faqih* was an essentially authoritarian vision, one where the scholars oversee the government and impose what they believe to be right for the country. Khomeini, when presenting his top-down approach, believed that if people are forced to live under Islamic rules and the “right” choices are made for them, they will soon grow accustomed to this and will therefore become accepting of these imposed laws.

Al-Sadr's *wilayat al-ummah* vision for an Islamic state, on the other hand, is one that practices a bottom-up approach, whereby the people are given freedom of choice, it is the duty of the religious class to present its arguments and ideas to the people, and the people, if they are convinced by these ideas, themselves go on to make the “right” choices.

Stagnation in Exile

In 1958, Muhammad Baqir Al-Sadr, with support from other young scholars, established the Islamic Da'wa Party, which, up until his execution, was the only Iraqi Shi'ite Islamic party. Al-Sadr was the key architect of the party and was its intellectual driving force.¹⁶ The party established most of its leadership force from the educated middle class, and Al-Sadr tried to instill within them the ideas he was developing. The Baathist government in Iraq, however, deemed membership in or association with the Islamic Da'wa Party to be a capital offense. Many Da'wa members fled Iraq, mainly to Iran.¹⁷

For the thousands of Iraqis who had found sanctuary in Iran, the nostalgia for their homeland and their desire for an Islamic state—mixed in with the sense of revolution that was still prevailing in Iran—attracted them to *wilayat al-faqih*. For some in the Da'wa Party this fascination did not last long.

During the 1980s the Iranian government measured any group's commitment to the revolution by its belief in *wilayat al-faqih*. The revolutionary authorities censored or banned any group that challenged the concept of *wilayat al-faqih*. This placed Da'wa in a tight spot, unable to publicly exchange ideas with its members other than those who conformed to *wilayat al-faqih*.

Iranian authorities sensed growing disagreement among leading Da'wa members as to how much to support *wilayat al-faqih*. Capitalizing on this disagreement, Iran sought to fragment the party and establish groups more loyal to *wilayat al-faqih*. The Da'wa Party attempted to salvage the situation not by challenging *wilayat al-faqih*, but by instead throwing out any members who publicly supported it.¹⁸

The most prominent group to emerge from the fragmentation of the Da'wa Party, under the guardianship of Iran, was the Supreme Council for the Islamic Revolution in Iraq (SCIRI). Led by Muhammad Baqir Al-Hakim, SCIRI fully embraced *wilayat al-faqih*.

Other Da'wa members fled Iranian repression and regrouped in London. The discord of the 1980s and 1990s, however, meant that Da'wa did not significantly extrapolate from Al-Sadr's theories. The most significant step taken was the publication in London of *Barnamajuna* (Our Program). *Barnamajuna* emphasized the need for democracy and free markets, and abandoned the call for an Islamic republic in Iraq, perhaps as a backlash resulting from the party's negative experience in Tehran. There was a clear shift from the belief of the early '80s in the will of the *faqih* (scholar) over the people, similar to *wilayat al-faqih*, to the belief in the superiority of the will of the people. A senior Da'wa Party political source stated at the time: al-Da'wa "shall accept everything that the public will accept. Even if they choose a perfectly non-Islamic regime. If they do not choose Islam, this means that they are not prepared for it. If Islam is imposed, it will become an Islamic dictatorship and this would alienate the public."¹⁹ This stance marked a clear reaffirmation of Al-Sadr's *wilayat al-ummah*.

Post-Saddam Iraq

Saddam Hussein's downfall not only liberated Islamists in Iraq but also allowed many Iraqis freedom from their Iranian exile. Although many Da'wa members and Shi'ite Islamists had found greater freedom in London, they were limited in what they could say in public to avoid harassment of their colleagues in Tehran.

The reunion of the various Shi'ite groups in Baghdad brought champions of Al-Sadr's *wilayat al-ummah* together with those influenced by Iran's *wilayat al-faqih*. This has translated into an ideological and political struggle. At its heart is a battle to determine how liberal or authoritarian the new Iraq should be. In reality, however, few Islamists, if any, have a clear idea of where they stand in this debate, lacking a detailed opinion of what is an Islamic state in practical terms. Even SCIRI set itself free from full commitment to *wilayat al-faqih*. Upon his return to Iraq, the late Muhammad Baqir Al-Hakim said: "Neither an Islamic government nor a secular administration will work in Iraq but a democratic state that respects Islam as the religion of a majority of the population."²⁰

The experience of Islamists in the Iraqi Governing Council, the Iraqi Interim Government, and the current democratically elected Iraqi Transitional Government is now teaching them the intricacies of practical politics. It is focusing their minds and forcing them to articulate what, in their view, an Islamic state should be.

Instructive was the experience of drafting the Transitional Administrative Law (TAL), Iraq's temporary constitution. Surprisingly, the religious provisions of the TAL were drafted relatively uneventfully. Religion has been dealt with similarly in the permanent constitution. Spanning the spectrum of religiosity, drafting members included the following provisions:

- Islam is the official religion of the state.
- [Islam] is a basic source of legislation.
- No law can be passed that contradicts the undisputed rules of Islam.²¹

The first point is arguably only symbolic and has no real practical implications. The second and third points, in conjunction with other clauses outlining ongoing elections, are a direct application of three of Al-Sadr's four "mandatory principles of governance."²²

These steps are encouraging, revealing a general drift of Iraqi Islamists toward Al-Sadr's *wilayat al-ummah*. This would imply a growing impetus, at least among the political elite, for an Islamic state where democracy is founded in theology and is not a mere tool to achieve power. However, as far as the constitution is concerned, the decades-old unanswered question remains: how is the concept of *shahada* practically implemented in an Islamic state? And how will its application tip the scales between liberty and authoritarianism?

There are a number of possible ways that the concept of *shahada* can be practically applied. These can either embody Al-Sadr's respect for liberty and freedom or distort his *wilayat al-ummah* concept into something more akin to the practice in Iran.

Constitutional *Shahada*

The idea of constitutional *shahada* suggests that *mujtahids* (legists who formulate decisions in legal or theological matters) are appointed to the judiciary to serve in the constitutional court and are tasked with overseeing that executive decisions made by the government and laws passed by Parliament do not contradict Islamic teachings. A similar system was established by Afghanistan's new constitution. Such a setup, it is argued, will be a straightforward implementation of Al-Sadr's concept of *shahada*. Among the Iraqi National Assembly's Constitutional Drafting Committee members, this was a popular option.

Proponents argue that this is the only practical way of both implementing *shahada* and establishing a mechanism for guaranteeing that "no law can be passed that contradicts the undisputed rules of Islam." An ordinary judge is not an expert in Islamic law and would therefore not be in a position to say whether this part of the constitution is flouted.

Current suggestions are that the top *marji'* (the religious arbitrator on personal matters) from Najaf be given the responsibility of appointing a set number of *mujtahids* to the constitutional court, who would serve either a fixed term or for life.

There are some disadvantages to this idea. An obvious one is that such a setup deals only with Shi'ite representation in the constitutional court; since Sunnis do not have a religious hierarchy similar to the Shi'a, how will their representation be achieved? From a Shi'ite point of view, the most important drawback is that such a setup will lead to the politicization of the *hawza* (Shi'ite religious establishment). This will pose several difficulties. First, there will be a problem of definitions; as there is usually uncertainty about some scholars' attainment of the level of *ijtihad*, who will qualify as a *mujtahid*? Many did not recognize Al-Sadr himself as a *mujtahid*. Abul-Qassim Al-Khoei, the most prominent *marji'* of the late twentieth century, had his status disputed by scores of scholars. However, if the constitution stipulates that *mujtahids* must sit on the constitutional court, then it will become a political decision by the powers in Baghdad as to whether someone is judged to be a *mujtahid* or not.

This is further complicated by the fact that there is no hard and fast definition of what makes a *mujtahid* become a *marji'*. How many followers does a *mujtahid* need before he can be referred to as a *marji'*? One? Five? A hundred? A thousand? Upon the death of a major *marji'*, it can take weeks or months before a clear successor emerges. If during such circumstances the powers in Baghdad claim one particular scholar as the top *marji'* and call upon him to appoint *mujtahids* to the constitutional court, this distinction would undoubtedly skew matters to his advantage. There would be little doubt that he would then go on to become the country's top *marji'*.²³

The politicization of the religious establishment will mean that decisions on who is allowed to climb the hierarchical ladder of the *hawza* will become decisions based on politics rather than merit. It will undoubtedly create a self-sustaining group who will dominate Iraq's constitutional court and religious establishment.

In addition to leading to politicization, such a system will negate an important component of *shahada* (supervision) as described by Al-Sadr. The *maraji'* (plural of *marji'*) are fallible, unlike the prophets and imams, and therefore require *shuhud* (witnesses) against them to act as a check on their authority. According to Al-Sadr this requirement is fulfilled by the fact that the people determine whom to follow. But as mentioned previously, this selection process will become reversed in the system under discussion, as the state will determine the top *marji'* and appoint him to choose the *mujtahids* to sit on the constitutional court; and through his prominence, the people will follow him as their *marji'*.

Furthermore, placing the role of *shahada* (supervision) at the top contravenes Al-Sadr's bottom-up approach. People will be told which laws and decisions they can make, rather than being educated by the religious establishment as to which decisions, in their view, are correct ones.

Finally, this is essentially an authoritarian vision, one that is incompatible with a vision of an Iraq that espouses freedom, liberty, and democracy. More importantly for Iraqi Shi'ite Islamists, it is one that goes against the value placed by Al-Sadr on individuals' right to make up their own mind and one that makes a mockery of his *wilayat al-ummah* (rule of the people).

Nonconstitutional Shahada

The enshrinement of key human rights in Iraq's permanent constitution will guarantee the implementation of *shahada* (supervision) by the *maraji'*. Allowing the *maraji'* to speak freely, just like ordinary Iraqis, enables them to act as *shuhud* (witnesses, individuals performing *shahada* or supervision) for the people, for as long as the people wish to follow them. If they believe that the people are going astray, they can guide them through reason and debate.

This was demonstrated during the tenure of the Coalition Provisional Authority (CPA). Ali Sistani, the most prominent *marji'* in Iraq, demanded that there be nationwide elections to select the transition

government and the drafters of the constitution. His followers and those who believed in this demand took to the streets, and in a peaceful, democratic fashion, marched for their right to vote. Eventually, the CPA conceded to this pressure and the TAL stipulated elections in January 2005. It can be argued that Sistani fulfilled Al-Sadr's concept of *shahada* (supervision).

Al-Sadr himself wrote in his work "Role of the Shiah Imams in the Reconstruction of Islamic Society" that the governments of the day "kept the Imams under a strict surveillance and tried at every cost to sever their contact with the people."²⁴ Had the imams the freedoms afforded to individuals by modern-day human rights, then they would not have had a problem, nor been killed for their application of *shahada*.

Building a Democratic Society

In addition to the different possible methods of implementing *shahada*, there are a number of other issues that need to be settled in order for Iraq to become a genuine democracy. Many of these issues revolve around how liberal the new Iraq should be and how much respect there should be for individuals' right to choose.

There are isolated incidents which threaten to move Iraq away from Muhammad Baqir Al-Sadr's vision of a society that embraces liberty. For example, the last year has seen a spate of barbers being murdered by Wahabis for shaving beards.²⁵ In March last year, the Mehdi Army of Moqtada Al-Sadr (a great-nephew of Muhammad Baqir Al-Sadr who does not share his great-uncle's vision) attacked a group of university students in Basra for taking part in a mixed (male and female) picnic.²⁶

There are cultural norms in every society, and Iraq is no different. Public nudity is illegal in several Western countries in keeping with local customs, and such a ban is not considered to be an infringement of one's human rights. Clearly the norms of Iraqi society are not identical to those of a Western society, and so what will and will not be tolerated will be different. While some Iraqi cultural norms may seem strange to those in the West, what is essential is that these

customs are enshrined in law by elected parliaments, can be changed if and when society wishes, and are enforced by the authorities and not by vigilante groups. Islamists must realize that the only path to achieving the type of society that they envisage for Iraq is through the law and not vigilantes acting outside the government agencies, as some sort of morality police.

The implementation of “Islamic law” is an often-used but ill-defined demand made by some Islamists. There is no such thing as a single version of Islamic law. There are many differing versions: the law differs clearly between Sunnis and Shi’a, but also between Sunnis and Sunnis, and Shi’a and Shi’a.²⁷ While many may agree with the demand for the implementation of “Islamic law,” there will always be differing opinions as to which Islamic law to implement. Therefore, there can be no implementation of “Islamic law”; instead, each law must be debated separately before it is passed or discarded by an elected parliament, which represents the will of the people. Such a mechanism would be compatible with Al-Sadr’s bottom-up approach.

As Iraq is multiethnic, cultural norms are not uniform throughout the country. Federalism is a system that is best suited for such diversity and that can ensure respect for the people’s will. Those in the more liberal north can elect a regional government that passes laws that best suit their cultural norms, and those in the more conservative south can elect a regional government that passes laws that reflect their customs.

In fact, federalism is of great benefit to Islamists, as they can, for example, implement more “Islamic” laws in the heavily religious areas. Rather than having to abide by a uniform national law that would undoubtedly be a compromise for all and would therefore be unsuitable for any ethnic group, each region can have its own customized, tailor-made laws to best accommodate the will of the people in that region.

Such regional customization can be applied to anything from selection of an official language to even the education system and school curricula, so that Sunni regions can teach their students the Sunni version of Islamic history, just as Shi’ite regions can teach their students the Shi’ite version.

Currently, however, due to lack of awareness and educational campaigns, the public does not see the benefits of federalism but views it as a mechanism to divide the country. Plans by SCIRI of joining the nine southern provinces into one great federal unit are unhelpful and would not be suitable for Iraq. Furthermore, such plans would undermine the benefits of federalism, since the southern provinces, despite having majority Shi’a populations, are not homogeneous. Getting the general population to support federalism will be possible only if it is done through the Shi’ite Islamists.

Conclusion

Wilayat al-ummah, while only theoretically described, places democracy at the heart of an Islamic state. In contrast to other Islamic political theories, *wilayat al-ummah* has a theological need for democracy and not just a transient practical requirement for it.

Instead of being an impediment to democracy, an Islamic state, if based on *wilayat al-ummah*, can be the key to securing and consolidating democracy in Iraq. It places democrats and Islamists in the same camp and is arguably the key to establishing a genuinely democratic Iraq.

However, there are still many obstacles that Iraq faces. If Iraq’s Islamists are faithful to Muhammad Baqir Al-Sadr’s vision of an Islamic state, which makes democracy its foundation and espouses free choice, then a true application of *wilayat al-ummah* will be realized in Iraq, and it will become a real beacon for democracy and freedom in the region. On the other hand, if Islamists react to these challenges with an intrinsic reflex to authoritarianism, then democracy will fail in Iraq and they will be its impediment.

A struggle is ensuing in Iraq between Islamists who look to establish an Islamic state based on democracy and liberty and those that want to base it on an authoritarian vision. Both sides of this ideological battle have already made their mark; witness Sistani’s successful call for elections and Moqtada Al-Sadr’s violent reproach to male and female university students picnicking in Basra. Regardless of their

background or associations with Muhammad Baqir Al-Sadr, the vast majority of Islamists, including those in the political arena, seem to be unsure as to where they stand. Ultimately, Islamists must decide: Are they Khomeinists or Sadrists?

About the Author

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Notes

1. Mirza Muhammed Hussein Na'ini, *Tanbih al-Ummah wa Tanzih al-Millah*, <http://www.alwelayah.net/index.php?f=doc&s=books&r=Alfikeralislami&id=Alfikeralislami>.

2. Chibli Mallat, *The Renewal of Islamic Law* (Cambridge: Cambridge University Press, 1993), 51.

3. Khomeini's telegram to Al-Sadr (also broadcast on Radio Tehran) stated that he did "not see good coming from your [Al-Sadr's] leaving the city of Najaf." Ibid.

4. Ibid. To understand the significance of this, it is worth examining the hierarchy of the *hawza* (Shi'ite religious establishment): when reaching the highest level of taught studies in *hawza*, one attains the title of *Hujjat al-Islam*; when reaching the highest level of untaught studies, one becomes a *mujtahid* or reaches the level of *ijtihad* and attains the title of *Ayatullah*; if a *mujtahid* is then followed by laymen and they refer to him for religious arbitration (a vast majority do not reach this level), one becomes a *marji'* and attains the title of Grand Ayatollah (*Ayatullah al-'udma*).

5. Ruhullah Al-Mosavi Al-Khomeini, *Writings and Declarations of Imam Khomeini*, trans. Hamid Algar (Berkeley: Mizan Press, 1981), 62.

6. Ibid., 70.

7. Ibid., 79.

8. Ibid., 83.

9. Al-Sadr explained that throughout history there have been "two lines. Man's line and the Prophet's line. The former is the *khalifa* (trustee) who inherits the earth from God; the latter is the *shahid* (witness)." Muhammed Baqir Al-Sadr, *Al-Islam yaqad al-hayat* (Qum, Iraq, 1979), 132.

10. Ibid., 133–34.

11. Ibid., 24. The relevant verse is Quran 5:44.

12. Faleh A Jabar, *The Shi'ite Movement in Iraq* (London: Saqi Books, 2003), 286.

13. "Islamic theory rejects monarchy as well as the various forms of dictatorial government; it also rejects the aristocratic regimes and proposes a form of government, which contains all the positive aspects of the democratic system." Muhammed Baqir Al-Sadr, *Lamha Fiqhiya* (Beirut, 1979), 20.

14. "Lastly, I demand, in the name of all of you and in the name of the values you uphold, to allow the people the opportunity truly to exercise their right in running the affairs of the country by holding elections in which a council representing the *ummah* (people) could truly emerge." Muhammed Baqir Al-Sadr, *Principles of Islamic Jurisprudence* (London: ICAS, 2003), 15.

15. A few more elaborations of *shahada* can be found in Al-Sadr's works. In his text "Role of the Shiah Imams in the Reconstruction of Islamic Society," Al-Sadr illustrates the scope and limitations of *shahada* by using the example of the third Shi'ite imam, Hussein (the grandson of the Prophet), who stood up to Yazid, the ruler at the time. Yazid was not simply going against Islamic teachings, as many rulers before him had done, but he was distorting the teachings and traditions of Islam and presenting his ideas as Islam itself. Imam Hussein challenged Yazid in order to restore the true teachings of Islam, and as a consequence laid down his own life. In Al-Sadr's own words, the duties of the *shahid* (witness; person performing *shahada* or supervision) are "to protect the correct doctrines and to see that deviations do not grow to the extent of threatening the ideology itself."

16. Rodger Shanahan, "The Islamic Da'wa Party: Past Development and Future Prospects," *Middle East Review of International Affairs* 8.2 (June 2004).

17. Ibid.

18. See Abdul-Halim al-Ruhaimi, "The Da'wa Islamic Party: Origins, Actors and Ideology," in *Ayatollah, Sufis and Ideologues: State, Religion and Social Movements in Iraq*, ed. Faleh Abdul-Jabar (London: Saqi Books, 2002) 159; and Keiko Sakai, "Modernity and Tradition in the Islamic Movements in Iraq: Continuity and Discontinuity in the Role of the 'Ulama,'" *Arab Studies Quarterly* 23.1 (Winter 2001): 43.

19. Amatzia Baram, *Two Roads to Revolutionary Shi'ite Fundamentalism*, in *The Fundamentalism Project*, ed. M. E. Marty and R. S. Appleby (Chicago: University of Chicago Press, 1991), 4:574.

20. Ali Akbar Dareini, "Iraqi Shi'ite Leader Calls for Democracy," IBN News, <http://news.ibn.net/newsgen.asp?url=trki>.

21. Iraqi constitution, http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/24_08_05_constit.pdf.

22. Al-Sadr's four mandatory principles of governance are 1) absolute sovereignty belongs to God; 2) Islamic injunctions are the basis of legislation. The legislative authority may enact any law not repugnant to Islam; 3) the people, as vice-regents of Allah, are entrusted with legislative and executive powers; and 4) the jurist holding religious authority represents Islam. By confirming legislative and executive actions,

he gives them legality. Muhammed Baqir Al-Sadr, *Islamic Political System*, 1975.

23. Iran has experienced a similar problem. The top *marji'* of the country is supposed to become the *waliy al-faqih* (the scholar whose rule the country follows). In the early days of the revolution, it was easy to identify who was the top *marji'*; Khomeini was well known and had a lot of support. However, when it came to selecting his successor, the effects of politicizing the *hawza* in Iran became clear. During the life of the *waliy al-faqih* there are no other major *maraji'* (plural of *marji'*) because he has a monopoly on the *marja'iyya*. Therefore, at the time of his death there is no such person as the top *marji'*. It becomes a political decision as to whom to appoint as his successor. Once a successor is appointed, then the people usually take him to be their new *marji'*. Ali Khamenei was not a recognized *marji'* at the time of his appointment as *waliy al-faqih*, but after his appointment many in Iran began to follow him as their *marji'*. In fact, even his attainment of *ijtihad* (the level attained to become

a *mujtahid*) is doubted by some as a ploy to keep the reins of power within the same group of people.

24. Al-Sadr, "Role of the Shiah Imams in the Reconstruction of Islamic Society," www.al-shia.com/html/eng/books/history/roles-shia-imams/index.htm - 9k -.

25. Patrick Cockburn, "Iraqi Barbers in the Firing Line as Fanatics Target Western Symbols," *The Independent*, May 13, 2005, <http://www.commondreams.org/headlines05/0513-06.htm>.

26. Anthony Shadid, "Picnic Is No Party in New Basra," *Washington Post*, March 29, 2005, <http://www.washingtonpost.com/wp-dyn/articles/A8136-2005Mar28.html>.

27. After the third century of Hijra, Sunnis stopped the practice of *marja'iyya* and agreed to follow one of the four most prominent *maraji'* of the time. From this emerged the four sects of Sunni Islam: Shafi'i, Hanafi, Hanbali, and Maliki. Each of these schools of thought has differing laws. The Shi'a continue the practice of *marja'iyya* to this day and every *marji'* has his own set of Islamic "laws."

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Jordan

Building a Political Will

Jamil al-Nimri, March 2006

The Path of Discourse on Reform in Jordan

After violent protests over fuel price hikes in April 1989, the Jordanian leadership redoubled its reform efforts. The late King Hussein restored free parliamentary elections, ended martial law, and legalized political parties. But despite these aspects of political life, and some freedom of expression and press, the Jordanian system does not allow for true alternation of executive power.

The strength of the security apparatus prevented the need to create a ruling party; the regime maintained control by other means. No true centrist, conservative, or liberal parties with any social or parliamentary weight emerged. Those in power channeled the participation of others with a careful selection and appointment process.

The opposition that did exist did not focus on political reform. Working under the belief that it needed to win the favor of the regime in order to achieve anything, the opposition set goals—proposed by progressive and liberal circles in the mid-seventies—that had little to do with changing the political structure. Oppositionists, for example, stood against the normalization of relations with Israel, and addressed issues of IMF economic reforms and the restriction of freedoms in the country. Despite the 1989 reforms,

the past ills of the state endured: corruption, favoritism, opportunism, hypocrisy, sycophancy, abuse of power, the buying of allegiances, opaqueness, and unaccountability. Civil society was too weak to achieve political change.

The Primacy of Economic Reforms

With the 1999 ascension of King Abdullah II, the kingdom appeared to be on its way toward change. The king was not burdened with the historical heritage of the past and would necessarily reinvigorate the government with his youth. In fact, he immediately took steps toward renewal and modernization. However, he limited himself, in reality, to transferring the positions of responsibility to younger cadres closer to his generation, and he showed a greater interest in economic than political modernization. The logic of the sovereign was that people wanted bread on the table and an improvement in their standard of living—hence, the primacy of economic modernization. The king showed a particular interest in information technology, the technology of communications, and expanding the use of computers. He also insisted on spreading his ideas about modernization, and experimented with various mechanisms to

accelerate modernization and development. There were indeed salient achievements during the period up until the spring of 2003, after which a new stage witnessed the official implementation of development directives and political reforms, including the following:

- Administrative reform; electronic virtual government; expansion of the use of computers in institutions; encouragement of information technology companies; investment attraction.
- Educational reform; introduction of computer use in the basic education curricula; teaching of English in the first grade.
- Creation of an economic division in the royal cabinet under the direct supervision of the king; creation of task forces to propose ideas to the government in all sectors; finalization of Jordan's accession to the World Trade Organization; and expansion of Qualified Industrial Zones and a free trade agreement with the United States.
- Creation of a free zone area at the port of Aqaba.
- Focus on young businessmen; encouraging them to undertake exploratory projects; energetic participation in the Davos World Economic Forum and organization of some of its meetings in Jordan/Dead Sea.
- Focus on the participation of women; amending the civil statutes laws; prohibition of honor crimes (this law did not pass); granting women the right to ask for divorce. (The queen and the princes have taken the lead on these issues.)
- Focus on youth and organization of students; creation of the King Abdullah Development Fund; creation of prizes for excellence; student accompaniment of the king on his overseas trips.

The king was happy with neither the first government of his reign (Abdul Rauf al-Rawabdeh) nor with

Parliament. When parliamentary elections were to take place in October 2001, the king dissolved Parliament without calling for new elections. His justification was that a new electoral law was being drafted. After a year, the elections were postponed for yet another year due to the tense situation in the area and the Intifada in Palestine. The king changed the government and appointed a new prime minister, Ali Abu Al-Ragheb, an economist who was younger and more amenable to carrying out reforms. Taking advantage of the two-year absence of Parliament, it was possible to work freely on changing the laws needed to implement economic reforms and encourage investment. The number of temporary laws exceeded 112. Yet this government, which was known for promoting modernization and the rise of new technocrats, was accused of corruption, namely because of its fraudulent economic transactions, favoritism, reliance on foreign companies for the structural reform of institutions, and privatization efforts that were widely perceived as serving the interests of the elite.

Although the administration has made great strides in accomplishing its goals for reform, the yield of its actions has been unsatisfactory. The opposition became more articulate and more insistent as the tense situation in Palestine continued and the possibility of war in Iraq arose. The king began to feel the need for a political remedy, one centered on urging people to focus on the domestic situation in Jordan. But this would not be possible without giving citizens the opportunity to participate in the political process.

The king promoted the motto "Jordan First" and created a royal commission to develop a comprehensive reform proposal. The commission drafted a solid document that was transmitted to the government for review and later translation into laws and plans. Committees were created to address various topics, such as the electoral law, political parties, women, and institutions of civil society. As the elections approached, the review of the various proposals was far from complete, although the proposals to amend the electoral law by adding a quota for women (six seats), to increase the seats for the wards, and to modernize the electoral process had been reviewed. These

measures were important to reduce the possibilities of fraud. One of the measures was to transform the identity card into an electoral card and to perform the sorting at the voting polls.

The Political Development Program

In June 2003, parliamentary elections were called in an atmosphere of frustration and lack of interest, which caused embarrassment for the regime. Informational campaigns were carried out to urge the citizenry to show interest in the local political situation. The campaign focused on the importance of political participation and the role of the people in influencing decision making.

A new government was formed three months after the elections under the premiership of Faysal al-Fayiz, the former chief of the royal cabinet. The new government put “political development” at the head of its agenda, and created a new ministry dedicated to (and named after) that purpose. For a whole year, the country was busy debating this topic—from defining the nature of “development” to determining its goals. Then debates were held about political development in the universities and the governorates. Meetings were held with the political parties, and tens of study groups and workshops were organized. After a year, it was evident that practical steps needed to be taken. Toward that end, a parties law bill was drafted that included public financing of political parties.

In fact, there was a debate at the highest levels of the state over the question “Where do we want to end up?” Some felt the importance of political development had been exaggerated, which had raised the level of popular expectation. For this group, the importance of promoting political development had to do with the marketing of Jordan’s image overseas. The conservative circles moved with force and determination against this group. They weakened and isolated the leading government personalities who were in support of the project, and confronted them on other issues related to the performance of their duties. Divisions and conflicts occurred within the ministerial team, and rumors about a ministerial

reshuffle began to circulate. Suddenly, the prime minister began talking about the priority of administrative reform, and a British company was hired to prepare a study on the subject. The result was a confusing climate and an impression that the whole conflict was a storm in a teapot. A ministerial reshuffle took place which weakened the supporters of political development in the government.

The conclusion of an internal observer was that the political will for reform was not widespread. The truth is that the issue became extremely confusing. The king continued talking about his desire to strengthen democracy and participation, but there were no concrete efforts to achieve such an end. Hundreds of debates and meetings took place to no avail. The abysmal failure of the government’s efforts to promote political development eventually received great attention. A royal commission was mandated to propose a reform program for the next ten years, the core of which would be labeled the National Agenda Project. The chair of the commission, Marwan al-Mu’asher, a former minister of foreign affairs, was appointed to chief of the royal cabinet. It was said that he had been dismissed from the government because he was among the greatest supporters of political development. The project was poorly received by the press, which criticized it harshly, with sarcastic comments about how the Jordanian people had once again been fooled. The chair of the commission made great efforts to convince people of the seriousness of the project. As soon as the National Agenda completed its work nine months later, a strong campaign was organized against it, and crippling rumors that the king was unhappy with the results surfaced. It was finally decided to shove the project aside.

The Present Wager on Political Reforms Laws

The new government, formed in November 2005 under the premiership of Ma’ruf al-Bakhit, spoke about political development with honesty and candor, which drew public attention. Royal directives to the new government stated that reform had become a vital necessity and not a choice. The government

committed itself, in front of Parliament, to propose new bills to regulate the parties and parliamentary and municipal elections, as well as other bills addressing corruption, the need for financial disclosure, and the creation of a tort committee.

In spite of the stumbling course of political development, and its history of failure, the subject is now circling those in power and can no longer be ignored. Jordan has presented itself as a defender of reform and took a pioneering position on the Arab Reform Project at the Tunis Summit. In spite of the difficulties and delays, the debates that took place—even though followed by retreats—were not in vain. Popular sentiment on political reform has greatly improved. A few years ago, the term “political reform” was not common among us, and now it comes from everybody’s lips. And though they are not imminent, constitutional amendments are also being discussed.

The Parties Law. The government has suggested reopening the debate with the political parties and the civil society institutions. Though this is generally welcomed, the government’s suggestion to reopen the debate anew on every law pertaining to political reform has been perceived as a stalling tactic. However, the prime minister has promised to submit the bill to the present parliamentary session, which ends March 2006. The bill’s most important clause addresses public financing linked to conditions and incentives, such as the number of members in the party, the party’s parliamentary representation, its inclusion of women, and its transparent democratic procedures. The National Agenda Commission has proposed public financing, but the conservative circles do not welcome its proposal.

At present, the position of the government on public financing is not clear. But without the strong support of the government, public financing will not pass in Parliament and, without public financing, the new parties law will be flawed and meaningless, as it will impose additional conditions and constraints on parties that already face scarce resources and dysfunction. The Islamic Action Front (IAF), a huge party with immense financial resources and established institutions, is the one party that might survive easily

on its own. Thus, a failure of public financing might in essence serve to hand a political monopoly to the Islamic side. This is the first and coming battle and will show the seriousness of past government intentions regarding political development.

The Electoral Law. The National Agenda Commission adopted a mixed electoral system, which combines the proportional representation system, used for the lists, with the majority representation system, used for individuals in the wards. But this system, under our present conditions, will perfectly suit the Islamists. The citizen will give his vote to the son of his clan in the ward, and his second vote to God, namely to the only available religious party. There are other formulas under discussion. There is an agreement within liberal circles to lobby on behalf of the best possible formula for strengthening democratic political life and reducing the dangers of Islamic hegemony. This year will be a decisive year in this respect. If agreement is reached on a good formula that has the support of the government and the king, it might be possible to test the waters with Parliament to get its approval. Otherwise, the new system will issue an interim law under which elections will be held.

Reform Constraints and Challenges

Constitutionally, the king is at the top of the three-power pyramid and the final resort for decision making. There is no likelihood for progress in democracy and political reform without the supporting will of the final decision-maker—the king.

The responsibilities of maintaining security and stability in a dangerous environment limit the king’s freedom of action and increase his need to be more cautious in steering decision making. There are forces on the scene with different interests—those who are hurt by, and those who benefit from, change. When one political current appears to decide on a given matter with a liberal slant, there is an immediate tendency among others to lean in the opposite direction toward moderate choices or withdrawal. That is why the various currents in favor of change must act with

patience, perseverance, intelligence, and honesty, and must proceed ever gradually. Gradual solutions regarding decisive ambiguities—such as “demography”—are needed.

Demography poses a dilemma for reformers. Half of all those living in Jordan have their origins as Palestinian refugees. Some estimate their proportion of the population is closer to 60 percent. Jordanian conservatives often heighten fears by reviving the past claims of some Israeli pundits suggesting that Jordan is already a Palestinian state. Many Jordanians resist reform if they see it as increasing Palestinian influence. This was the case when reformers tried to tie election district representation to number of inhabitants. These Jordanians argue that the Palestinians already unduly influence the national economy, and that if they controlled the institutions of state, Jordan would become a substitute Palestinian fatherland.

The Strength of the Islamic Current

The Islamic current may well threaten Jordan’s social and political options as a country that is open, quasi-secular, and politically moderate. The victory of Hamas has compounded these fears, particularly as Islamic influence in the Palestinian milieu progresses according to the same pattern in Jordan. This situation in Palestine is used by some to scare people about reform. However, the liberal and democratic circles believe that a solution for how to deal with the Islamist problem will not be achieved by shying away from democratic change, but rather by preparing for such change, both by strengthening civilian political action in non-Islamic parties and by encouraging the growth of other strong political parties. These reformist circles also seek to stop Jordanian reliance on the security apparatus and governmental bureaucracy, neither of which trusts the political process, to confront Islamic influences. These agencies forbid political activities in the universities that expose the dangers of Islamist hegemony in student organizations. The practical result of this has always been the persistent influence of the Islamists and the suppression of opportunities

for all others. That is why plans for political development have great importance.

There is in Parliament an Islamic bloc of 17 out of 110 members. However, the bloc has a strong and influential presence because the rest of the MPs are characterized by their party affiliation to a much lesser extent, and the powers that be are striving to keep them from creating independent political movements that would carry definite weight. The political will of the powers that be is not the only culprit in this situation; there is also a general traditional culture that links the deputies to their clan and local base, to the detriment of their national political role. The net result is that the Islamists dominate the political scene.

The Conservative Social Culture

Recent decades have witnessed a weakening of the secular enlightened trend in Arab societies. The analysis of such a trend is a complex undertaking, and I will concentrate here only on the political dimension of such a change. The enlightened secular trend began in the early twentieth century as a liberal movement emulating the Western model. The nationalist and leftist trends received a crushing blow as a result of the defeat of the Arab states by Israel in June 1967. After that, a series of factors brought forth what became known as the Islamic Awakening. Egyptian President Anwar Sadat, who was moving toward peace with Israel, strengthened his position by using the Islamic currents against the nationalist opposition. In addition, Arab regimes (and America) strengthened the Islamic Jihad in Afghanistan, which was victorious against the Soviet occupation. The Khomeini revolution had a huge impact on popular public opinion, and the Islamic expansion in the eighties left its obvious social impact.

A remarkable Jordanian social researcher and education expert, Husni ‘Ayesh, used a clever and simple method to track this change and evolution. The archives of the University of Jordan contain yearly group pictures of graduates of all faculties. Using these photos, he observed that through the sixties

and the beginning of the seventies, there were almost no women wearing head scarves. But toward the end of the seventies the proportion of women with scarves increased annually. And at the end of the eighties and throughout the nineties, the bareheaded women were a rare minority; most of this minority could have been Christian women.

In addition, Jordan witnessed a return to patterns of traditional clan and family relations. When free parliamentary elections were once again held in 1989, it appeared that the Islamic current and the traditional clan forces were the ones who profited from such elections. The authorities adapted themselves to this situation to such a degree that they became, in the following stage, prisoner of these forces, which were hindering modernization.

The Reform Agenda and Opportunities to Implement It

The last reform initiative, labeled the “National Agenda,” has already been discussed. The king had ordered, in March 2005, the creation of a committee to draft a plan for a vision for Jordan, as we want it to be in ten years, encompassing all sectors—social, economic, and political. The king also created a Provinces Committee tasked with the creation of a plan for decentralizing the regime by dividing Jordan into three regions, each with its own parliament and local government, and each with its own budget. The commissions completed their task within nine months and the documents have been submitted to the government. Certain core items of the agenda were originally in the working plans of the various governments—specifically in the economic, social, and educational sectors.

Decentralization, Local Government, and the Regions

The idea of regions was based on the principle that the administrative decision-making responsibility is to be transferred from the central government to the

periphery; and that the district representatives shield Parliament from the pressures and requests for services by the voters, so that Parliament can focus on enacting legislation and drafting general policies, and on monitoring and enquiries. The royal directives for the initiative state the following:

I see that social, administrative, economic and political development is inter-related. It is not possible to deal with each sector separately as if it is an independent unit separate from the others. It is imperative to broaden the basis of popular participation in this journey which needs all the efforts and support of each and every one of the sons [and daughters] of the fatherland. As political development is the gateway for the participation of all the various popular forces and institutions of civil society in all aspects of the development operation, I would like to emphasize here the importance for political development to start from the popular bases rising up to the decision making centers, and not vice versa . . . We saw the need to reconsider the administrative divisions of the Kingdom. We will have a number of development areas or Regions, whereby each Region will include a number of governorates and each will have a local council directly elected by the inhabitants of the region. This Council, in addition to the Municipal Councils elected in the Governorates, will define priorities and elaborate plans and programs related to the specific region.¹

President George W. Bush personally praised the project during a press conference in response to a question about Jordan. At the time this paper was completed, the government had not started a workshop to draft the bill for that project yet, as it was busy with other priorities, among them the municipalities law which was presented to Parliament in March 2006. The bill calls for a return to the full elections of the members of the municipal councils. During the last decade, when they resorted to the appointment (rather than election) of the president of the municipal council and half of its members, the municipalities ran debts and were administratively

dysfunctional. The elections will be held according to the new law at the end of the year.

The Judicial Power

A public opinion poll organized in December 2005 with the support of the office of the International Republican Institute in Amman showed that Jordanians have high confidence in the judicial system. Though the judiciary is good, functioning on old, established traditions, litigation is slow and the system is facing administrative problems. A computerization project dealing with electronic archiving was initiated in 2002 to help address these problems. Most imperative, however, is to continue to assert the importance of an independent judiciary. The most important suggestion of the National Agenda is the creation of a constitutional tribunal. It will be a major test of the authority of the judicial branch.

The Separation of Powers and Strengthening of the Legislative Branch

The political system in Jordan is based on the separation of powers. The constitution describes the system as “Monarchical, Representative, and Constitutional.” The Parliament has the powers of legislation, supervision of governments, and granting or withdrawing confidence in governments. But the problem of separation of powers in Jordan is essentially a political and not a constitutional one. For decades the legislative branch was much courted by the executive branch. The Parliament must be strengthened politically in order for it to become the arena of decision making. Constitutionally, the clause requiring the call for elections as soon as Parliament is dissolved must be put back on the books. The National Agenda avoided dealing with constitutional amendments. But at this stage, it is necessary to work on improving Parliament’s capacity to carry out its role. Political reforms should bring about the emergence of a parliamentary majority that would form the government. His Majesty has stressed that if parliamentary parties existed, it would

no longer be necessary for him to name a prime minister, as the nomination would instead come from the representative majority in Parliament.

Civil Society Institutions

This is a recent term that has become widespread. It is acquiring a growing importance, and the number of independent institutions dealing with issues of democracy, women’s rights, the environment, and more is increasing. There are campaigns against some of them, and accusations that they are working on behalf of foreign agendas and profiting from foreign funding. The Islamic current, which has an enormous number of its own social and religious charitable organizations with substantial resources, encourages such campaigns and itself makes such accusations.

The future of reform will depend increasingly on these independent organizations, which must be strengthened. They must be protected against corruption and must be made secure against plunder for personal gains. It may become necessary to increase dependence on local donations; make sources of foreign funding more transparent and institutionalized; and adopt work procedures that would increase confidence in civil society organizations. The National Agenda has proposed that a single agency be assigned to issue licenses to the organizations; to streamline procedures; and to provide support to the organizations.

Human Rights, Civil Rights, and Freedoms

There are a number of organizations dealing with the issues of human rights, civil rights, and freedom. However, the government decided to create a Human Rights National Center as an independent public institution. The center issues a yearly report on human rights and related issues. The center was greatly effective when it published a report on Jordanian jails, resulting in a sharp debate with the Ministry of Interior. Jordan is among those countries that have hastened to ratify international conventions on human rights. However, local organizations are

asking Jordan to join the following conventions and protocols:

- The World Labor Organization Agreement number 151 (1978)
- The World Labor Organization Agreement number 87, “Labor Union Freedom and Protection of the Right to Organize” (1948)
- The Position of Refugees Agreement (1951) and the Protocol on the Position of Refugees (1966)
- The Optional Protocol attached to the Agreement of Opposition to Torture
- The Optional Protocol attached to the International Covenant on Civil and Political Rights and on the Recognition of the Competence of Courts Responsible for Human Rights to Accept Complaints of Individuals on Violations of Human Rights by Former Regimes
- The Optional Protocol on the Commerce of Children and their Exploitation for Prostitution and Licentious Acts, attached to the Agreement on the Rights of Children of 2000

Parliament is also being urged to ratify the following agreements:

- Agreement on the Abolition of all Types of Discrimination against Women (1979)
- Agreement Against Torture and Other Related Treatments, Harsh Punishment, Inhumanity and Acts Against Human Dignity (1984)
- Agreement on the Rights of Children (1989)
- Agreement on Decreasing Cases Whereby Individuals Are Stripped of their Nationalities
- Agreement on the Rights of Women (1949)
- Agreement on the Right to Accept/Refuse Marriage, the Minimum Legal Age for Marriage, and the Registration of Marriage Contracts (1962)

The Role of Women

The royal family, which is open-minded and sophisticated, often plays a progressive role in support of women. Initiatives and pressures come from above on behalf of equality before the law, and members of the royal family often participate in the activities organized by select educated women’s groups.

Though the ratio of working women is increasing under the pressure of need, women represent only one third of the workforce. Working outside the home has not decreased the burden of their domestic chores such as cooking, cleaning, and educating children. Women have been granted the Law on the Right to Initiate Divorce Procedures, which was passed with the support of Queen Rania al-Abdullah. The law on honor crimes was modified (though the amendment was not passed). The most recent amendment is the introduction of a quota for women in the new municipalities law, whereby the ratio of elected women in the municipal councils cannot be less than 20 percent of the elected members. A public opinion poll, taken in September and December 2005, shows that 70 to 75 percent of the citizens support the quota for women in the regional and municipal councils. These polls have strengthened the position of the government regarding its support of women’s participation. (There is also in Jordan a quota for minorities—Christians and Circassians). There is a definite tendency to preserve minority rights in Jordan despite the opposition of some, including the Islamists. There is hardly a minority problem in Jordan, as there is widespread political participation across a broad swath of society, and minorities are granted equal opportunity, including guaranteed parliamentary representation.

Transparency, Accountability, and Anticorruption Campaign

Although these issues involving human and civil rights have always been on the national radar screen, progress in addressing them has been limited. The National Agenda has drafted suggestions to remedy

this situation, some of which are being implemented in the form of bills proposed to Parliament. Others are being drafted, such as the proposed law creating an anticorruption agency; a proposed law dealing with financial disclosure; and another proposed law involving a tort court, which would create an independent body to receive claims for redress resulting from governmental decisions due to mistakes, cronyism, or discrimination. It is possible to verify some progress in this area (although the crucial thing remains the achievement of a true alternation of power).

Youth, Education, and Learning

Generations of Jordanian youth have lived in a non-democratic culture. The fundamentalist culture predominates in the schools—influenced by the teachers, if not by the curriculum itself. The government has stressed technical development rather than cultural development. The National Agenda has set up goals for the modernization of curricula and for energizing youth participation in the political process. The Ministry of Political Development has initiated arrangements to create what has been labeled a “youth parliament.”

The Media and Press

The media and press have always been at the forefront of the reformist discourse, pushing to end domination of the media and press by the state. Significant steps have been taken: the Ministry of Information was abolished and a Higher Council for Information, independent of the government, was created; the creation of private TV channels has been legalized (one was licensed), and many licenses were issued to private radio stations; and an independent board of administration was created to run the Public Broadcasting and Television Foundation, and another to run the official news agency. However, during this transitional period many contradictory opinions are still being voiced. Some are still

suggesting the abolition of the Higher Council for Information. There is also a lack of professional qualitative approval of the performance of the television station, which was supposed to be modeled on the BBC—public television, but independent of the government. The debate is still going on with the government about what the model should look like for a revived public information institutions structure. Editorial media and press seem to be influential in Jordan, and government officials take them into consideration. However, the progress of the media and press is predicated upon the progress of political reform.

Economic Reform and the Role of Social Forces

Jordan has followed the path of the liberalization and privatization of the economy since 1989 and has submitted to the prescriptions of the International Monetary Fund (IMF) as a condition for a rescheduling of its debt. For a whole decade, the middle class shrank while both poverty and wealth simultaneously increased. Economic liberalization was not accompanied by the liberation and strengthening of labor unions as a negotiator and partner to protect salaries and working conditions. Instead, the security policy opposed to the strengthening and independence of labor unions persisted, which led to the intervention of the European Union in mediatory projects to encourage “social dialogue” and to foster the creation of socioeconomic councils that include representatives of the various social groups. The state is trying to replace the old methods of price and services controls by financial compensatory programs for the poor and small loans for income-generating programs. A wide equalization policy is necessary in this domain in order to insure social peace and the success of the democratic progress operation. The growth of poverty and adversity reinforces, in fact, the role of the Islamic current, which depends upon charitable activity and the recourse of the poor to religion as a last resort refuge. The moderate and democratic forces, by

contrast, thrive with economic prosperity and the extension of the middle class.

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Notes

1. The directive appeared in Jordanian newspapers on December 27, 2004.

Jordan

The Challenge of Progress

Emad Omar, November 2006

Jordan is often touted as a potential model for democratic transformation and political reform in the Arab world and the Middle East. Surrounded by countries experiencing conflict or promoting reckless and tension-creating policies, Jordan is starved of both water and oil, with at least half of its population of Palestinian descent; among this segment of the population, many are still living in refugee camps.¹ The country is also host to hundreds of thousands of Iraqi expatriates and refugees. Yet this small kingdom has charted a decades-long path of stability, moderation, and tolerance.

Over the past three years, King Abdullah II has inaugurated a series of political reform initiatives. First, there was the vague “Jordan First” campaign, which aimed at spurring reform by focusing citizens’ attention on domestic rather than regional issues and on political development. Next came the ambitious National Agenda, which serves as a ten-year blueprint to guarantee, among other things, fundamental freedoms, human rights, democratic practices, and political pluralism. Finally, with the “We Are All Jordan” document, King Abdullah has made political reform a cornerstone of his rule. Still, initiating reform is easier said than done. Increasingly, critics ask to see quicker and more concrete results.

Jordan appears to have many of the ingredients necessary for fundamental democratic reform. The king has clearly stated his vision for a democratic Jordan, and polls show that a majority of Jordanians want more participation. Although resource poor, Jordan is rich in human capital, with a well-educated population and a growing appreciation for civil society. Together, these ingredients are essential for pushing forward a successful political reform process.

The process of balancing these reforms against stability has dominated the discussion. Critics acknowledge progress in implementing reforms, but say it is too slow. They argue for more aggressive implementation. However, while most Jordanians conclude that the ingredients for democracy and political reform are present, what is less clear is whether the sum of these ingredients is enough.

Jordanian Potential

Founded in 1921,² Jordan is a young state with a relatively young and small population; close to 70 percent of its 5.7 million population is under 30.³ It has a new and relatively small administrative bureaucracy despite underemployment and high

public-sector employment. In Jordan, political reform does not entail the wrenching political and social challenges that it would in many other countries.

Most Jordanians—around 70 percent—live in urban areas and are exposed to the cosmopolitan, tolerant style of city life. Although their society is relatively conservative, Jordanians are generally tolerant of the different cultures and refugee communities that coexist in the kingdom. King Abdullah took a major step toward institutionalizing this tradition of tolerance and hospitality with the 2004 Amman Message, which sought to combine authentic Islamic liberalism with a formal rejection of extremism.

The Amman Message sought to promote Jordan, as well as the Jordanian and Muslim role in “promoting human rights and basic liberties, ensuring life, dignity, and security, and guaranteeing basic needs; administering the affairs of society in accordance with the principles of justice and consultation; and benefiting from the goods and mechanisms for adopting democracy that human society has presented.”⁴

Despite being resource poor, Jordan has invested heavily in education. Jordanians highly value formal learning. Rates of education and literacy in Jordan are high, even among females, when compared with developing countries.⁵ Jordan’s large public and private education infrastructure has attracted foreign students from throughout the region, adding to the diversity and skills of the country. Today, there are over two hundred thousand Jordanians and foreign students enrolled in a total of sixty-one public and private universities and colleges.

Because of its dearth of natural resources, Jordan has established good relations with the international community—multilateral institutions and Western governments—that have helped it secure foreign loans and assistance. At the same time, highly educated Jordanians who work abroad send home substantial remittances,⁶ crucial assistance to many Jordanian families.

Although the November 2005 hotel bombings in Amman shook Jordan, such violence is the exception, not the rule. Jordan has been stable for a relatively long period. This is a result of significant investment in a strong and effective security apparatus. The fierce

loyalty of the security establishment to the monarchy gives the king confidence in introducing, within the larger security strategy, internationally agreed upon concepts of human rights into the political reform process.

In many countries, democracy and reform are catch phrases, commonly used in official rhetoric but often lacking in substance. In Jordan, however, the population’s education level gives reform greater potential. In September 2005, the University of Jordan’s Center for Strategic Studies released an opinion poll that suggested most Jordanians understand democracy to be “closely related to civil liberties and political rights.” The Jordanian concept of democracy did “not differ from the concept of democracy in advanced democratic nations.”⁷ The young population, the value placed on education in society, and the large educational infrastructure could be a successful equation for producing a generation that is socially skilled and supportive of democracy and reform—should a well-tailored curriculum with relevant extracurricular activities be introduced into the system.

Economic Reform

The kingdom has had to overcome numerous economic problems. In addition to its limited natural resources, some of the key economic challenges facing Jordan are high unemployment rates, requiring the creation of forty-five thousand jobs each year; increasing poverty, as one out of every three Jordanians lives under the poverty line; a high external debt burden; large budget deficits; a dependence on foreign grants; an overpopulated public sector; unstable neighboring markets; a weak middle class; brain drain; high inflation; and a rising oil bill.

The kingdom’s commitment to multilateral institutions, such as the World Trade Organization, has a corollary impact inside Jordan by mandating extensive legislative and regulatory reforms. King Abdullah II’s economic reform program, coupled with political stability, has attracted foreign investments.⁸

However, the middle class has not always benefited from such investments. Indeed, there is a general sense that the middle class is shrinking as the gap between wealthy and poor grows. Whether reform can be successful without a growing and secure middle class remains to be seen, but analogous situations outside Jordan do not give reason for optimism. Critics of the economic reform process suggest that while it places a heavy emphasis on export-oriented growth, foreign aid, and foreign investment, less attention is paid to social welfare and income distribution.

Royal Will for Reform

While Jordan is a constitutional monarchy where the king and his ministers exercise executive powers, these powers are not absolute. Although the king signs and executes all laws, the National Assembly may override his veto with a two-thirds vote of both the upper and lower house. The king may also appoint and dismiss judges by decree, approve amendments to the constitution, declare war, and command the armed forces. The king appoints the prime minister, who, in turn, leads the Council of Ministers. Cabinet decisions, court judgments, and the national currency are issued in his name, and he appoints the heads of all governorates.

For many years, royal rhetoric and political decrees have been progressive and open to political change and reform. The late King Hussein, in his address to Parliament on November 2, 1985, said, "True democracy can only be embodied in decision-making at the grassroots level, and all other levels, and is not a slogan devoid of substance to be bragged about."⁹

In 1989, the late King Hussein resumed parliamentary elections and relaxed martial laws that he had implemented after 1967 because of the tense security situation resulting from the 1967 war and Jordan's loss of the West Bank to Israel. In 1991, he signed the National Charter with representatives of major Jordanian political groups and parties to revive multiparty democracy after a thirty-four-year ban. The forty-page charter outlines the relationship

between the legislative and executive branches of government and provides general guidelines for the government and Parliament to write laws consistent with democracy, while reaffirming that Jordan remains a monarchy. In April 1992, King Hussein annulled martial law and, three months later, Parliament formally legalized political parties.

Since these changes, there has been no serious or well-organized challenge to the king's authority or power. Instead, both the general population and registered political parties look to the king to spearhead political reform. Many progressive reformists listen carefully to his words, using his statements not only to accelerate reform and democratization, but to undermine those who oppose change as well.

In January 2005, King Abdullah II reiterated his father's belief that "political development is the gateway to the full participation of all segments of grassroots and civil society institutions in the various aspects of the development process," and that "political development should start at the grassroots level, then move up to decision-making centers, and not vice versa."¹⁰

Long-Term Political Stability

The issue of political stability and security is a top priority for Jordan. Be they private citizens or state officials, Jordanians are aware that political stability is an asset, especially with the ongoing tensions in neighboring countries. However, there is disagreement on how to maintain and utilize this stability. Some observers suggest that political stability has not been utilized to its full advantage, in terms of human development and political freedoms, and they argue that "status quo forces" have instead used threats to security as a pretext for delaying political reform.

In 2003, the Regional Center on Conflict Prevention in Jordan published a study that found "that the absence of genuine public participation and accountability in Jordan is intimately connected to a host of questions that affect the country's longer-term stability." In the study's view, without effective political representation, popular participation, and

government responsiveness, there can be no adequate “mechanisms to express and channel public discontent.” It concluded that Jordanian stability required a system of governance that is transparent, is based on the rule of law, and “emphasizes the equal rights of all citizens rather than the traditional, informal governance system based on personal contacts and community leadership.”¹¹

The rise of militant groups and the terrorist attacks against three hotels in Amman in November 2005 have animated the debate about stability and security. Immediately after the bombings, a survey found that “the majority of Jordanians (75.7 percent) think political reform in Jordan should continue after the terrorist attacks in Amman.”¹² The International Crisis Group agreed that “any security response must be complemented by a genuine opening of the political system and more equally shared economic opportunity if Jordan is to minimize the risk of further attacks and instability.”¹³

Given Jordan’s continued stability and the accelerated political reform processes in neighboring countries, some people are raising questions about whether forces favoring the status quo use the stability card to stymie political reform. A Jordanian scholar, Samer Abu Libdeh, noted on September 16, 2005, that “reasonably free and fair elections were held in Iraq and the Palestinian Authority, Jordan’s eastern and western neighbors. The fact that elections could proceed in such insecure and politically troubled areas raised both international and domestic pressure on the Jordanian regime to quicken its own pace of reform, especially given its relative security and stability.”¹⁴

Political Reform Initiatives

In the past few years, Jordan has witnessed a number of reform initiatives. In late 2002, the Jordanian government launched the “Jordan First” initiative, in an effort to spur reform by focusing citizens’ attention on domestic, rather than regional, issues. The initiative was “an attempt to define a new social accord between Jordanians, . . . reformulate the state-individual relationship, . . . [and] represent an

invitation to civil society institutions and the private sector to raise their contribution in building a modern state through focusing on . . . political development.”¹⁵

As a result, the king inaugurated a new Ministry of Political Development in 2003. In June 2006, Ali Bibi, strategic planning director for the ministry, outlined its aim to “develop Jordan as a model modern Arab state based on the humanistic values we truly believe in. We have identified key strategic objectives to the process of reform and political development in Jordan: women’s empowerment, human rights awareness, political party life development, media development, enhancing youth participation, a participative civil society, and an independent judiciary while forging ahead with economic liberalization and reform.”¹⁶

In early 2005, King Abdullah announced a major political and administrative “decentralization” initiative to redefine the relationship between the center and the provinces. According to the initiative, “the existing governorates—twelve in number, from Irbid in the north to Aqaba in the south—will be combined into a small number (three or four) of development areas or regions.” Each region will directly elect a local assembly that, together with the elected municipal councils, will “set priorities and draw up plans and programs related to their respective regions. These tasks should no longer be exclusive to central decision-makers because the people of each region are more aware of their interests and needs.”¹⁷ King Abdullah II announced in a March 15, 2005, interview with the late Peter Jennings, “By decentralization, by being able to create three or four political parties as opposed to 30, I think we can strengthen the institutions, so that the crown can take a step back and people can take a step forward.”¹⁸

King Abdullah II has been consistent in his desire for reform. In his letter of designation to the current government, he said, “Reform is no longer an option only, but has become a necessity of life.” He continued, “The government is invited, rather required, to enshrine reform as a concept and meaning in its daily agenda, given that democracy is a course of action never to be renounced. As everyone knows, democracy is a culture and exercise and not just mere slogans to be raised on occasions. From this premise, the

government must institutionalize the process of reform, modernization and development.”¹⁹

In late 2005, King Abdullah II announced a new, ambitious National Agenda and established a twenty-six-member steering committee by royal decree. The committee consists of former ministers, politicians, academics, and business people, and is chaired by former foreign minister Marwan al-Mu’asher, known in Jordan as the “leading” reformist. The initiative is a blueprint for political, economic, and social change in the coming decade. The purpose of the agenda is “to improve the quality of life for Jordanians, build a strong economy, guarantee basic freedoms and human rights, and strengthen democracy and cultural and political pluralism.”²⁰

The National Agenda took a holistic approach to reform, but emphasized the necessity for long-term reform. “Past efforts to reform the public service have provided much to build on, but they did not go far enough, and were not always sustained for long enough,” it explained.²¹ Jordan, it stated, “has witnessed over the past two decades several reform plans under different names but the level of implementation by governments varied, particularly with regards to pressing social challenges such as poverty and unemployment.” It noted how this situation sparked skepticism about the government’s ability to achieve desired reform.

In July 2006, the king sponsored a “We Are All Jordan” forum that, after intensive discussions with a large number of key Jordanian social and political figures, put thirty issues on the table for discussion and prioritization. After two days of open deliberation, a forum of seven hundred Jordanians—government officials, members of Parliament, academics, civil society activists, journalists, community leaders, private sector leaders, and political party leaders—issued a thirty-page action plan. The plan includes categorized recommendations for political reform and other priority issues. This forum attempted to address the issue of inclusiveness in Jordan and identified deadlines and mechanisms for reaching consensus and implementing reform priorities. The “We Are All Jordan” Commission was established as a “royal advisory body,” and the government announced that

the recommendations of the forum would serve as guidelines for the government.²²

Finally, in September 2006, the king sponsored the youth version of the “We Are All Jordan” forum, where seven hundred youths actively participated in the discussions and provided recommendations on various issues. The youth focused much of their attention on the issue of corruption. The king directed the government, in October 2006, to establish the “We Are All Jordan” Youth Commission to enhance young people’s role in the socioeconomic and political plans targeting them. The king emphasized the need to build a new generation of young leaders who are able to modernize Jordan.

These reform initiatives have been praised because they show political will from the top leadership to push reform and legitimize it; acknowledge the need for serious but gradual changes; identify reform priorities; emphasize ownership and inclusiveness; foster debate; and provide ground for comprehensive solutions. However, significant criticisms remain.

Obstacles and Slow Processes

Criticism of the government’s reform efforts stems from the gap between rhetoric and reality. Some criticize the initiatives’ redundancy, their slow implementation, and the absence of public engagement with them. Others focus on weaknesses within each of the initiatives, such as the lack of deadlines and means of implementation, the incomplete reform of the public service, and the lack of a workable monitoring and evaluation system. Some see more significant structural problems, such as the lack of government accountability and free and fair elections. Still others see Jordan taking one step forward and two steps backward, and insist that these initiatives have been publicized to impress the West in order to maintain foreign assistance, while further restricting some rights. Some note, finally, that not every recommended initiative is actually implemented. Human Rights Watch noted in a June 2006 report that while the National Agenda made recommendations to accommodate journalists’ demands, “the new

government and some parliamentarians . . . have refused to include these recommendations in a new draft of the Media Law.”²³

Also hampering reform is the public’s reluctance to openly criticize the government. A poll conducted by the University of Jordan’s Center for Strategic Studies suggests that 74.6 percent of Jordanians fear punishment or retribution by the authorities for criticizing the government.²⁴ The process faces a real dilemma. In an April 2005 article, Robert Satloff, executive director of the Washington Institute for Near East Policy, suggested that “Jordan is a small country with an entrenched political elite; real political change cannot occur without stepping on some powerful toes. At the same time, the palace is unlikely to press forward with a scheme that could turn its most loyal supporters into aggrieved critics.”²⁵ U.S. commentator David Ignatius observed that, regardless of the king’s sincerity, “not all agencies were in line with his program. . . . One arm was working against the other.”²⁶ Indeed, another poll conducted by the Center for Strategic Studies suggested that when it comes to domestic issues that pose obstacles to reform, Jordanians identify corruption, favoritism, and nepotism as the main problems, followed by fear of an Islamist takeover in Parliament, and tribalism.²⁷

Criticism even comes from within the reform movement itself. On May 11, 2006, al-Mu’asher observed, “The National Agenda faces obstacles from status quo forces in Jordan, who see [it] as a threat to their privilege and position, and from the cynicism and skepticism of the general public, who question whether the political will exists to implement the plan.”²⁸

The immaturity of political parties also hampers dissent and reform. There are thirty-four political parties in Jordan; the strongest among them is the Islamic Action Front, with seventeen elected members in Parliament. Yet citizens remain skeptical. Political rhetoric is often radical, ideological, nationalist, and impractical. The political parties fail to engage people. In a July 2006 opinion poll conducted by the Center for Strategic Studies, more than 90 percent of Jordanians did not think that existing political parties were

capable of representing their political, social, and economic aspirations.²⁹

Samer Abu Libdeh noted in a recent article that “despite these efforts to bolster civil society and make political life more inclusive and representative, public confidence and interest in political parties remain extremely low. According to a recent poll conducted by the Jordan Center for Social Research, barely 2 percent of Jordanians are considering joining a party. More than 70 percent of the respondents said they had not even heard about the draft law [for political party membership].”³⁰

Civil society, viewed by Jordanian leadership as a springboard for reform, is a relatively new phenomenon in Jordan and thus remains weak. In outlining the situation of civil society in Jordan on April 20, 2005, Bassem Awadallah, the director of the king’s office, stated, “Currently, all NGOs operating in Jordan must be registered with the Ministry of the Interior or the Ministry of Social Development, a policy that can result in unnecessary restrictions. A new draft law is being prepared that will ensure the proper role for NGOs in Jordanian civil society.” Fear of Islamism is also a major impediment. Al-Mu’asher suggests, “Some in Jordan and elsewhere fear that political reform will enable Islamist forces to rise to power along an Iranian or Hamas model. For this reason, all political parties will be required to commit to principles of political and cultural diversity and of peaceful means. An environment of political freedom and government encouragement of party life would enable a pluralistic system that would temper the role of the Islamists and preserve democratic practices.”³¹

The Way Forward?

The reform process continues despite these obstacles, which have been identified in the course of intense debate among the elite. This debate has also generated a few ideas about how to move forward.

At a Washington conference, Awadallah said, “Jordan can achieve all the accountability and transparency in the world, but unless it has a budget that allocates the funding needed to implement reform,

the average Jordanian will neither see nor feel change.”³² In its 2006 budget, the Jordanian government allocated \$150 million to implement the National Agenda, but more funding is needed.

Fares Braizat, a researcher at the Center for Strategic Studies at the University of Jordan, suggests that to further public enfranchisement in reform, the government should allow the winning majority parliamentary coalition to form a government. This recommendation is also reflected in the International Crisis Group’s November 2005 report. This report recommends that the government “(a) Review laws and decisions that curtail political freedoms and, where necessary amend or—as in the specific case of the draft professional associations law—abandon them; (b) draft a new electoral law providing a more accurate popular representation; and (c) form a broader, more inclusive government coalition incorporating opposition tendencies in order to carry out these political reforms and implement the proposed National Agenda, including the long-awaited new electoral law.”³³

There are also simple steps that can advance the pace of reform, such as elections, public opinion surveys, public-awareness campaigns, public libraries and access to information, collection and availability of statistics and indicators, a democratic curriculum in the educational system, and new ombudsmen positions to catalyze the reform process. Some believe that an enlarged middle class, a more active and meaningful cultural life, real academic freedoms, active think tanks and strategic centers, more professional and open media outlets, international human rights standards reflected in national law, and youth engagement might enrich the process.

Conclusion

The king has asserted the need for political reform in Jordan. The process is slow and tools are still needed, along with a proper budget and workable mechanisms of implementation. The international community expects Jordan to play a liberal, moderate, and democratic role for the region and for the

Jordanian people, who themselves expect results, support democracy, and champion reform.

Current reform efforts revolve around completing and adopting draft laws³⁴ while building workable and independent mechanisms that instill democratic values in the public and help implement the National Agenda and other initiatives. Learning from other successful experiences in the region might expedite the process.

The process cannot be efficient or even possible without monitoring tools and evaluation indicators. There is no need to start from scratch, but only to improve the efficiency and mandate of existing democratic institutions. Today, there are many elements in Jordan’s environment and character that, if utilized, would make reform attainable and more feasible. A participatory reform process will help in solidifying a unified Jordanian identity.

There are missing elements and workable mechanisms that need to be made available: empowering civil society, addressing real obstacles in an open fashion, and engaging the public. More attention should be given to constructive criticism and recommendations.

Many observers and politicians see Jordan as a democratic role model that should be emulated by other Arab countries, although paradoxically, Jordan could also build on the positive reform experiences of others in the region. The steps taken toward political reform have addressed many issues and answered many questions. At the same time, they have raised some concerns: What are the obstacles to political reform? What is the best way to address and overcome them? What are political reform priorities, and is there a need to modify them? How is a sustainable environment for political reform created, and how is the public engaged? Finally, what is missing? When Jordanians are given the power to decide and to act on the answers to these questions, the reform process will really have begun.

About the Author

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Notes

1. Approximately 1.7 million registered Palestinian refugees reside in Jordan.
2. Jordan gained its independence from Britain in 1946.
3. Jordanian Department of Statistics (DOS), 2004 Census, Jordan. According to a UN report, 25 percent of Jordanians are between the ages of nine and eighteen, the prime age for schooling.
4. Amman Message, <http://www.jordanembassyus.org/new/pr/pr11092004.shtml>.
5. The literacy rate is 91 percent (96 percent for males; 86 percent for females).
6. According to the Ministry of Labor, Jordanian remittances from abroad jumped from \$564 million in 1985 to \$1.7 billion in 2000. Workers' remittances reached JD 410 million for the first three months of 2006, a year-on-year rise of 11 percent.
7. Jordanian Center for Strategic Studies, September 2005, <http://www.cssjordan.org/polls/democracy/Democracy-Poll2005-en.pdf>. The center found that "since the poll in 1999 and up until the time of this poll, the percentage of individuals who defined democracy as civil liberties and political rights was, on average, approximately three quarters of the respondents."
8. According to the Jordan Investment Board, foreign investments reached around \$835 million for the first three quarters of 2006. Kuwaiti investment in Jordan exceeds \$4 billion.
9. Oxford Business Group, "Setting a Good Example," *Emerging Jordan* 2005, 28.
10. Speech by King Abdullah II; see the Jordanian Foreign Ministry website, www.mfa.gov.jo/speeches_details.php?id=115&menu_id=26.
11. Regional Center on Conflict Prevention, "Jordan Conflict Profile," http://www.rccp-jid.org/profile_jordan.htm.
12. Jordan Center for Social Research, "Democratic Transformation and Political Reform in Jordan," December 2005, <http://www.iri.org/mena/jordan/2006-02-07-JordanPoll.asp>.
13. International Crisis Group, "Jordan's 9/11: Dealing with Jihadi Islam," *Middle East Report* no. 47, November 23, 2005.
14. Samer Abu Libdeh, "Previewing Jordan's National Agenda: Strategies for Reform," *Policy Watch* #1032, Washington Institute for Near East Policy, September 16, 2005.
15. Embassy of Jordan in Washington, "Jordan First National Campaign," <http://www.jordanembassyus.org/new/aboutjordan/er1.shtml>.
16. Ali Bibi, "Political Reform in Jordan," <http://www.medeabe/index.html?doc=1752>.
17. Speech by King Abdullah II, January 26, 2005, http://www.mfa.gov.jo/speeches_details.php?id=115&menu_id=26.
18. ABC News, <http://abcnews.go.com/WNT/story?id=583538&page=1>.
19. *Jordan Times*, November 25, 2005, <http://www.jordanembassyus.org/11252005002.htm>.
20. National Agenda, 2005, <http://www.nationalagenda.jo/Portals/0/EnglishBooklet.pdf>.
21. Ibid.
22. The main issues discussed in the political reform sessions were good governance, political party development, and human rights.
23. Human Rights Watch, "Jordan: Rise in Arrests Restricting Free Speech, Government Must Keep Promise to End Abusive Practices," June 17, 2006, <http://hrw.org/english/docs/2006/06/17/jordan13574.htm>.
24. University of Jordan's Center for Strategic Studies, "Democracy in Jordan—2005," September 2005, <http://www.css-jordan.org/polls/democracy/Democracy-Poll2005-en.pdf>.
25. Robert Satloff, "A Reform Initiative in Jordan: Trying to Keep Pace with Iraqi and Palestinian Elections," *Policy Watch* #953, Washington Institute for Near East Policy, February 4, 2005, <http://www.washingtoninstitute.org/templateC05.php?CID=2249>.
26. David Ignatius, "We Need to Accelerate," *Washington Post*, June 8, 2005.
27. Batir Wardam, "Culture of Political Fear in Jordan," *Jordan Watch*, July 28, 2006, <http://batir.jeeran.com/archive/2006/7/75224.html>.
28. Marwan al-Mu'asher, "Arab Reform's Slow March," speech given May 11, 2006, <http://www.brook.edu/fp/saban/events/20060511.htm>.
29. Alia Shukri Hamzeh, "Citizens Believe Level of Democracy Improved in 2005," *Jordan Times*, September 7, 2005.
30. Samer Abu Libdeh, "Jordan Looks Inward: The Hashemite Kingdom in the Wake of Zarqawi and the Hamas-Israel Clash," *Policy Watch* #1120, The Washington Institute for Near East Affairs, July 7, 2006, <http://www.washingtoninstitute.org/templateC05.php?CID=2485>.
31. Al-Mu'asher, "Arab Reform's Slow March."
32. Bassem Awadallah, "Reform and Development in Jordan: Toward an Arab Renaissance," speech before the Washington Institute, Washington, D.C., April 20, 2005, <http://www.washingtoninstitute.org/templateC05.php?CID=2308>.
33. International Crisis Group, "Jordan's 9/11: Dealing with Jihadi Islam," *Middle East Report* no. 47, November 23, 2005.
34. A royal decree was issued in August 2006 to summon Parliament for an extraordinary session to discuss a package of forty-two draft laws provided by the government, some of them controversial. Those amendments already adopted targeted legislation which had previously drawn criticism from local and international human rights organizations.

5

Lebanon

Together: Equal but Different

Jad al-Akhaoui, November 2006

For the first time in more than thirty years, the Lebanese are masters of their own destiny. Either the Lebanese will succeed in creating a system of individual rights and an independent government that upholds basic human rights, or they will squander the rare opportunity to restore the right to live freely in an independent country. The question at hand is distinctly Lebanese: how can various sectarian or national groups live equally and differently?

Under the Ottoman Empire, the Druze and Maronite populations of the Lebanese Emirate required a governing structure unique in Ottoman-controlled lands. As a result, the area developed an identity distinct from its neighbors, particularly in its trade relations with Italy and France. By the end of World War I, the Lebanese identity had been confronted with larger regional—but particularly Syrian—aspirations for Pan-Arab nationalism and unity. Hafiz Assad, the president of Syria from 1971 to 2000, intensified the call for joint identity when he adopted Pan-Arab nationalist ideals as Syria's policy toward Lebanon.

Refugee crises and foreign occupations also fed the growing Lebanese nationalism of the twentieth century. After the 1948 war with Israel, Lebanon absorbed hundreds of thousands of Palestinian refugees; the 1969 Cairo Accords granted those

refugees the right to carry arms inside Lebanon. The presence of Palestinian armed militias in Lebanon and their active resistance to Israel created not only an irritation but a threat to the Lebanese—especially Christian Lebanese—who sought to defend their control of the country. Subsequent occupation by Israel and Syria further drove the Lebanese to protect and hold sacred their identity.

The character of the Lebanese population is diverse. Eighteen different ethno-religious groups have coexisted within the territorial confines of Lebanon. Over 60 percent of the population is Muslim. The majority are Sunnis, traditionally traders from the coast; the second largest group are the Shi'a, from the south and the Beqaa Valley; they are followed by the Druze from the mountains. Today, estimates place the Christian population at 30 to 40 percent, most of whom are Maronites.

The actual sectarian breakdown remains unknown. No census has been performed in Lebanon since 1932. The balance of power in the government among the leading religious groups, as stipulated by the National Pact of 1943, rests on these outdated figures. Significant population shifts have occurred since then from years of civil war, expatriation, and birth rate changes. The demands of the Shi'ite population for greater representation over the last twenty years

are one of the results of these population shifts. An accurate census has the potential to further destabilize Lebanon's uneasy political balance.

The Concept of Cohabitation

The equilibrium of "living together, equally and different" is not limited to national life in a country; rather, it is a comprehensive humanitarian equation that extends to the relation between individuals; and from the smallest social entity (the family) through various levels of organization to the relationship between groups, countries, peoples, and cultures. Equality is necessary because it is the basis of justice.

Today, the Lebanese coexist more than they intermingle. While intermarriage occurs and sections of Beirut are integrated between Muslims and Christians (or between their factions), group segregation by neighborhood or village is the norm. During the years of the civil war (1975–90), survival demanded greater affiliation with one's sectarian group and its particular leader for protection. Yet these ongoing divisions do not allow for the natural accommodation of group and individual differences, or the social changes that are currently underway for greater sectarian integration.

Living together in the Lebanese nation is not defined solely by cohabitation or the proximity of neighboring communities, but is also characterized by an environment of human interaction that accommodates diversity and produces an "added value" that serves as the basis for the meaning of Lebanon and its role in the region and the world.

Lebanon has taken an enlightened view of the importance, value, and primacy of women in the home, in society, in business, and in government and once led the region in gender equality. However, basic family laws still favor men and leave women and children without adequate protection and legal recourse. Ongoing political instability harms women the most, leaving them politically, economically, and socially isolated and vulnerable.

The equality desired for Lebanon's groups is not to be understood only in terms of numbers and sizes; it also has to do with equal opportunity. Discrimination

that classifies people by ranks and degrees, as minorities and majorities, draws dividing lines between people that can quickly ignite.

Unfortunately, feudal politics still hamper Lebanon's modernity and efforts to ensure equality. Power—from the government to the village—is accumulated under sectarian leaders who distribute opportunities and dispense patronage unevenly. Institutionalized corruption and the lack of transparency favor sycophantism, nepotism, and group allegiance. Meritocracy that accommodates and reinforces diversity is required. The leaders of yesterday must make way for tomorrow by welcoming the brightest and most capable of Lebanese into positions of leadership—irrespective of their religious or family affiliation.

The choice to "live together equally but different" opposes, in essence, the more self-centered view of the world which makes truth and righteousness an exclusive vision, one that considers the "self" to be the absolute good, while the "other" is the absolute evil. Each group claims exceptionalism, which excuses accommodation and justifies obstructionist actions. These types of views are broadcast daily on their respective media outlets. Militia leaders exploit this supposed uniqueness for their own domination and, in doing so, undercut constructive dissent and legitimate reform.

The choice to "live together equally and different" requires a new social contract between and for the Lebanese. The last pact was enshrined in the 1989 Ta'if Accords, which brought an end to the civil war. The Ta'if Accords redistributed some power away from the Maronite Christian community, which had enjoyed a privileged status under the National Pact. It empowered the prime minister, by law a Sunni, to be responsible to the legislature, not to the Christian president. Parliamentary power was revised, too, with Christians and Muslims enjoying equal representation. The Ta'if Accords also sought to abolish political sectarianism, but the agreement lacked the political commitment from representatives of religion who were absent from Ta'if. Accordingly, the deal did not result in cohabitation, but rather a state of quotas.

The keenness of the Lebanese to live in true cohabitation does not only form a guarantee for their

future in their own country; it promises to return Lebanon to the heart of the Arab world as well. It will be a useful model for all societies characterized by strong diversity.

The Conditions of Living Together

To live together, the Lebanese will first need to restore the sovereignty of the state. A state is sovereign only if it is the master of the entire state and has a monopoly over internal and external security, regardless of its compliance with justice. The emergence of Hezbollah in the south, as a state or militia within a state, challenges the essence of Lebanese sovereignty and centralized national government. The state alone—without any militia or partner in the decision-making process—should confront those who violate its sovereignty, such as during the occupation of its territory, the violation of its borders, or interference in internal Lebanese affairs.

First, the central government should take charge of working to liberate the occupied Lebanese territory of Shebaa Farms by all appropriate and available means, since international law has recognized it as Lebanese land. Hezbollah justifies its arms as needed to resist the occupation of the Shebaa Farms, thus undermining the government's strength. A solution to Shebaa Farms would eliminate Hezbollah's *raison d'être*.

Second, normal diplomatic relations between Lebanon and Syria should be established, their borders should be delineated, and sources of tension between the two countries should be removed by reconsidering all the agreements signed following the Ta'if Accords on the basis of sovereignty and independence for each party. For example, the Treaty of Brotherhood, Cooperation, and Coordination signed in 1991 by Lebanon and Syria, which stipulates a rotating leader for the defense affairs committee, is more beneficial to Syria but requires that it recognize Lebanese independence. Addressing the thorny issues between Lebanon and Syria can form the necessary prelude to the settlement of a problem that has undercut Lebanese political stability and exacerbated disputes between Lebanon's constituent parts.

Third, the government should resolve the issue of Hezbollah's weapons and strategic national defense. Hezbollah's contribution to the 2000 liberation of south Lebanon was a major achievement. But Hezbollah's existence developed outside the state. The problem of nongovernmental resistance has plagued Lebanon since the Palestine Liberation Organization established itself on Lebanese territory to fight Israel. The Ta'if Accords reaffirmed this duality of resistance movement and state, as Syrian guardianship kept Hezbollah outside the central government's authority. The Israeli withdrawal in May 2000 and the Syrian withdrawal five years later were necessary preconditions for state sovereignty. The continuation of the duality of authority between state and resistance, though, continues to undermine prospects for dissent and reform. Only the state should be allowed to use force within the sovereign territory of Lebanon, and then only to uphold the law.

In order to restore the sovereignty of the citizenry over the state, it is necessary to focus upon the individual, rather than just the community. The Lebanese must reaffirm the constitutional principle that Lebanon is a "democratic, parliamentary republic based on the equality of rights and duties among all citizens without discrimination or preference."

So what becomes of the sectarian communities? The constitution's preamble declares that there is "no legitimacy for any power contradicting the pact of co-habitation." This pact required only the creation of a senate, which would deal with major issues concerning the preservation of cohabitation, and nothing else. For example, this senate would consist of representatives from the eighteen different religious groups who would serve for six-year terms. The senate would be populated by sage leaders in order to legally steer Lebanon through periods of political turbulence and protect the constitution. The representative would be a symbol of a religious sect's point of view, but would not be a religious leader. For example, in the Maronite community, this person would have to be acceptable to Samir Geagea, Michele Aoun, and Samir Frangieh; for the Druze, to Walid Jumblatt and Emir Talal Arslan; and so forth.

The establishment of a civil state also requires reforming the judiciary to purify the image of justice that was tarnished by the experience of past years. Establishing an independent judiciary is a prerequisite for a democratic system that includes the rule of law—the extension of the law to all segments of society, including those in power—and accountability. It is a precondition that guarantees citizens' rights by protecting public freedoms, human rights, and justice for all, and that safeguards cohabitation by preserving the constitution, general political rights, religious freedoms, and the rights of sectarian groups. Lastly, an independent judiciary guarantees political participation by ensuring that there are no feelings of exclusion or alienation.

A civil state will also require termination of the sectarian clientele that distributes authority and resources between politicians who claim to represent its sects. It takes in the name of religion—and for its members—rights and services which are partly distributed to the citizens on the basis of “services for loyalty.” As a result, the state and its institutions produce sectarian leadership and reelect the same ruling elites.

Administrative reform is also necessary for dissent and reform. At present, the administrative sector is a repository for sectarian patronage. If Lebanon is to advance, it needs to develop as a meritocracy. First, the government needs to privatize key industries like telecommunications and electricity in order to effectively and efficiently modernize. Second, the central government should apply uniformity to its civil servant corps and administrative staff. Each ministry should establish objective hiring boards and standardized tests with minimum requirements for job consideration; they should also be blind to sectarian affiliation. Salaries should be increased to be competitive with industry, or at least provide other means of job security. Finally, independent and public watchdog groups or commissions should be created to ensure the transparency and accountability of this reform process.

Reconciliation

After thirty years of war, occupation, and guardianship, the Lebanese people need to make a sincere effort

to purge their collective memory. Only then will they be able to put the past behind them. This requires a comprehensive national reconciliation based on both collective and personal acknowledgement of responsibility for the sins of war. There should be recognition of all of Lebanon's victims and martyrs.

Internal violence must be rejected in all forms. There can be no sectarian or regional separation, nor should any sect consider itself above the law and thus able to dominate other groups. Instead, there has to be general recognition that the fates of all Lebanese are entwined, for better or for worse. The independence and sovereignty of Lebanon are contingent upon Lebanese unity. The continuation of a “culture of death” as a motif of the resistance will severely undermine opportunities to build a new, peaceful, and democratic Lebanon at peace with itself, if not the world.

Conclusions

Comprehensive development in Lebanon is a major national undertaking, especially after the 2006 summer war, to solidify our coexistence and civil peace. Perhaps the “economy of knowledge”—in addition to what was mentioned in the Ta'if Accords regarding global growth and balance—forms a key lever for development. Lebanon has a wealth of knowledge and skills in higher education and scientific research, linguistics, printing and publishing, literature, and art, as well as in advertising and marketing. It has a resource in its large diaspora. These accomplishments, which are interrelated due to the nature of Lebanese society, guarantee that the Lebanese people will thrive in a globalized age and will play a significant role in Arab development in the twenty-first century, just as they did in the late nineteenth- and early twentieth-century Arab renaissance.

About the Author

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Lebanon

Hezbollah and the Problem of State Control

Lokman Slim, March 2006

Lebanon is among the smallest states in the Arab world and also among the most diverse and open societies in the region.¹ According to a 1986 estimate by the U.S. Central Intelligence Agency, its population was 41 percent Shi'ite, 27 percent Sunni, 16 percent Maronite, 7 percent Druze, 5 percent Greek Orthodox, and 3 percent Greek Catholic.² Such data, though, are at best informed estimates, as the last census in Lebanon was in 1932.

Lebanon's position on the Mediterranean Sea has helped shape its cosmopolitan culture and outlook. The 1975–1990 civil war and subsequent Israeli and Syrian occupation inalterably shaped Lebanon's political culture. As Lebanese work to rebuild their society and political culture and set Lebanon on the path to democracy, they must slowly work to reverse some of the trends and phenomena that grew out of this period, as well as the entrenched sectarian system that dates back to the Ottoman mandate.

It was out of this civil war and occupation period that Hezbollah ("Party of God") arose, one of Lebanon's strongest organizations and also one of its greatest impediments to dissent and reform. Founded officially in 1985 after years of terrorist activity, Hezbollah cannot be called a party, as the group neither confines itself to the actions of a party nor is registered as such. Rather, its choice of name,

hand-picked by Ayatollah Khomeini, is a reference to Surah (Chapter) 5:56 ("Lo! The party of God, they are victorious").

May 25, 2000, marked a turning point in Lebanon's political landscape. While Israeli forces occupied southern Lebanon, Hezbollah enjoyed ample justification for its armed presence as a "resistance movement." However, the Israeli withdrawal undercut the movement's *raison d'être* and its justification for maintaining its arms. Although the Israeli unilateral withdrawal, fêted as military defeat, was and continues to be Hezbollah's greatest source of legitimacy, it was also the beginning of a serious identity crisis for the movement and a defining moment in its relationship with the broader Lebanese public. Hezbollah still describes itself as a resistance movement, but this is a cynical attempt to acquire national legitimacy by drawing a parallel to French, Algerian, Palestinian, and perhaps Iraqi resistance movements.

Hezbollah has always struggled to protect its exceptionalism. Soon after the Israeli withdrawal, Hezbollah began to use Israel's continued occupation of Shebaa Farms, a mountainous section of the Golan Heights bordering Lebanon which is officially Syrian, as an excuse for continued resistance. But Hezbollah's first operation in Shebaa Farms took place on October 7, 2000, five months after the Israeli withdrawal

and less than one month after a statement issued by the Maronite Patriarch's Synod asking the Syrian regime to withdraw its forces from Lebanon.

As Hezbollah struggles to justify its continued existence, it must also grapple with renewed focus on its origins and organizational ties. The Israeli occupation, which had rendered Hezbollah's policies beyond reproach in the public debate, had also overshadowed the group's loyalties outside Lebanon and its external support.³ The Israeli withdrawal, however, enabled Lebanon's political and social debate to address a number of previously forbidden issues, such as Syria's violation of the 1990 Ta'if Accords by continuing its military presence in Lebanon long past the two-year period mandated by the agreement.

The Ta'if Accords were a regional solution to bring an end to the fifteen years of civil war in Lebanon. However, the agreement instituted Syrian interference in Lebanon's internal affairs, and gave Damascus sole responsibility for preserving internal security and disarming all militias, except, of course, Hezbollah, whose resistance against Israel was given tacit sanction and which later became a pawn in Syria's external relations, especially vis-à-vis Israel.⁴ Syria went on to expand its influence within Lebanese internal affairs with the signing of the Treaty of Brotherhood, Cooperation, and Coordination in 1991, under which Syria was effectively granted the right to exploit the Lebanese state as an economic and political resource. The Ta'if Accords also upheld Lebanon's unique, democratic system of government based on communal representation, wherein the prime minister is Sunni, the president is Maronite Christian, the speaker of the Parliament is Shi'ite, and the Parliament is comprised of an equal number of Christians and Muslims.

Hezbollah inspires fear not only because of its weapons but also because of its vast support base and its authoritarian control over Lebanese Shi'a and their representation, which it has increasingly monopolized since its foundation. Hezbollah further expanded its influence in Lebanese political life when it entered the Parliament in 1992 and government generally in 2005. This fear, generated by Hezbollah's militarization, its domination of the Shi'ite sect, and its dismissal of state sovereignty, has heightened

communalization across Lebanese society, thus deterring efforts to implement democratic reforms based on the promotion of citizenship values. Additionally, Hezbollah's hierarchal, undemocratic structure (for instance, women are not part of Hezbollah's leadership) serves as a bad example to other political parties in Lebanon and the region. While Hezbollah draws the most international concern for its links to terrorist organizations, its implementation of Syrian and Iranian policy, and its hostile position against Israel, for many Lebanese the organization's greatest danger lies in its threat to reform efforts in Lebanon.

The Emergence of Hezbollah

The prominent Lebanese writer and sociologist Waddah Sharara described Hezbollah as a "servant of two masters," Iran and Syria.⁵ However, to understand Hezbollah's success and influence in Lebanon, it is necessary to discuss the circumstances under which it entered Lebanese politics.

Historically, the Shi'a have been at a disadvantage relative to their Sunni coreligionists. In Ottoman domains, for example, the sultan imposed Sunni rulers upon Shi'ite populations. Politically, the Sunnis were better educated and more empowered. Under Ottoman rule, the Shi'a lost much of their land and authority to the Maronite and Druze communities and endured a brutal persecution. By the 1950s, the Shi'ite community had expanded its numbers, but it continued to inhabit mainly rural, underdeveloped areas. As a sect, it was marginalized socially, economically, and politically. Palestine Liberation Organization (PLO) fighting and Israeli attacks in south Lebanon exacerbated the situation, as many Shi'a fled to Beirut's impoverished suburbs. Beirut's southern suburbs would eventually become Hezbollah's unofficial capital.

Miserable living conditions, coupled with the lack of a strong political and religious leadership, created ripe circumstances for the mobilization efforts of Imam Musa al-Sadr, a Lebanese Shi'ite cleric born and educated in Iran.⁶ Al-Sadr established the first religious authority, the Supreme Islamic Shi'ite Council,

in 1969; in doing so, al-Sadr allowed the Shi'a to express their identity as a distinctive sect without rejecting the particularism of Lebanon's history.⁷ Al-Sadr went on to set up the political-military movement Amal in 1975, an offshoot of which, influenced by Iran's policy of exporting its revolution, would later become Hezbollah.

There is much written about Hezbollah. While outside journalistic or historical accounts tell the partial story, it is also important to examine Hezbollah's own historiography. How Hezbollah treats its own foundations demonstrates how the party has adapted its history to its present political ambitions.

In fact, Hezbollah's formal inception was notably unceremonious. In 1985, Hezbollah announced itself to the world with "An Open Letter to the Downtrodden in Lebanon and the World," read from the *minbar* of a small mosque in one of the southern suburbs of Beirut on the arbitrary occasion of the anniversary of the death of Ragheb Harb, a young sheikh who had called for violent resistance against the Israeli occupation.⁸ Hezbollah announced itself as representing the Islamic Revolution in Lebanon, and neglected to mention its allegiance to Iran and the activities that preceded its official foundation.

The group continues to adopt a furtive approach when discussing its beginnings. On February 16, 2006, for example, Hezbollah chose not to celebrate the twenty-first anniversary of its "going public." While the group held a large event at the UNESCO palace in Beirut on the same day, it did not mention its official inception. This can be explained by Hezbollah's uneasiness about bringing up the terrorist operations it orchestrated prior to 1985 (which it firmly denies, but does not denounce) and its ideological alignment with Iran, which undercuts its Lebanese identity. Although the movement operates outside the sovereignty of the state, it is not keen to draw attention to this point, nor to its dubious past.

However, what the group may be loath to discuss in its public discourse can be found in the literature produced by its members. In a book published in 2004, in Arabic and then in English, Naim Qassem, the vice secretary-general of Hezbollah, relates only what Hezbollah did prior to its going public. He

describes two and a half years of "effective *jihadi* operation as represented by the Islamic Resistance forcing Israel's partial flight from Lebanon in 1985," calling the operation "the crystallization of a political vision, the facets of which were harmonious with faith in Islam as a solution."⁹ He neglects to mention that such *jihadi* action neither began with resisting Israeli occupation nor was limited to it.

Hassan Fadlallah, a Hezbollah member and deputy in the Lebanese Parliament (who also directs Hezbollah's television station al-Manar), himself wrote in 1992: "With the onset of the eighties, private security groups were formed . . . that were able, in a short time, to establish their worthiness in protecting the Islamic line and the military wing . . . then came the bombing of the Iraqi Embassy in the spring of 1981, which fostered additional support for the development of the Islamic trend."¹⁰

During this period immediately preceding its foundation, Hezbollah's activities clearly reflected Iranian policy, as the group undertook operations targeting a number of Iraqi diplomats in Beirut and a number of Lebanese cadres of the Iraqi Baath Party, most of whom, ironically, were Shi'a. In the West, Hezbollah is likewise known for its bombing of the French Embassy in Beirut on May 24, 1982, the attack on the U.S. Embassy less than a year later and, most famously, the car bomb assault on October 23, 1983, on the barracks of U.S. Marines and French paratroopers working within the framework of the multinational force near the Beirut International Airport. Hezbollah also kidnapped a number of American and European citizens, some of whom it turned over to Iranian personnel for interrogation.

Hezbollah's Monopoly Over the Shi'ite Sect

If reform efforts are to succeed, the Lebanese must tackle the impediments created by Hezbollah's continuing extra-constitutional activities. This requires a more thorough understanding of how Hezbollah came to monopolize power in southern Lebanon and southern Beirut.

As elsewhere in Lebanon, during the 1950s and 1960s, the south witnessed the emergence of leftist, Arab nationalist parties, many aided by the PLO. The 1968 and 1972 elections demonstrated the growing attractiveness of these parties to ordinary Lebanese. The elite political families saw their first real challenge since Lebanese independence in 1943.

This situation prevailed until the PLO fled Lebanon following the Israeli invasion in 1982. The Israeli occupation squelched any political activity, and party leaders fled to Beirut. When the Israelis withdrew from a greater part of the south in 1985, some parties attempted to return to their posts. However, the Amal Movement, with the support of the Syrian regime, took the lead in purging—often violently—these parties.

Amal domination continued until 1987, when Hezbollah, which infiltrated the south under the pretext of resisting Israeli occupation, began to challenge Amal's position. After fierce fighting between the two parties, and substantial Syrian and Iranian intervention, the Syrian regime acknowledged Hezbollah as the designated retailer of resistance against Israeli forces in southern Lebanon. Moreover, the Lebanese army deferred security control to Hezbollah. This allowed Hezbollah to keep its arms and be exempt from the Ta'if Accords.

In the regions it dominates, Hezbollah fulfills a number of elements of the state. It provides health, education, and social services, and contributes to employment for tens of thousands of Lebanese. The Shi'ite regions were underdeveloped before the war, but invasion, occupation, and civil strife exacerbated the situation. The state had no choice but to accept Hezbollah's help in providing basic infrastructure. Hezbollah provided garbage collection, trucked in drinking water, and undertook small rehabilitation projects such as refurbishing public schools.¹¹

In addition to numerous rehabilitation projects, which it directly operates, Hezbollah has also established proxy NGOs. For example, it established the *Jihad al-Binna* (Reconstruction Campaign)¹² to operate eleven schools, three hospitals, five infirmaries, forty-four mosques, five cultural centers, and seven agricultural cooperatives.¹³ Modeled after a similar

Iranian organization, the *Jihad al-Binna* is registered with the Lebanese Interior Ministry as a nonprofit association able to receive development aid.

Altogether, Hezbollah's influence is massive. Three-quarters of the 120,000 schoolchildren in the southern suburbs of Beirut attend schools run, directly or indirectly, by Hezbollah.¹⁴ The Hezbollah-affiliated Islamic Health Unit also provides extensive healthcare services. The movement supplies large amounts of financial aid and many scholarships, as well as benefit programs for the families of those killed in the war, especially those who undertook "martyrdom" operations. Apart from service provision, Hezbollah also runs commercial establishments, such as a clothing store chain called Takbir (the act of declaring "*Allahu akbar*"), which sells "suitable" clothing for women. The services and institutions enumerated here are a mere overview that does not do justice to the complexity and scope of Hezbollah's structures.

Other political parties and militias offer some benefits for their support base, but on nowhere near the same scale as Hezbollah. Furthermore, these parties have been forced to exploit state resources to supply funds for their services, which gives them the image of being corrupt, whereas Hezbollah has had generous external sponsors to support its work, enabling it to preserve its clean image.

These institutions represent an umbilical cord between Hezbollah and the population, enabling the movement to mobilize tens of thousands of people for organized political marches and to demonstrate the popular legitimacy of its policies, which explains the electoral successes of Hezbollah. These marches also have the effect of reminding the Lebanese of the level of control that Hezbollah exerts over a large section of the population, far outranking any other.

The Crisis between Hezbollah and the Lebanese State

Hezbollah's special status and autonomy have long been a source of tension among the movement, other political parties, and the Lebanese public. When a newspaper owned by former prime minister Rafiq

al-Hariri criticized the timing of one of Hezbollah's actions in Shebaa, Hezbollah and its Syrian sponsors responded by boycotting Hariri for two months.¹⁵

After the Cedar Revolution, tension escalated, especially with the steadfast alignment of Hezbollah with the Syrian regime.¹⁶ In the final days of 2005, Prime Minister Fouad Siniora, inaugurated after the Cedar Revolution, sparked a crisis when several comments were attributed to him declaring his refusal to sign a "new Cairo Accord."¹⁷ This was an allusion to an agreement signed by the Lebanese government in 1969 which bestowed upon the Palestine Liberation Organization absolute sovereignty over large strips of Lebanese territory, a move that eventually contributed to civil war.

The comments attributed to Siniora were enough to escalate a political dispute into an existential crisis. The frankness of the resulting discussion surprised the Lebanese. They confronted the reality that Hezbollah does not resemble other parties and that the Shi'a, marching under their yellow flags, do not resemble other sects. Although Hezbollah expressed disapproval at comparisons between it and a non-Lebanese entity,¹⁸ rather than address the issue of its external relations, it initiated a boycott of the government which lasted over fifty days. Lebanese Druze leader and parliamentarian Walid Jumblatt pushed the issue further when, in an interview with U.S. journalists, he suggested that Hezbollah acted more for Iran in its wider struggle with Israel and the United States than for Lebanon and Lebanese interests.¹⁹ The group's repeated failure to authenticate itself as Lebanese has heightened suspicions held by other sectarian communities about the true identity of the Shi'a as a whole, whose numbers and leadership they find horrifying.

It is not easy to address such issues, even if reform and dissent depend upon a frank treatment of them. The vast majority of Lebanese concede the weakness of their influence over Hezbollah, especially when compared to Iranian and Syrian leverage over the group. Many Lebanese say that direct dialogue with Hezbollah is futile unless dialogue is first carried out with Tehran and Damascus. It is in this context that the "Lebanonization" of the party is often raised.

There is some discussion that Hezbollah has already begun a process of Lebanonization, but this discussion is hollow.²⁰ In the years since Israel's withdrawal, the group has not retreated from its self-imposed isolation and its dismissal of the authority and sovereignty of the Lebanese state. The group does, however, pay lip service to Lebanese sovereignty. Members now raise the Lebanese flag alongside their own during public celebrations, and they begin television broadcasts on al-Manar, their satellite channel, with the Lebanese national anthem. But this tribute to Lebanese nationalism is often cynical. For example, the group has altered the opening phrase of the national anthem, *Kulluna Li'l-Watan* ("We are all for the homeland") to read *Kulluna Li'l Muqawama* ("We are all for the resistance").

Hezbollah has retained its aloofness toward internal Lebanese debates despite its entrance into Parliament in 1992. Indeed, even after agreeing to sit in Parliament, the group refused to accept any cabinet post until 2005, when Syrian forces withdrew from Lebanon.²¹ Hezbollah's initial decision to participate in national political life through parliamentary elections coincided with Lebanon's capitulation to Syrian hegemony. But as its supra-state position came under threat with the absence of its Syrian patrons, the group finally entered the government. Its March 5, 2005, decision to hold a demonstration expressing gratitude toward Syria ended any pretense that the movement sought to defend Lebanese sovereignty. Nevertheless, because of post-Ta'if electoral gerrymandering and other questionable practices, the Hezbollah electoral bloc remains strong and the group remains popular among many Lebanese Shi'a.

It is no exaggeration that the regions which Hezbollah controls live under a civil state of emergency that has no space for politics or plurality. Hezbollah shares with the Lebanese army the duties of preserving security and conducting intelligence surveillance. Hezbollah also deploys a police force that has the right to arrest and detain citizens. The movement can restrict political pluralism in the areas under its control, as it has the right to grant or deny licenses for political meetings. Appallingly, Hezbollah

has even the right to decide the fate of Lebanon's cultural heritage, as it has the power to designate archaeological sites as military zones.²² And on July 11, 2005, some Lebanese newspapers reported that upon the invitation of "the cultural section of Hezbollah," a meeting gathering *Ulama* (clergy) was held in Dirdghayya, a Christian village on the outskirts of Tyre, in southern Lebanon. The choice of location was not random, but meant both as a provocation and a warning. The meeting concluded with the recommendation that each village should create "committees for the promotion of virtue and the prevention of vice,"²³ an idea which many Islamists trace back to the Quran,²⁴ an important institution in any Islamic state.

Several southern Lebanese villages have been under the rule of such "morals police" for several years.²⁵ The suggestion that, rather than enable the Lebanese state to reassert control, Hezbollah means to expand its own authority is worrisome and a direct threat to the idea of Lebanese sovereignty.

Many Lebanese crave reform. But reform requires an even playing field, not an à la carte adherence to democracy. Most parties contest their positions in elections and haggle over bills in Parliament, but Hezbollah assumes rights that should be counted as the sole privileges of the state. It wins what it can in Parliament, but then takes what it wants through intimidation and force.

Media Monopoly and Self-Censorship

Political reform alone will not constrain Hezbollah or advance true democracy. The media remain a crucial component of the drive for dissent and reform. Unfortunately, as vibrant as Lebanese debates can be, the media undercut reform efforts by failing to ask tough questions.

Part of the problem is the structure of the media in Lebanon. The written press is restricted by Presidential Decree No. 72 of 1952, which limits the number of licenses granted to "political" publications. The handful of licenses in circulation is then bought up by the establishments of the political elite,

eliminating the possibility of creating new publications. Within this system, journalists must practice self-censorship. In 1994, this regulation was extended to television stations when the Lebanese government, still under the Syrian occupation, granted a limited number of television licenses, again to entrenched political parties.

In addition, the Lebanese Security General, under pressure from various religious authorities and with a vague mandate to preserve unity and protect the safety of intellectuals and artists,²⁶ frequently bans or censors books, music, theater plays, and other forms of expression. For example, in 2004, a translation of the famous book by Theodor Noldeke, *Geschichte des Korans* (The History of the Koran), was published in Beirut. At the request of the Dar al-Fatwa, a Sunni organization which claimed to be offended, the Security General pulled the book from the market.²⁷ Likewise, the Security General banned *The Da Vinci Code* upon the request of the Catholic Information Center.

Finally, the security situation, especially the string of assassinations of prominent anti-Syrian journalists, has further hushed outspoken figures in the media. Hezbollah, for its part, has made clear its position concerning dissenting voices. Commenting on the Danish cartoon incident, Hezbollah chief Hassan Nasrallah said, "The problem started the day that Salman Rushdie wrote the novel *The Satanic Verses* . . . and if any Muslim back then had executed the *fatwa* issued by the Imam al Khomeini, none of this would have occurred and not one of those bastards would have dared to defame the Prophet Muhammad either in Denmark, Norway, or France."²⁸

This rhetoric has the effect of intensifying fear among intellectuals and journalists. A friend and translator backed out of an agreement to publish a book at my publishing house, Dar al-Jadid, even before violent protests erupted over the Danish cartoons, a turn of events that only pushed dissenting voices further to the sidelines. Until Lebanese intellectuals are willing to draw a line in the sand and not allow Hezbollah and other hired thugs to define the debate, there is little hope for real dissent and reform.

Conclusions

Waddah Sharara, the author of the first comprehensive Arabic monograph about Hezbollah, described Hezbollah's project in Lebanon as establishment of a "counter-society." This raises the question about whether disarming Hezbollah would be enough to transform it into a legitimate political party. Probably not. Hezbollah is more powerful than ever. It did not need heavy arms in 1983 to force U.S. Marines to flee Lebanon. Today, the group boasts twelve thousand rockets²⁹ and is capable of provoking a regional crisis. It also enjoys almost complete domination over a plurality of Lebanese citizens.

So how can Lebanese reformers tackle this complex problem? The only solution is to build up the Lebanese state as an inclusive counter-model to rival the Hezbollah option. The targets of this model should be not only the Shi'a, but all Lebanese. Steps should be taken to undercut Hezbollah's support base by ensuring that the Lebanese Constitution protects all citizens and by pressuring Hezbollah to respect the constitution as a document binding equally all citizens and political parties. The following initiatives might be taken:

- Consolidating the power of the state by deploying the Lebanese army to all regions, promoting the rule of law, and ensuring the protection of civil liberties, especially political rights and freedom of expression, for all citizens.
- Undertaking extensive development in rural areas and ensuring that the provision of basic infrastructure is under the sole supervision of the Lebanese state.
- Improving public schools and ensuring that political parties and religious associations cannot interfere with the curriculum.
- Amending the constitution to require that political parties register and adopt a democratic and transparent structure.

- Encouraging foundations and endowments to support independent, "alternative" voices in Lebanon and the region.

Hezbollah burst onto the Shi'ite and Lebanese scene with no intention of obeying a higher authority than the *wali al faqih*, the Supreme Leader in Iran. Although necessary, it is sufficient neither to disarm Hezbollah nor to cut off its financial means, as this would provoke a humanitarian crisis. Approaching the question of Hezbollah as merely a security threat, even of global reach, overlooks the dynamic nature of this monster, which has to be treated much more as the embryo of a rogue state than as a "terrorist organization."

About the Author

Lokman Slim founded Dar al Jadeed publishing house, which publishes Arabic literature and essays of controversial content. Its publications range from books banned by the Lebanese General Security to the first Arabic translations of the writings of Muhammad Khatami, the former Iranian reformist president.

Notes

1. An excellent comparison of Lebanon and other Arab societies can be found in the essay of Waddah Sharara, "Al-Bidaa al-Loubnaniyya aw al-Watan as-Saab," in *Al Mawtou li'adouwwikoum* (Beirut: Dar al Jadeed, 1991), 9–24.

2. See <http://countrystudies.us/lebanon/34.htm>.

3. For a good timeline of the linkages between Hezbollah's actions and Iranian politics, see Saloua Charfi, "Le Hezbollah libanais après la victoire," *Réalités*, no. 763, August 3–16, 2000.

4. See, for example, the October 26, 2005, al-Jazeera interview with Nuhad al-Mashnuq, the late Prime Minister Rafiq Hariri's former press attaché, <http://www.aljazeera.net/NR/exeres/D2633E5B-9A75-40C5-9861-541750D0BB93.htm>. I called al-Mashnuq to confirm that this conversation with Hariri, which he discussed in the interview, took place in 1997.

5. Waddah Sharara, *Dawlat "Hizbou'lah"*, (Beirut: Dar an-Nahar, 1996), 335.

6. Fouad Ajami, *The Vanished Imam: Musa al-Sadr and the Shia of Lebanon* (Ithaca: Cornell University Press, 1992).
7. Ahmad Nizar Hamzeh, *In the Path of Hizbullah* (Syracuse: Syracuse University Press, 2004), 20.
8. Claude Salhani, "Shiite History Repeats Itself," *Washington Times*, April 13, 2004.
9. Naim Qassem, *Hizbullah: The Story from Within* (London: Saqi Books, 2005), 98.
10. Hassan Fadlallah, Al khair al Akhar, *Hezbollah, Assira a-Thatiyya wa al-Mawqif* (Beirut: Dar al Hadi, 1994), 24.
11. Judith Palmer Harik, *Hezbollah: The Changing Face of Terrorism* (London, New York: I.B. Tauris, 2004), 83–84.
12. For more information, visit the *Jihad al-Binaa* website, <http://www.jihadbinaa.org/>.
13. Hamzeh, *In the Path of Hizbullah*, 50–54.
14. Hazem Saghieh, *al Hayat*, January 8, 2005.
15. Al-Jazeera, April 15, 2001; Ibrahim al Amin, "Hariri is not for the Continuation of the Military Operations in South Lebanon," *As-Safir*, April 20, 2001.
16. *As-Safir*, November 29, 2005.
17. *Annahar*, December 30, 2005.
18. *Washington Post*, January 4, 2006.
19. Ibid.
20. See, for example, Magnus Ranstorp, "The Strategy and Tactics of Hizbullah's Current 'Lebanonization Process,'" *Mediterranean Politics* 3.1 (Summer 1998): 103–34.
21. Naim Qassem, *Al Ra'y al-'am*, August 17, 2005.
22. For more information, see *Elections in a State of War*, Hayya Bina's Log, first edition, December 2005.
23. *Al-Mustaqbal*, July 11, 2005.
24. Several Quranic verses evoke the notion of "enjoining good and forbidding evil." One of the most quoted is 103: 3, "Let there arise out of you a group of people inviting to all that is good, enjoining Good (Al-Ma'roof) and forbidding Evil (Al-Munkar). And it is they who are the successful."
25. Fidel Sbeiti, "Five Years After the Liberation of South Lebanon: The Liberation Equals the Hegemony of the Hizbollah," *al Balad*, May 22, 2005.
26. *The Daily Star* (Beirut), March 4, 2006.
27. *Annahar*, September 18, 2005.
28. *Annahar*, February 2, 2006.
29. See Hassan Nasrallah's speech on the fifth commemoration of the "Day of Resistance and Liberation," May 25, 2005, as printed in multiple Lebanese dailies.

Lebanon

A Country to Be Born

Najat Sharafeddine, March 2006

Hopes and Challenges That Lie Ahead

In 2005, Lebanon saw six devastating assassinations. It also gained its independence. The Lebanese today face both tremendous opportunities for progress and unfortunate impediments to reform. Lebanon has long sought to maintain a fragile equilibrium between religious factions (though a state of non-equilibrium has existed for most of the country's modern history), but it now has the chance to use regional and international circumstances to reconstitute its country—to unify it around stronger and more stable democratic principles. Sectarianism has perpetually caused conflict and instability for the three to four million inhabitants of Lebanon.¹ Eighteen official religious sects have run their own judicial systems for marriages, divorces, inheritance, and the like. The government has long adopted a sect-based political practice, reserving particular high-ranking political offices for specific sects and reallocating quotas for Parliament members to various sects.

The clerics and the leaders of sectarian political parties have long held power. A 2005 opinion poll shows that only 34 percent of those Lebanese interviewed said they feel they belong to Lebanon first; 37.3 percent said they belong to their confession; and 22.3 percent equated their confession and their

country. When asked where their allegiance would lie in the case of conflict, the percentage of those who put their country first declined to 27.2 percent, while the percentage of those who put their confession first increased to 48.8 percent.²

But the reactions of the Lebanese people to the assassination of former prime minister Rafiq Hariri on February 14, 2005, were not defined by sectarian affiliations. Prime Minister Rafiq Hariri was a national and international figure who went from success in business to success in politics, rapidly turning into a leader of the majority of Sunnis. He was victorious in successive parliamentary elections. Although many Lebanese factions have at different times opposed some of Hariri's policies, Hariri had a wide web of allies—including even those who were criticizing him just before his assassination. Hariri, who left a stamp on Lebanese history for his scholarship and his relief efforts following the 1980s, and who first became prime minister in 1992, was the visionary behind the Beirut central district. He achieved much success in construction and infrastructure projects in Lebanon since the 1990s; he worked successfully on behalf of international aid to Lebanon; and he forged international relationships for the benefit of his country with leaders such as Jacques Chirac, Pervez Musharraf, and Muhammad Mahateer. Hariri had his sights on the

planned 2005 elections in Lebanon, and polls predicted a major victory for him. (He allied himself with Qournet Chahwan, the Socialist Party, and Shi'ite leaders).

Hariri's assassination had the effect of an earthquake shaking the region. Thousands attended his funeral, and his death had serious political consequences. The UN Security Council called for a fact-finding commission to investigate the assassination, and an international investigation commission on the Hariri assassination was formed. Meanwhile, the Lebanese people took to the streets to express their emotions over the assassination. Forces allied with Syria also flooded the Beirut streets in a monstrous demonstration.

On March 14, roughly 1.2 million people—from all over Lebanon, encompassing the Bristol Gathering and the Free Patriotic Movement, led by General Aoun—demonstrated famously in Martyr's Square in Beirut. In terms of the proportion of the population present, this was one of the world's most significant demonstrations.³ The demonstrators called for an immediate Syrian withdrawal from Lebanon, and demanded that the truth behind Hariri's assassination be made public. They blamed Syria's military and its allies in Lebanon for failing to protect Hariri. Although the demonstrations had an impact, assassinations and attacks continued in the region previously called East Beirut.⁴

The assassinations began with that of an opposition journalist who was part of the March 14th forces, Sameer Kasseer. The assassination of the former secretary general of the Communist Party, George Hawi, followed. Attempts against Elias El Murr, the son-in-law of the president of the republic, and the journalist May Chidiac, along with the assassination of MP and journalist Gebran Tueni in late 2005, completed the scene. Many other attacks took place, mostly during the late evening at tourist sites and places of economic activity, causing destruction and killing or injuring innocent civilians.

In March 2005, one-third of the Lebanese population went to the street in protest of Hariri's assassination. Mobilization around a common cause was taking place. The opposition forces made demands: they

called for the resignation of the government and the security chiefs, and some even demanded the resignation of President Emile Lahoud, who was a few months into his new three-year extended term.⁵ As demonstrations gained momentum, Arab and international pressure on Syria to withdraw accelerated, and Syria set a withdrawal date of April 26, 2005. Its withdrawal would end twenty-nine years of Syrian guardianship. The central demand of the Lebanese people was finally met, and it already had international backing in United Nations Resolution 1559 of October 2004, which called for all foreign troops to withdraw from Lebanon; for Lebanese and non-Lebanese militias to disarm; and for respect of the Lebanese Constitution in elections.

Demonstrations at Martyr's Square pushed Omar Karame's government to submit its resignation. Prime Minister Najib Mikati was appointed to form a cabinet, pressed by Arab and international leaders. His mission was to meet political deadlines—to hold legislative elections on time in order to reflect the changes in power after the Syrian withdrawal. The Mikati government was described as a transitional government. The new government thus prepared for the first legislative elections in the absence of Syrian influence in more than thirty years. It agreed to adopt the 2000 electoral law under international pressures to hold the elections, and after a majority in the Parliament (with different political views) accepted it. This law—called the Ghazi Kanaan law by many Lebanese politicians—was drafted in 2000.⁶

Though the law was tailored to benefit the former political and sectarian forces under Syrian guardianship (and thus violated the Ta'if Accords as to coexistence and repartition on several accounts), the election process held under the law was nevertheless a democratic one. Access was given to international observation committees. The elections resulted in a parliament in which the forces of March 14th obtained a majority (seventy-two MPs), and which included many other blocs, such as the Shi'ite Amal Movement; Hezbollah (thirty-three MPs); and the Free Patriotic Movement led by MP Michel Aoun, back from his mandatory exile (twenty-one MPs). Fouad Sinioura was appointed prime minister,

representing the Future Current, led nowadays by the son of the late Rafiq Hariri, Saad Hariri. Negotiations to form a new cabinet with political forces drawn from the majority blocs resulted in the entry of the Hezbollah Party and Amal Movement—but not the main Christian bloc—into the government.

In the end the March 14th group took the reins of power with a parliamentary majority, and a more than two-thirds majority in the cabinet, which, according to the Ta'if Accords, renders it central decision-maker. The withdrawal of Syrian troops from Lebanon in April 2005 was a watershed event indeed. For the first time since 1975, Lebanon was without foreign military presence and without a dominant external force in its political process. The once opposition forces had now become a dominant political force.

The March 14th forces hailed the slogan, “freedom, sovereignty and independence,” calling for true freedom from the guardianship that was practiced within state institutions. They challenged what they called “the fear from the common Lebanese-Syrian security regime.” Not only were there changes in the structures of government, but four of the main security chiefs went to jail in August for involvement in the assassination of Rafiq Hariri. And the Lebanese media were granted a dose of freedom with the reversal of the law that shut down MTV for expressing opinions against the ruling authorities and their Syrian allies. In short, the moment was, and still is, a propitious one for reform.

However, national unity has been difficult to achieve. The new parliamentary majority,⁷ in power since June 2005, and the resulting government have yet to come up with a clear vision for rebuilding a non-regionally affiliated country, as each group wants something different, from a secular nation to a federation of religious factions. So, though Lebanon has achieved a new independence, its unity and political future are still in question. Independence must be taken advantage of to create national institutions; laws for political parties; and a system of power transfer through elections—all of which must respect social justice.

Revival of the Ta'if Accords is a preliminary but crucial step toward progress in achieving “freedom,

sovereignty and independence.” Since the signing of the treaty—which served the purpose of ending the Lebanese civil war—in 1989, the execution of its demands was selective, subject to the political parties in power and to Syrian control. There are many essential articles to be implemented, some relating to the formation of the state—to which an electoral law that takes into account coexistence of all constituencies, and administrative decentralization, is vital. It would be a mistake to underestimate the importance of building a real citizenship with loyalty to the state and not to sectarian communities. The government must mold the state in accordance with the text of the constitution, which determined the Lebanese Republic as a parliamentary democratic regime with equality in rights and obligations among all citizens, and without discrimination.

An independent Lebanon, of course, must also tend to the specific issues that beg for reform. In certain cases, progress is being made. The government has announced that it will begin to reform Lebanon's judiciary, which has for decades been hindered by political and military intervention. A chief of the High Judicial Council was appointed, and reformatory steps were taken by opening the door for new blood to be pumped into the judicial body, offering everybody protection under a rule of law, and trying to prevent political interference. In addition, fifteen security fiascos—assassinations and attacks—that plagued Lebanon in 2005 have pushed the government to consider security as a matter of priority. But there is a lack of equipment and technology in the military in general. This has prompted Lebanese leaders to ask for foreign assistance. Recently, during Saad Hariri's last visit to President Bush, the U.S. promised to support the Lebanese military with equipment.

There is more work to be done, for example, in reforming the election systems and fighting corruption. Lebanon must adopt a system of free and fair presidential elections. After the March 14th forces took control of Parliament, they called upon pro-Syrian President Emile Lahoud to resign. They questioned his legitimacy, arguing that his mandate was extended for three years as a result of Syrian pressure on Lebanese MPs. Further, UN Resolution 1559

encouraged new presidential elections in accordance with the Lebanese constitutional procedures, and a later UN Security Council declaration, in January 2006, called for free and honest presidential elections in compliance with the Lebanese Constitution and free of any external intervention. The majority demand for Lahoud's resignation was not met—despite demonstrations in support of it. (His mandate is slated to end in November 2007, though the parliament majority leader, Saad Hariri, says it is unlikely Lahoud will last that long). The government, at its start, formed a commission to study the idea of a new electoral law on the basis of the text and spirit of the Ta'if Accords. Whether a new law, based on the principle of free and fair elections, can be established will be a true test for Lebanon.

Corruption has long prevailed in Lebanese political bodies, hindering the work of state institutions and prompting the waste of huge sums of money, which end up in the pockets of Lebanese politicians or other power brokers, or in those of their Syrian partners.

Obstacles in the Way of a Free and Democratic Lebanon

Perpetual disagreement between political forces plagues the ability of Lebanon to progress. Despite the formation of a new majority (71 of 128) after the last parliamentary election in 2005, parliamentary groups are still unable to agree on major issues. This lack of unification has made Lebanon susceptible to foreign influence, both Arab and otherwise. Other nations are interfering with political groups in Lebanon, which has likely complicated the situation further by diminishing the already weak trust between the country's various political factions. The most crucial disagreements between the political forces in Lebanon are discussed below.

The President of the Republic and Electoral Law.

The parliamentary majority considers the current president, Emile Lahoud, an obstacle to reform, especially considering that his extended mandate occurred

under Syrian guardianship. However, the new majority has been unable to replace him. In order to do so, it must change the constitution (which requires two-thirds of the 128-seat parliament to start the process and three-quarters to confirm it if the president insists on staying), and the three political groups outside the majority—Free Patriotic Movement (FPM), Amal, and Hezbollah, and their allies—will not agree to topple the president without having a say in who will succeed him.

Electoral law must be established not only at the presidential level. Although the Ta'if Accords call for a senate to represent the sects, and a parliament to be elected through democratic means, the senate has still not seen the light after fifteen years. The electoral law, a major contributor to the problem of sectarianism, and a hot political agenda item for all parties, seems far from agreed upon yet. The ability of political leaders to agree on a modern electoral law reflecting the will of the people will be a test of their ability to sacrifice personal power for the good of the future of Lebanon.

Governing Consensus. A consistent problem throughout Lebanese political history has been the veto power held by influential religious and political groups. In today's government, formed by the majority and the two Shi'ite factions Amal and Hezbollah, two major conflicts within the cabinet took place when the government tried to exercise its constitutional right to vote in cabinet sessions. In both cases, the Shi'ite ministers refrained from attending the cabinet sessions until they got assurances from the majority that certain issues—like the disarmament of the Islamic resistance—would not be subject to voting, but rather to consensus.

War-Making Powers. The current majority wants the responsibilities of war and peace—to decide when and how, for example, to go to war with other nations in order to defend Lebanon's borders and also wants such responsibility to belong to the government, and not to be outsourced to the Islamic Resistance or any other party. The majority fears that countries like Syria and Iran have influence over the Islamic Resistance

and that, as a result, Lebanon will be dragged into regional conflict. It wants Lebanon to remain neutral in such conflict. The majority argues that UN Resolution 1559 clearly calls for disarmament of all nongovernmental parties, both Lebanese and non-Lebanese, and for full deployment of the Lebanese military over Lebanon's territory; it is under pressure from the UN and the international community to comply with that resolution. In short, it will be difficult to reach an agreement over how Lebanon should defend itself—at least as well as the resistance defends it today—among the international community and the Lebanese. A gradual solution to this problem might be preferable to any hasty action.

The Palestinian Refugees and Their Military Presence.

Armed Palestinian refugees present another issue of conflict among the Lebanese political groups. While it is clear for the majority of Lebanese politicians that Palestinians on Lebanese soil should be unarmed, other political groups (such as Amal and Hezbollah) insist that the Palestinians should not be forced to disarm until a final status is determined with regard to the Israeli-Palestinian conflict. Perhaps an agreement could be reached whereby the Palestinian military presence in Lebanon is placed under the command of the Lebanese army, as is the case in Syria or Egypt.

At this point, not much is being done to ensure the basic human rights of the Palestinian refugees in Lebanon. A year ago, the Lebanese government eased some conditions for employment of Palestinians, but much more needs to be done. There seems to be basic agreement among Lebanese that the solution to the problem of the Palestinian refugees in Lebanon is the implementation of UN Resolution 194, but unfortunately this is not in the hands of the Lebanese, but rather rests with the UN and international superpowers.

The Lebanese-Syrian Relationship. Since the murder of Hariri, new tensions have arisen between Lebanon and Syria. Major Syrian officials have been interrogated about the crime, and the investigation to determine its perpetrators is ongoing. The majority coalition believes that Syria was involved in the assassination, that it has been involved in similar crimes

previously and since, and that it should be treated accordingly. Amal, Hezbollah, and other parties in Lebanon, such as the National Syrian Party, recommend not accusing Syria of wrongdoing until the trial is over, and thus maintaining good relations with the Syrian government today. The Syrian regime was at one time frequently overthrown by Syrian opposition forces using Lebanese territories. But in the last thirty years, ending in 2005, Syria has played a military role in Lebanon, allying itself with different Lebanese political groups at different times, and thus manipulating the Lebanese civil war. Today, all parties seem to agree that a relationship with Syria should be reestablished, based on the idea that the two countries should be on equal ground. They should operate under a signed agreement and through official channels. A process of reconciliation, however, is hard to commence given the accusations that are being launched against Syria in the Hariri assassination and other crimes. At the grassroots level, the people in both countries, like most of the Arab region, are moved by emotions and media more than political convictions and interests. Political leaders from all sides should be more responsible and refrain from inflaming the emotions of the other side.

External Interference. Lebanon has always been an attractive target for foreign intervention. Almost any voice in the world can easily find an echo inside Lebanon. The weak sense of citizenship in comparison with religious and political ties is a main factor in Lebanon's susceptibility to foreign interference. At the same time, interference in Lebanese affairs has never been a walk in the park for the influencing powers—which have found in Lebanon as many enemies as friends. People talk about the alliance between the Shi'a, Syria, and Iran; between Sunnis and Saudi Arabia and Egypt; and between Maronites and France and the West in general. These are not constant alliances. Syria has helped Christians in the war against Muslims and Palestinians, and then has switched alliances; in earlier centuries, various European nations helped Druze and Maronites fight each other in Mount Lebanon. In general, it is very difficult to draw the line between forced external interference

and requested interference, and it is questionable how much of the blame the Lebanese can attribute to external forces in blocking their unity.

Conclusion

The Lebanese addressed their political conflicts for the first time without foreign facilitation on March 2, 2006, which marked the launch of national dialogues. The successes or failures of these dialogues will have great consequence for the future of the country. Today's regional and international political atmosphere presents both a challenge and a real opportunity for Lebanon to reconstitute its country and achieve a better future. This future is dependent on Lebanese patriotism prevailing over loyalty to sect.

The U.S. and its allies are promoting a new agenda, supporting the growth of democracy in the region and in Lebanon. Some Lebanese have trust in the U.S., are grateful for this support, and want to do all they can to take advantage of it. Others lack this trust, based largely on past experiences with the West. Particularly under these conditions, reconstruction of a civil state in Lebanon must be led by the Lebanese. They can start by calling for the true implementation of the Ta'if Accords, new electoral laws based on citizenship and justice, and new government institutions that operate on democratic principles.

About the Author

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Notes

1. It has been practically forbidden to conduct a census in Lebanon since the 1932 census by the French Colonization authority, which accordingly distributed to the religious sects the top three positions and other major posts.

2. Opinion poll by Information International for the Center for Democracy and the Rule of Law, August 2005.

3. There is no census of the Lebanese population, but it is estimated to be above three million.

4. During the war, Beirut was divided into East and West: East for Christians and West for Muslims and leftist Christians.

5. In August 2004, the president's term, which was slated to end in October 2004, was extended for another three years with controversial interference from the Syrian intelligence chief and top officials in Damascus.

6. General Ghazi Kanaan was the Syrian responsible for the Lebanese file at that time; he also became the minister of interior in Syria and later mysteriously committed suicide without anybody uncovering the direct reasons for the act.

7. The 2005 election was based on a strange division of electoral units tailored by Kanaan to suit Syria.

6

Libya

Has Rapprochement Worked?

Mohamed Eljahmi, January 2006

Despite Mu'ammar al-Qadhafi's international rehabilitation, the Libyan leader remains resistant to reform and intolerant of dissent. His ultimate goal—preservation of power—remains unchanged. His decision to abandon his weapons of mass destruction program was not a moral epiphany but rather a calculated attempt to launder his image in order to earn him an exemption from the U.S. effort to democratize the Middle East. So far, his strategy is working. The U.S. Treasury Department's Office of Foreign Assets Control, for example, has licensed companies to enter into business with Libya.¹ Washington's policy toward Libya is counterproductive, however. People across the Middle East juxtapose U.S. rhetoric regarding terrorism and dictatorship with the White House embrace of Libya and conclude that the Bush administration is insincere.

The Rise of Qadhafi

Advocates of engagement and reconciliation with Qadhafi's Libya often have little understanding of the nature of the ruler or the state that he has constructed. Qadhafi's history betrays his ambitions and should undercut the seriousness with which policymakers accept his word. He first entered the public spotlight

when, on September 1, 1969, he and other Free Unionist Officers overthrew the constitutional monarchy of King Idris, nullified all constitutional protections, and announced their Revolutionary Command Council to be the highest authority in Libya.

Initially, the new Libyan regime sought to parallel Egyptian president Gamal Abdel Nasser's Arab nationalist discourse.² In exchange, the Egyptian government helped solidify the shaky Libyan junta. Nasser's regime embraced Qadhafi and instructed him on how to use media and propaganda to strengthen his grip on power. Egyptian advisors exported their bureaucracy to Libya and helped transform the Libyan education sector to sharpen its focus on Arab nationalist and revolutionary principles.³ Nasser also helped Qadhafi overhaul the Libyan security apparatus.⁴ In return for investment capital, money, and an outlet for Egyptian workers, Nasser provided Qadhafi with legitimacy, protection, and advice.

Qadhafi's grip on power was, nevertheless, far from secure. In December 1969, Egyptian intelligence helped disrupt a plot by the Libyan defense and interior ministers to overthrow the Libyan regime. Their ideological impetus appeared to be growing nationalist unease over Qadhafi's tilt toward Egypt and the radicalism of the more junior Revolutionary Command Council members.⁵

Qadhafi survived the coup plot but concluded that his power depended upon tight control. His Revolutionary Command Council issued a Law for the Protection of the Revolution, making it a criminal offense to proselytize against the state, to arouse class hatred, to spread falsehood, or to participate in strikes and demonstrations.⁶ Within weeks, the Revolutionary Command Council assumed total public control over Libya. Qadhafi assumed formal control as both prime minister and defense minister. He curbed any significant delegation of authority beyond family and his closest associates.

In subsequent years, Qadhafi instituted an Islamization and Arabization campaign to cleanse Libyan society of Western influence. He removed Latin street signs, banned the sale and consumption of alcoholic beverages, closed the U.S. and British bases, and expelled both foreigners and much of the Libyan Jewish communities. He converted Tripoli's cathedral to a mosque and Benghazi's cathedral to a headquarters for the Arab Socialist Union. Prior to their expulsion, Qadhafi forced the Italian community to exhume the remains of their dead to take back to Italy, an event he televised live.

The Cairo-Tripoli détente began to unravel in September 1970 after Anwar Sadat succeeded Nasser. Sadat mistrusted Qadhafi. While Sadat agreed to a limited partial union between the two neighbors in 1972, he remained suspicious of Qadhafi's offer for a full union in which Sadat would be president and Qadhafi defense minister.⁸ Qadhafi's ambitions worried the Egyptian ruler. Qadhafi was a man who did not hesitate to turn on his allies for the sake of power. He may have thought himself another Shishonk I, a Berber officer from what is today Libya, who led a palace coup to found the twenty-second dynasty of Egypt (945–745 BCE). While the Egyptian embrace had enabled Qadhafi to consolidate his power, the student had begun to emerge from the shadow of his master.

Ideology of Repression

On April 15, 1973, Qadhafi moved to cement power, unfettered by commitments to Cairo. He launched a

systematic assault on the Libyan bureaucracy and intelligentsia. Speaking in Zuwarah, he delivered what became known as his "Five-Point Address," in which he declared

- suspension of all existing laws and implementation of *shari'a* (Islamic law)
- purging the country of the politically sick
- creation of a people's militia to protect the revolution
- administrative revolution
- cultural revolution⁹

The speech was replete with religious symbolism. Delivered on the Prophet Muhammad's birthday, the five points paralleled the five pillars of Islam. The Zuwarah address marked the start of Qadhafi's absolute rule. He canceled school summer vacation and dispatched Benghazi University law students and clerics from Al-Azhar University in Cairo to indoctrinate primary and secondary school students in his political vision. I was an eighth-grade student at the time and forced to attend the summer "cultural school." We were indoctrinated with revolutionary rhetoric and religious teachings.

Qadhafi's speeches reflected his ruthlessness. He warned anyone who tried to organize politically that they would face repression. "I could at any moment send them to the People's Court . . . and the People's Court will issue a sentence of death based on this law, because execution is the fate of anyone who forms a political party," Qadhafi said during a speech in Tripoli on November 9, 1974.¹⁰ He backed his threats with action. There were public hangings and mutilations of political opponents.

His megalomania was unchecked. He claimed that his rule was a "third international theory," an alternative to both communism and democracy. In practice, his theory devastated civil society and destroyed both separation of powers and constitutionalism. He consolidated his governing philosophy in *The Green Book*.¹¹ *The Green Book* consisted of three parts: "The Solution to Democratic Problems," published in

1975; “The Solution to the Economic Problem” (1977); and “Offering Solutions to Complex Social Problems” (1981). Enacting *The Green Book* eviscerated every aspect of society. He used the second part to justify the confiscation of private businesses, nationalize private property, and cap the income of Libyan families.¹² Libyan society, once tolerant, grew less so. The third part undercut the position of women, which it labeled the “feebler sex,”¹³ and berated black Africans, whom it labeled a lazy race liable to multiply without limit.¹⁴

In January 1976, the first General People’s Congress of the Arab Socialist Union convened in Tripoli.¹⁵ On March 2, 1977, the congress reconvened with Fidel Castro as the guest of honor.¹⁶ At the congress, Qadhafi declared Libya to be a “state of the masses” (*al-Jamahiriyya*) in which he derived power from neighborhood committees. While he claimed that such a system enabled popular representation, in actuality it allowed Qadhafi to reach deeper into society in order to transform an authoritarian system into a totalitarian one. The terror began almost immediately. Shortly after Castro left Libya, Qadhafi authorized the execution of twenty-two officers who had participated in a 1975 attempted coup and the execution of several civilians.¹⁷

Implementation of the *Jamahiriyya* system forced dependence upon the state. While Qadhafi retained ultimate political and budgetary authority, he created a hierarchy of organizations to enforce his will. At the national level, he established a Permanent General Secretariat—run by his cousins Zanati Zanati and Ahmed Ibrahim—to oversee the General People’s Committee, the General Secretariat, and the General People’s Congress.

These institutions are cogs in a bureaucracy that goes nowhere. The General People’s Congress convenes annually, appoints the General People’s Committee, and adopts resolutions of the Basic People’s Congresses but has neither independent budgetary authority nor oversight of the armed forces. Its irrelevance to key policy decisions was demonstrated in 1980, when Libya went to war with Chad without a single General People’s Congress discussion. More recently, the General People’s Congress did not

discuss the government’s decision to surrender Libyan suspects in the Lockerbie bombing for trial in Scotland nor to pay compensation to the victims’ families.

Some 453 Basic People’s Congresses meet quarterly to discuss an agenda predetermined by Qadhafi.¹⁸ Each Basic People’s Congress elects a secretariat and a collection of People’s Committees, which are diverse in function, focusing upon issues such as public works and health. All votes are cast in open ballots, allowing the state to punish dissent.

Overseeing the various secretariats is the General People’s Committee, which, in effect, acts as a council of ministries. Here, Qadhafi has allowed a non-family member to take control. He has appointed Shukri Ghanem, a graduate of the Fletcher School of Law and Diplomacy at Tufts University, to head the General People’s Committee, putting a Western-educated face forward to interact with the outside world.

Revolutionary committees monitor the Basic People’s Congresses and People’s Committees and report to Qadhafi via a Permanent Revolutionary Committee. According to the U.S. State Department, 10 to 20 percent of Libyans work in surveillance for these committees,¹⁹ a proportion of informants on a par with Saddam Hussein’s Iraq or Kim Jong Il’s North Korea. Qadhafi has embedded revolutionary committees throughout government, in factories, and in the education sector.

There are no judicial checks and balances. The judiciary is ill-defined, allowing regime elites to use multiple security forces to harass ordinary Libyan citizens. Revolutionary committees run prisons with little or no documentation of the inmate population or of such basic data as crime and sentence. Revolutionary committees dispense justice, targeting, in particular, participants of the Basic People’s Congresses who voice opposition to the state’s agenda. Dissent is illegal under Law 75 of 1973, which denies Libyans freedom of expression. Participants have disappeared after Congress discussions. On October 19, 2002, security forces arrested my brother, Fathi Eljahmi, after he spoke out for political and democratic reforms at the local Basic People’s Congress.

Qadhafi’s death squads terrorize the population. Since 1980, when he ordered the liquidation of

dissidents—“stray dogs”—at home and abroad, Libyan agents have killed political dissidents, both real and perceived. In December 1993, Libyan agents kidnapped former Libyan foreign minister and dissident Mansur Kikhia, one month before he was to receive U.S. citizenship.²⁰ From the very beginning, Abdel Salam Jalloud, Qadhafi’s former second-in-command, justified the assassination of dissidents: “Many people who fled abroad took with them goods belonging to the Libyan people. . . . Now they are putting their illicit gains at the disposal of the opposition led by Sadat, world imperialism, and Israel.”²¹ Libyan television broadcast hangings and mutilations.

Libyans in the United States have not been immune to Qadhafi’s rampage. In 1980, while the Libyan government still maintained an embassy in Washington, a Libyan agent attempted to assassinate dissident Faisal Zagallai, a doctoral student at the University of Colorado, Boulder. The bullets left Zagallai partially blinded.²² Perhaps the most dangerous tool of judicial oppression is the Law of Collective Punishment, passed in 1997, which allows the state to sanction entire families, towns, or districts for the wrongdoing of individuals.²³ There are no checks and balances. Qadhafi rules supreme. His nationalization of private property has allowed him to exert complete control over the economy and also keep foreign investors in check. Fulfillment of the needs of all Libyan citizens depends upon their absolute obedience.²⁴

Radicalizing Religious Expression

Qadhafi has sought to dominate not only Libya’s political society but also its religious life. Before Qadhafi seized power, most Libyans—especially those in the eastern (Cyrenaica) and southeastern parts of the country—followed Sanusi teachings. Sayyid Mohammad bin Ali al-Sanusi (1787–1859), who founded the Sanusi order in 1837, was an Islamic reformer who believed in austerity, simplicity, and the free interpretation of the *shari’a* law. He criticized the rigid interpretation of the Quran by strict Sunni schools in Egypt and what is now Saudi Arabia.²⁵

In the early 1970s, Qadhafi began to saturate the Libyan media with condemnation of spirituality and introduced Salafist rhetoric encouraging obedience to the ruler. Street posters created by his regime carried slogans such as “Obey those in authority” and “Every shepherd has his own flock.” Libyan television showed security officers interrogating former Sufis and then leading them to repent for practicing *dikhr* (meditation). He sought to suppress the independence of Sanusi preachers, razing the Sanusi mosque and university and desecrating the graves of the Sanusi family.²⁶

Qadhafi has consistently used the cloak of religion to propagate his politics. In 1970, he founded the Islamic Call Society (*Jam’iyat ad-Da’wa al-Islamiya*), whose charter calls for proselytizing in Africa and elsewhere. In the late 1970s, the *Jam’iyat ad-Da’wa al-Islamiya* was placed under the supervision of the Libyan External Security Organization, where its role was expanded to include subversion and propaganda.²⁷

Qadhafi has adopted a guise of religiosity to affirm his rule and intimidate opponents, whom he calls *zanadiqa* (heretics). With messianic megalomania, he has adopted the identity of various Islamic prophets. In his first communiqué on coming to power in 1969, he compared himself to Abraham by declaring, “With a single blow from your heroic army, the idols have fallen and false gods have been destroyed.”²⁸ Later, he wrapped himself in the symbolism of Jesus and Muhammad.²⁹

In 1976, Mohammad Hassan, Qadhafi’s court musician, penned a song in which he called Qadhafi “Messenger of the Arabian Desert,” drawing a parallel between the Libyan dictator and the Prophet Muhammad. In a 1979 interview with Italian journalist Oriana Fallaci, Qadhafi called his *Green Book* “the new gospel,”³⁰ again implying a parallel between himself and Muhammad, whom Muslims believe received the Quran from God through the angel Gabriel.

In 1992, the Libyan regime issued a commemorative stamp on the anniversary of its takeover (“the Al-Fateh revolution”) which depicts Qadhafi on a white horse that appears to be leaping into the sky, an allusion to Al-Buraq, the white winged beast that Muhammad mounted on his overnight journey from Mecca to Jerusalem.

Such religious egoism has not dissipated with time or with Libya's recent rapprochement with the West. In April 2005, Revolutionary Guard commander Hasan al-Kabir al-Qadhafi reiterated the same theme when he said there existed a special relationship between the leader and God and called Qadhafi a *murabit* (a living saint).³¹ During a July 2005 meeting, the General Union for Producers (in effect, a state-controlled trade union), told Qadhafi, "We value and are proud of your imamship for millions of Muslims from East to West, so that the banner of Islam can be raised so high to fulfill the will of Allah."³²

Qadhafi has used his rapprochement with Western Europe and the United States to portray himself as anti-Islamist, but the reality is more complex. While Islamist groups have targeted Qadhafi, his consistent flirtation with Islamism suggests that he may not be adverse to a tactical alignment, perhaps by seeking to brand his own form of Islamism. General Charles Wald, deputy commander of the U.S. European Command, who suggests that Tripoli shares Washington's concerns about radical Islamism,³³ is naive. Washington once trumpeted Saddam Hussein as an anti-Islamist, but following his 1991 defeat in Operation Desert Storm, the Iraqi leader used religion as a crutch.

Has Rapprochement Worked?

Foreign policy realists can argue that sometimes the price of compromise is worth it. In the case of Libya, though, it is not. In the latter years of the Clinton administration, Qadhafi quietly reached out to U.S. interlocutors. Engagement was cost-free for the Libyan leader. There is no evidence that he was sincere. At the time, he curbed neither his pursuit of weapons of mass destruction nor his support for terrorism. In 2000, his self-described ransom payments to Abu Sayyaf terrorists in the Philippines, for example, allowed the group to expand in both numbers and capability.³⁴

President Bush's willingness to use force against Saddam Hussein motivated Qadhafi to change his position. He saw Washington defy the will of many

European allies and saw the failure of the Iraqi president's strategy of stalling. Qadhafi offered to forfeit his weapons of mass destruction program. His concession was tactical, however, a shrewd calculation of the weak ingratiating itself with the strong. While Qadhafi forfeited his program and some equipment, the knowledge remains and, with the lifting of United Nations and European Union sanctions, the ability to upgrade and reconstitute the program.

Washington's embrace of Tripoli has been premature. Domestic policy is a window into the character of rulers. In Qadhafi's case, it shows that he has not changed his behavior or perspective. Rather than reform, he has sought only the image of reform. He abolished the Exceptional Court, for example, in order to demonstrate a new commitment to the rule of law, but rather than end prosecution of political crimes, he simply shifted jurisdiction for them to criminal courts. Despite rhetoric meant to attract foreign investment, there has been no economic liberalization.

Treatment of minorities can be a barometer of sincerity. Here, too, Qadhafi fails. According to Raphael Luzon, chairman of the Libyan Jewish community in Great Britain and deputy president of the World International Federation of the Jews of Libya, "Qadhafi ordered the destruction of all Jewish cemeteries in Benghazi and Tripoli. Despite Qadhafi's recent declarations that Libyan Jews are welcome to come back and visit, Libyan authorities have refused to grant me permission to visit Libya three times."³⁵

The case of my brother is also instructive. On March 12, 2004, Bush stood in the East Room of the White House and declared:

We stand with courageous reformers. Earlier today, the Libyan government released Fathi Eljahmi. He's a local government official who was imprisoned in 2002 for advocating free speech and democracy. It's an encouraging step toward reform in Libya. You probably have heard, Libya is beginning to change her attitude about a lot of things.³⁶

Within two weeks, though, the regime had arrested him again. During his brief furlough, Eljahmi had granted interviews to a number of

Arabic-language satellite stations calling for more rights.³⁷ It was one thing to promise reform but quite another to tolerate it. With no White House reaction to Eljahmi's rearrest, Qadhafi extended his crackdown. In 2004, Libyan security arrested brothers Fawzi and Naji Eissawi. Fawzi's crime was sending this author e-mails. Qadhafi also imprisoned dissident Abdul Razzaq al-Mansouri.³⁸ Washington's continued silence in the face of Qadhafi's crackdown may have emboldened the Libyan leader. In June 2005, regime elements murdered dissident Daif al-Ghazal.³⁹ Today, hundreds of new political prisoners occupy Libyan jail cells. But Washington has not withdrawn any of its carrots to protest Qadhafi's insincerity nor insisted that the Libyan leader's gestures be more than fleeting.

There has been some positive action by U.S. officials. Pressure by Senator Joseph Biden (Democrat, Del.) was largely responsible for the initial release of Fathi Eljahmi. When visiting the People's Congress, Biden demanded democracy and human rights for Libyans and also held the Libyan regime responsible for the downing of Pan Am 103.⁴⁰ Prior to the end of his tenure, Secretary of State Colin Powell drew much abuse from the official Libyan media when he said, "We have no illusions about Colonel Qadhafi or the nature of his regime."⁴¹ The next day, the Libyan news agency JANA quoted foreign minister Abdel Rahman Shalqam as saying that Libya "will begin filing a lawsuit against him [Colin Powell] because his statement implies insult and libel against all Libyans."⁴² *Az-Zahf al-Akhdar* published an article that contained personal and racial insults about Powell. The article also referred to President Bush as "emperor" and U.S. intelligence as "mafia."⁴³ In the Arab world, such bombast is a sure sign that the initial comments struck an official nerve.

Testifying before Congress, Assistant Secretary of State for Near Eastern Affairs William Burns said, "We will express our deep concern over individual cases, such as the re-detention of political opposition leader Fathi Eljahmi."⁴⁴ Arab satellite television stations broadcast Burns's comments and boosted the morale of our family.

Nevertheless, such official statements are few and far between. Qadhafi appears only to be buying time,

utilizing meetings with some U.S. politicians and Western politicians, including Canadian prime minister Paul Martin and British prime minister Tony Blair, to bolster international legitimacy and deflate the morale of Libya's democratic underground. Every time Libyan television is able to broadcast photos of a prominent Western politician meeting with and implying endorsement of Qadhafi, it is a propaganda coup for the regime.

Building a Better Future for Libya

Qadhafi may have pledged to abandon terrorism and pursuit of weapons of mass destruction, but his assurances are fleeting. His evolution and political development suggest unrestrained megalomania.

With oil in excess of \$60 per barrel, U.S. forces bogged down in Iraq, and international sanctions lifted, the Libyan leader is no longer in a position of weakness vis-à-vis Washington and the West.

An understanding of his personality and history suggests Qadhafi to be impervious to change. Real security for both Libya and the United States will require democratic reform in Libya. There is no indication, however, that Qadhafi is willing to loosen his grip on all levers of power, regardless of his pursuit of rapprochement with the West.

Given Qadhafi's hold on society, reform will not be possible without outside pressure. Washington can play a supportive role in encouraging Libyan reform. To do so it must deny Qadhafi legitimacy. Expansion of commercial ties absent pressure to democratize undercuts reform and is contradictory to the rhetoric of President George W. Bush.

The White House's failure to stand up for dissidents and democrats hurts the U.S. image, not only in Libya but throughout the Middle East. If Washington wants to win hearts and minds throughout the Arab world, it must adopt a more consistent approach to the abuse by dictators of their citizenry. There is no reason, for example, why the White House should condemn the murder of Lebanese journalist Samir Kassir⁴⁵ but remain silent after the assassination of Libyan journalist Daif al-Ghazal. If

the Bush administration is serious about democracy, it should demand that Qadhafi abolish laws preventing the exercise of basic political rights and tie rapprochement to the release of political prisoners. In the interim, there should be no diplomatic visits unless the Qadhafi regime allows independent organizations such as Physicians for Human Rights and the Red Cross to visit the hundreds of political prisoners in Libyan custody.

Until there is democratic change, the State Department should be wary of cultural and educational exchanges. They should not be fooled by Qadhafi's request to send Libyan students to study at U.S. universities. The Libyan regime will embed regime apparatchiks and intelligence officers. At a minimum, these "students" will seek to intimidate Libyan Americans. They may also seek to assist radical groups within the United States.

Washington has blundered in its rapprochement with Libya, which the Arab press throughout the Middle East sees as proof of U.S. insincerity about democracy. During an interview with Al-Jazeera television, Qadhafi's son Saif al-Islam said that the U.S. government has exempted Libya from the democratization of the Middle East by accepting Qadhafi's *Jamahiriyya* democracy: "Initially the United States had the idea of exporting the Western model of representative democracy to the Arab world. More recently, the United States has changed its approach, supporting local versions of democracy,"⁴⁶ he said. Such inconsistency fuels hatred and harms the long-term interests of both Libya and America.

About the Author

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Notes

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7

Syria

Mobilizing the Opposition

Ammar Abdulhamid, March 2006

For more than four decades, the Syrian regime has been characterized by tyrannical rule, corruption, and mismanagement. Many in the West expressed hope that Bashar al-Assad would reform Syrian governance. He did not. The last five years have witnessed further political and economic adventurism by the so-called New Guard. Their policies have led to a further narrowing down of the regime's power base. State decision making has been reduced to a small and corrupt clique centered around the president and his immediate family members and friends.

The situation has changed in recent months, though. United Nations Security Council Resolutions 1636 and 1644 have brought greater international pressures on this regime and brought scrutiny to its record of oppression and violence both in Lebanon and at home.

In order to capitalize on this opportunity, however, the opposition, whether individual activists, dissidents, or organized parties, can no longer rely on the issuance of declarations and manifestos, no matter how brave and groundbreaking they are. Nor should they remain fearful to engage the outside world and the powers shaping the region today. Unwillingness to engage the world beyond Syria's borders reflects negatively on the credibility of opposition leaders. Outreach does not mean dependency upon outside

support. Enabling electoral processes and the development of the rule of law will help Syria renormalize its relations with the international community and allow the country to stave off international isolation, sanctions, and implosion. It is the regime's survival, rather than its ouster, that is more likely to pave the way for total disintegration of law and order in the country and a descent into an ethnic and sectarian quagmire.

There have already been a number of warning signs. More intercommunity clashes took place during the first five years of Bashar al-Assad's rule than under any of his predecessors since the emergence in 1920 of the modern state of Syria. The clashes have pitted, at various times, Druze against Bedouin, Kurd against Arab, Assyrian against Arab, Alawite against Isma'ili and, more recently, Arab tribes against each other. Despite repeated promises, the state has not addressed—let alone resolved—any of the basic issues involved. Intercommunal and intertribal tensions between the various groups have risen to new levels.

Meanwhile, the entire country is still ruled under emergency laws, the first of which was declared in 1963. Still, and ever since the clashes between Arabs and Kurds in March 2003, the northeastern parts of the country have come to be ruled more directly by

the various security apparatuses established by the regime. The Kurdish community has suffered the brunt of the crackdown.

The brittleness of the regime seems both to reflect and feed the brittleness of the state. The existing regime has had ample opportunities to mend its ways and introduce the necessary reform packages, but has failed to do so. This lends more credence to the argument that the regime, the new president included, is in fact part and parcel of the problem, not the solution, and thus must be removed, albeit by peaceful means.

Leadership

There are two types of leaders in Syria: ideologues and public leaders. The founding ideologues of political movements may not necessarily be the best representatives of their parties to the media and the general public, both because of changing demographics that increasingly favor the young, and because of the emphasis on image in contemporary media. Opposition groups need to cultivate leaders who resonate with the public. They will achieve greater success too if they embrace technocratic experts in order to develop concrete plans for reform that rival those proposed by the government. And, lastly, oppositionists need to reach out to expatriate communities in order to make use of all the talent and support that exist within these communities.

Continuous exposure to Western entertainment programs and satellite news has led to a situation in which Syrians, despite the lack of democratization in their country, are not necessarily any less sophisticated or meticulous in their demands and expectations than their Western counterparts.

While charismatic and inspiring public figures are born and not made, good public figures are made. People cannot be inspired by a faceless opposition, or by one that fields a group of people whose public image is suitable neither for continuous media exposure nor for the tastes of the critically important younger electoral demographic.

In order to tackle the challenges of producing a good leader, opposition groups need to consult public relations experts. Public relations has long been a science in the West, and there are a number of international companies that would be willing to offer their help and expertise in this matter. Oppositionists should be open to their help and advice.

Opposition parties must also learn to embrace technocrats. Technocrats will play a crucial role in providing the vision necessary for the establishment of political party platforms. Syrian oppositionists are too often focused on surviving the usual cat-and-mouse game with the authorities at the expense of focusing on their own goals for the country—that is, on producing clear platforms and programs. No amount of public sympathy for reform can generate the necessary popular support that dissent and reform movements need. Obtaining popular support requires organization, vision, and professionalism. For this reason, opposition party leaders need to surround themselves with qualified professionals who can help engender popular trust. These professionals should be commissioned to undertake special studies on a variety of critical issues, including economic, social, political, and environmental.

The expertise supplied by these professionals can help opposition groups provide what the government itself has only recently begun attempting to provide, namely: specific plans for action and specific recommendations to meet some of the country's basic challenges. The plans need not be immediately perfect, but they must provide a credible challenge to the plans proposed by the government, and play on the government's weaknesses. Such proposals have the potential to cater to popular expectations and demands and could thus become a major source of attraction, credibility, and legitimacy. Indeed, opposition to the regime should establish a parallel government of sorts that seeks to earn tremendous public support for its programs and its overall vision for the country and its future.

Of course, internal opposition groups may not include such experts to call into action. But opposition groups should, for this reason, cultivate their ties with expatriate communities all over the world.

Instead of leaving such vital communication between Syrian oppositionists and Syrian expatriates to be facilitated by the regime—through, for example, the Ministry of Expatriate Affairs—the opposition should establish contact-point people within expatriate communities. These people could help identify possible partners for opposition groups who would be willing to lend their expertise in order to help build a successful reform program.

After all, the regime, too, relies on outsiders to boost its reform efforts—or at least its appearance of attempting reform. Every time the Syrian regime has tried to project a commitment to reform and openness, it has done so by inviting reformers from outside the usual circles to join its ranks as ministers and advisors, such as former minister of planning and industry Issam Al-Zaim; former minister of economy Ghassan Al-Rifay; and current deputy PM Abdallah Dardari. Indeed, the regime is not capable of producing the needed reforms on its own.

The Syrian populace is ripe for change, especially at this time, when economic conditions continue to worsen in the country. It is a commonly held belief among Syrians that the corrupt practices of regime officials are to blame for the failures of reform. If opposition groups highlighted to the Syrian people through public speeches the regime's corruption and failures—in contrast to their own visions for reform—their message would be bound to strike home with many important segments of the Syrian populace.

Vision

During the first five years of his rule, Bashar al-Assad has provided no vision. The hasty end of the 2001 Damascus Spring and the reinstatement of full control by the state was not commensurate with the times and, more importantly, failed to quench the growing thirst for new hope. The opposition needs to deliver the vision that the Syrian regime cannot. This would constitute a tremendous leap for us along the path of popular credibility and legitimacy.

The vision need not be that complex. Anwar al-Bunni, the well-known Syrian lawyer and human rights activist, offered a draft constitution in August of 2005. This, coupled with a version of the Damascus Declaration,¹ the statement that was issued by an assortment of the most important opposition groups in Syria, can serve as a national covenant to provide the necessary theoretical framework for the vision.

The vision should also be further explained, defended, and elaborated in articles, interviews, and public appearances. Lack of freedom of press in Syria makes this difficult, but not impossible. Arab newspapers—even those that publish writings by the opposition, such as *as-Safir*, *ash-Sharq al-Awsat*, and *al-Hayat*, are still allowed in the country, and satellite television has proved impossible to censor. The Internet is yet another avenue through which opposition movements can interact with the Syrian people. In addition, government censorship overall has been haphazard, leaving many websites that run opposition articles accessible to the public and thus leaving room for opposition activity.

The vision should include inspiration to form various groups, or committees, dedicated to tackling economic reform, social reform, and foreign policy. In a sense, the opposition should set up a parallel government inside Syria. If these committees created concrete plans to lift the country out of its political and socioeconomic quagmire, they might in turn mobilize Syrians out of their lethargy. Cooperation with international organizations could add credibility to these efforts as well. A sense of novelty in such an endeavor is of critical importance. Syrians are used to their government undertaking reform initiatives. If they see a new alternative—an opposition movement tackling the issues—they might be more willing to discredit the regime, especially should Assad impede the opposition endeavors.

While such a substantial opposition movement might appear impossible to achieve considering the omnipresence of the Syrian security apparatus, in reality, existing opposition movements prove that there are already cracks in the system. The recent release of Damascus Spring figures such as Riad Seif, Mamoun Al-Homsi, Walid Al-Bunni, Habeeb Issa,

and Fawaz Tillo, all of whom have come to reject the regime in toto at this stage, would not have taken place had there not been people within the regime advocating such a softer stance, even if only for publicity purposes. This softening can nonetheless be used to allow for the opposition to get its act together. As long as the oppositionists are working together and coordinating their moves, opposition figures within Syria will help legitimize the actions of external opposition groups while receiving some measure of support and protection from them. Moreover, contacts with expatriate opposition groups can help move the actual organizational structure of the opposition movement far from the reaches of the regime's security forces.

Outreach

For a Syrian opposition to be effective, it needs to reach out to the multitude of Syrian communities. For the ethnic and sectarian communities—Arabs, Kurds, Muslims, Christians, Armenians, Sunnis, Alawites, Druze, Isma'ilis, and Assyrians—the opposition should deliver a message about acceptance of all ethnicities, and about constitutional rights and guarantees.

There should also be emphasis on the civilian character of the state. We do not need to return to the way things were in the 1950s, when frequent coups d'état further destabilized the country and set the scene for the eventual Baath Party coup in 1963. That coup, led by a group of Alawite officers who maintain their control of the country to this very day, was based on the claim that their control was the best protection for the country's various minority groups, including, of course, their own. So long as the Alawite officers continue to play on the sectarian fears of religious minority groups, not to mention the secular-minded Sunnis, and so long as people from these communities and from the secular Sunni groups continue to buy into this logic, no serious opposition to the regime can be established. Support for freedom of conscience and religion should be enough of a guarantee for both secularists and Islamists. The

Damascus Declaration was wrong to elaborate on the continued relevance of Islamic traditions and values in Syria's contemporary scene without demanding a firm commitment from the Islamists on the importance of individual rights. Opposition groups should treat Syria's constituencies equally; they should not rig the game in favor of one particular group over another.

Neither should they place greater emphasis on the Arab character of the state. The fact that the numerical majority in the country is made up of Sunni Arabs does not mean that the Arab Islamic culture should be favored. Rather than Arab nationalism, the core values of Syrian society should be rule of law and respect for basic human rights. Indeed, the emphasis in the declaration on the Arab character of existing culture in Syria has only served to alienate most Kurds. The fact that only two marginal Kurdish groups were willing to sign the document is a good testament in this regard.

Opposition groups must design a message for the army and security officers in addition to the civilian population, since army and security officers remain the backbone of the regime. This message should offer forgiveness for past misdeeds and a willingness to open a new page, on the condition that the army and security forces detach themselves from political life. The military must remain uninvolved in demonstrations of political groups, regardless of size or ideology, so long as the demonstrators conform to the rule of law, and they must exercise a consistent respect for human rights.

Iraq can serve as an example to Syria's military and security forces. They might reconsider their obedience to a decaying regime if reminded, however subtly, of the fate of Saddam Hussein's political and military leadership. While it is quite difficult to identify figures in the army who might be willing to facilitate the regime's fall, it is safe to assume that they exist, and it is necessary to try to address them through media outlets that are not controlled by the state. In addition, such figures can be identified during periodic interrogation sessions that dissidents endure. Frank discussions with interrogators often occur and rapport between dissidents and high-

ranking interrogators is known to develop. This rapport can be taken to the next level; it needs to be transformed from a mere sympathetic reaction to an understanding of the necessity of reform, and how reform can be beneficial to the interests of the interrogators themselves. Indeed, some of these high-ranking interrogators need to be turned into “collaborators” with the opposition. It is essential that certain top figures and second-tier commanders be unwilling to cooperate with the regime should it opt for a crackdown.

Outreach must not be limited to political and security figures. Artistic figures, especially those of an older generation, might lend opposition movements greater popular credibility. Their involvement could consist of publicly endorsing various activities and programs organized by the opposition, such as sit-ins, work stoppages, and demonstrations, in addition to giving regular interviews and holding press conferences on the issues of the hour.

Getting the support of this group will not be easy. It has a history of cooperation with the regime, as it has been called upon in the past to support regime efforts through artistic work (paintings, sculptures, theater plays, TV dramas, movies, and songs), and as this group seems more fearful of the regime than some other authors and academics. Still, no one has actually tried to lobby these figures. The opposition has handicapped itself by waiting for people to come to it and should be proactive in approaching others.

Outreach applies not only to the Syrian population but also to the international community, including the European Union and the United States. It is necessary for Syrian opposition movements to rise above the usual nationalist and leftist ideologies which have led to Syrian isolation from the Western world. Only large states can afford the “mistake” or the “cost” of going through an ideological phase, such as some messianic commitment to a certain economic or political concept (be it socialism, democratization, or market economics). Small states such as Syria, especially a post-Cold War Syria, cannot. Syrians need not endorse U.S. or European policies, but they need to understand that, while anti-American, anti-Western, and anti-Zionist statements might make good

sound bites in some circles, making such statements is simply not a good policy. Pragmatism should trump ideology. This does not mean turning away from declared principles, but rather demonstrating a sense of priority. Our priority at this stage should be to meet our developmental challenges and needs. Grander visions such as Arab unity will need to wait until such time as Arab countries have reached a certain minimal level of development. This is indeed the basic lesson that can be inferred from the EU and ASEAN experiences. Regional cooperation is much easier to establish between well-developed economies and states. Forging international ties at the very time that Syrian regime leaders, including the president, are being shunned by the international community could also be billed to our people as an additional sign of the legitimacy of the opposition and the illegitimacy of the Syrian regime.

Moreover, anti-Zionist and anti-imperialist rhetoric are instruments used by the regime to rally support. If we hijack their tactics, we become pale and useless images of them. Rather, we should rise above this kind of rhetoric, and remind people where it has led us before and what it has allowed us to discover—namely, the incompetence and authoritarian nature of the regime. The anti-imperialist rhetoric that has been adopted by the regime vis-à-vis the U.S.-led invasion of Iraq has only served to isolate it, both regionally and internationally. It was a simple throwback to the 1980s as far as most regional potentates are concerned. Should the opposition adopt the same rhetoric, it will prove as detached from current realities as the regime. Still, the overall balance will be in favor of the regime as it continues to hold the reins of power. Therefore, adopting the wrong rhetoric will hurt the opposition much more than the regime.

An argument can also be made for the necessity of acquiring the support of some of the country’s moderate religious leaders and of some of the country’s better-known businessmen and entrepreneurs, irrespective of past ties to the regime. The anti-regime coalition should be as all-encompassing as possible in order to ensure wider popular approval and support.

The Role of the Media

In the struggle for the hearts and minds of our people, the media are a main battlefield. The regime makes ample use of its control over the media. It uses old rhetoric to accuse the opposition of being self-serving and ambitious, a slur in Syrian culture, which is suspicious of ambition. Syrian broadcast and print media regularly accuse dissidents of working for foreign powers. To break the media monopoly, Syrian dissidents and opposition groups might take advantage of television, radio, newspapers, and the Internet. Only a small percentage of Syrians have access to the Internet, but this fraction represents much of the educated class, and so it has a disproportionate influence in shaping public opinion.

Indeed, many dissidents have already realized the importance of the Internet. They have used it to distribute manifestos and declarations. But there still needs to be greater effort in designing and organizing websites, for so long as these websites are the main conduit through which the opposition identifies itself and communicates, the impression these websites give is crucially important. Everything the opposition does, no matter how simple, must give an aura of excellence, competence, and professionalism.

Websites need not be limited by belonging to a specific political group or party. Issue-specific websites highlighting, for example, the Damascus Spring prisoners, the future constitution, a national reconciliation pact, or intercommunity relations could help clarify and publicize the opposition stance on many key issues.

Blogging remains a largely unexplored tool by Syrian activists, though it has proven a powerful tool in Egypt and Iran. The same applies for Internet forums, a medium that allows for direct discussion between activists and the public.

Opposition media and, especially, outlets on the Internet can build and exploit the living symbols represented by the country's main opposition figures and political prisoners. The opposition has already missed several opportunities. It has cast little attention on the crackdown that ended the Damascus Spring. Recapturing that moment is no longer possible. But the

opposition should build the information infrastructure so as not to let future instances of regime brutality and oppression go undocumented.

There are living symbols whose stories should be disseminated. We can elevate to the status of national symbols people like Riad Seif, a liberal entrepreneur imprisoned in 2001 and released in 2006; Riad al-Turk, the grandfather of the Syrian opposition, who spent over seventeen years in solitary confinement; Aref Dalilah, a liberal economist imprisoned in 2001; Kamal Labwani, a liberal dissident imprisoned in 2005 following a visit to the United States in which he met with several U.S. officials; Suheir Atassy, one of the few female figures in the opposition movement, and founder of a political salon that called on the Syrian president to resign in mid-2005; Anwar al-Bunni, a lawyer and activist imprisoned in 2001 and released in 2006; and Michel Kilo, a leftist dissident and one of the authors of the Damascus Declaration.

It does not matter that none of these figures has acquired the prominence of Nelson Mandela or Lech Walesa. The important thing is to design a campaign to elevate their statures and turn them into household names symbolizing bravery and patriotism. Day after day, these people risk their lives and suffer continuous harassment in order to make Syria a better, freer place. Their bravery should be acknowledged. Promoting dissidents is also a practical way to promote human rights and freedom. It might be difficult to mobilize behind a vague idea of reform, but it would be much easier for people to rally around the causes of specific people, such as Riad Seif, Kamal Labwani, and Aref Dalilah. Their families and friends—like those of all political dissidents—are bound to attract other people to their cause as well.

Mobilization

Change in Syria will require a good level of popular engagement. The only way for this to happen is through the orchestration of public events that can attract increasingly large numbers of dedicated participants. These events need not be overtly political in

the beginning. In fact, particularly the first few might come in the form of support rallies for the country as a whole—rallies against sanctions, for example, but not necessarily in support of the regime. The important thing is to field numbers and to get people in the habit of demonstrating, of holding sit-ins, of talking about the issues publicly, and to slowly break through the barrier of fear, apathy, and vestigial patriotism, which allows them to more easily believe that the ruling regime would not put Syria and its people in harm's way.

A campaign denouncing those who have been implicated in the Hariri assassination, and demanding full disclosure of the facts by the Syrian authorities and full cooperation with the international investigators, is now more necessary than ever. Through their corrupt practices in Lebanon, which they have carried out in the name of the Syrian people, and their potential involvement in the murder of Hariri, Syrian elites have harmed the interests and the reputation of the country and have brought it international condemnation and dishonor.

The president promised the people he would punish those who were found responsible for the assassination of Hariri, and he promised to cooperate with the international probe into the crime. The Syrian people should demand that he live up to his words or be considered guilty of bringing dishonor and shame to the country. Riad al-Turk, godfather to the Syrian opposition movement, was amply justified in calling for the president's resignation. If his message—and that of other reformers—is packaged nicely and reiterated repeatedly, the Syrian people will begin to accept the logic behind their simple arguments.

Further, the Mehlis investigation into Hariri's assassination has made clear that the issue of corruption was probably the single most important determining factor at play in the assassination. The fight against corruption should thus be even more of a national priority today. It does not matter at this stage who will be implicated next by the investigation. So long as economic reforms continue to falter and the living standards of the Syrian people continue to deteriorate, the issue of official waste and corruption will continue to be a major sore point for most Syrian

people, one that the opposition should not fail to exploit. In this campaign, particular authority figures should be targeted and the president's performance should be questioned, especially considering that members of his own inner circle of family and friends were involved in the assassination. Oppositionists must stress the need to end nepotism and to replace the nepotistic regime with a strong, wise, and experienced leadership.

Failure to address the Syrian government's corruption problem is, in fact, a failure to address perhaps the most important impediment to reform in the country. Corruption is a multibillion-dollar industry for those who take part in it, and most of its practitioners are high-ranking members of the regime, including many members of the president's own extended family, not to mention his circle of friends and their associates and families. Even the president's defenders tend to agree that corruption is the main reason why the president has been unable to institute any reforms since his rise to office. Writings of U.S. analysts Joshua Landis and Flynt Leverett serve as major testament to this fact.

The Day After

In due time, as little as a single daring step of defiance could become a watershed event leading to the collapse of the regime. At such a time, there will be a need for a "day after" plan—one that will allow for popular participation in the shaping of the ensuing phase. The Syrian people should be prepared to launch popular demonstrations to ensure that civilians are ultimately in charge of the process and that opposition elements—and not only members of the Baath Party—are taking charge of the situation. For this a united front should be formed and a pre-approved transitional council should be fielded, which could then bring members of the Baath Party onboard to help set the guidelines for the following phase of government.

At that stage, we should avoid any temptation to settle old scores. Priority should be given to preserving the stability of the country and to launching plans

for redrawing its current political structure. The immediate goal should be to return the country to normalcy within a period of time no more than a year. This means that state institutions should return to full-functioning mode within weeks if not days after the fall of the regime and under existing ministers or their deputies. This should remain the case until the time that elections are held and a new government is chosen in accordance with democratic norms.

Meanwhile, the transitional council should draw up plans for the holding of popular elections to write a new constitution and a bill of rights for the country within a period of three months. Once the constitution is agreed upon, it should be upheld in a popular referendum. Parliamentary and presidential elections should follow soon thereafter.

The transitional period will pose many critical issues that need to be dealt with pragmatically and with a certain amount of decorum and level-headedness. These include the fate of old regime figures; the role of the Baath Party in managing transition and in the country's future; the role of the security apparatuses; management of opposition coalitions in the aftermath of the collapse; and ways to honor their previous agreements. Some opposition coalitions will break down in the days following victory. Elections are bound to affect the outcome, and new coalitions are bound to emerge. Such developments are part and parcel of the political process. The breakup of coalitions and the emergence of others do not necessarily signify a national disaster.

Conclusion

The struggle for the future of Syria has always been an internal one—primarily about defining its identity. Everything else, including Syria's role in the Arab-Israeli conflict, has been nothing but side developments and distractions from this real task. If Syria is to be a state for all its citizens, Arabs and Kurds, Muslims and Christians, Sunnis and Alawites alike,

then fighting against corrupt and tyrannical rule should be the first step toward this end. For the Syrian regime has always relied on a policy of divide and conquer to maintain its grip on power.

Indeed, despite all its nationalist and secular rhetoric, the Syrian regime has always played on the troubled sectarian and ethnic divides in the country to shore itself up, making itself appear indispensable for the security and stability of the country. But in truth, the regime is the first and most real threat to such stability and security. True, the problems of sectarianism predate the regime, but the manipulation thereof by the existing regime has only made it worse. The situation has blown up in our faces once before, namely in the late 1970s and early 1980, and we should not allow a recurrence of this tragic development.

For these reasons, the Assad regime must go. The Syrian people deserve a strong and modern state; a democratic state; a state where officials are held accountable for their misdeeds; and a state for all its citizens, where the basic civil rights of all are respected, and where the rule of law prevails. The time to act is now. It is time to show the world that velvet revolutions can take place in Middle Eastern societies and that our people are no less lovers of freedom than any in the world.

About the Author

Ammar Abdulhamid is co-director of DarEmar, a publishing house and nongovernmental organization based in Damascus, Syria.

Note

1. This statement was issued by an assortment of well-known opposition groups in Syria and called for saving the country from the practices of "an authoritarian, totalitarian, and cliquish [*fi'awi*] regime." See <http://faculty-staff.ou.edu/L/Joshua.M.Landis-1/syriablog/2005/11/damascus-declaration-in-english.htm>.

8

Yemen

A Country on the Brink

Ali Saif Hassan, January 2006

Yemen is at a turning point. In 2004, a bipartisan group of American scholars and advisors warned that Yemen was in danger of becoming a failed state.¹ In April 2005, then–World Bank president James Wolfensohn told the Yemeni government that time was running out and that Yemen risked abandonment by the world community. Neither the American scholars nor Wolfensohn referred to the downfall of the Yemeni government. Rather, their concerns were about the future of the state. Failure to reform should not be of concern only to the government; it should be an issue of vital importance to Yemenis across society.

Yemen faces many challenges: Its population is booming while natural resources like water and oil are fast depleting. Declining resources have aggravated corruption and accentuated differences between haves and have-nots. Reform is not a matter of choice, but rather of survival.

The Yemeni government has recognized the necessity of economic reform. In September 2004, Prime Minister Abdul Qadir Bajammal and several ministers met with Parliament, a symbolic show of unity between the executive and legislative branches, despite the fact that the General People's Congress, the ruling party, dominates Parliament. Bajammal said, "What is ahead is a bitter matter," to which the meeting's attendees replied, "The present is more

corrupt than corruption."² While acknowledging the problems of corruption, the session did not shed light on how to break the status quo.

The opposition parties offer no immediate recourse. They suffer from weak leadership. They do not think strategically and thus are often outmaneuvered by the ruling party, which shows little inclination to participate in a broader dialogue. Many opposition parties exaggerate their exploitation; they are content to accept the political system's deterioration so that they might capture the fruits of the failing government, at which point they would implement some sort of magical solution imported from beyond the limits of plausibility.

The failure to address such problems in more depth than a stage-managed show has caused many younger Yemenis to reconsider how to address the question of dissent and reform. However, time is of the essence because of the looming crisis in resources. Within the Yemeni population, the resource crunch—and its impact on the quality of life—will increasingly lead to feelings of despair and hopelessness, which in turn might cause individuals to take matters into their own hands, hastening the deterioration of the situation. For reform to be successful in Yemen, it must balance cultural, social, political, and environmental factors.

Executive Branch Reform

Within Yemen's power structure, the presidency possesses unlimited influence. Its authority, however, is not derived solely from constitutional powers. Rather, the executive branch also draws its increasing influence from its elevated position in the country's political, cultural, and social history.

With this influence, though, comes a general lack of accountability. Throughout Yemeni history, the president and prime minister have always hailed from a single political party. On one hand, this allows for coordination across government, but on the other, it breeds complicity. At present, the limitations of presidential power are blurred. Such a lack of clarity can be dangerous, especially if the separation of powers still has not been addressed at a time when the president and prime minister do come from different political parties.

For reform to be most effective, the Yemeni government should consider opening the nature of the presidential system to debate. At present, Yemen uses a constructed French system. But for such a system to function well, there must be a high degree of political awareness such as exists in France, but not in Yemen. The U.S. presidential system could be an alternative, but in Yemen, a simpler, less complex system might best fit our needs. A parliamentary system would conform well to our political and social situation.

Regardless of what executive system Yemen ultimately adopts, there need to be political rules which allow for a competitive presidential election process that is free, fair, and consistent with international standards. The current provisions for presidential elections transform Yemen into a single election district and establish excessive regulations and obstacles that prevent such a process. This state of affairs is unnatural.

The Yemeni Constitution's failure to guarantee the majority party in Parliament the right to form the government is another impediment to reform. For democracy to succeed in Yemen, there must be a mechanism to ensure that electoral success is translated into electoral power.

Another layer of executive power that must be reformed involves local authorities. At present, municipalities do not possess sufficient legal power to execute their duties. Nor do ordinary people have a say in choosing their local officials. Currently, the president appoints provincial governors and the prime minister—with the president's approval—appoints the local districts' mayors. Here, the Yemeni citizenry's inability to directly elect their district leaders and provincial governors represents another barrier to democracy.

In general, the executive branch suffers from a complicated problem, one that stems from the lack of constitutional or legal protection afforded to the lower levels of executive power, which would shield them from the influence and power of the upper tier. Nothing, for example, prevents the president from meddling in the affairs of a municipality. It is important to protect the local government from the encroachment of the provincial government, the provincial government from the central government, and, in turn, the central government from the presidency.

Legislative Branch

The legislative branch, known as the Majlis an-Nuwaab (Assembly of Representatives), resembles a bicameral system. One chamber consists of Parliament members whose duties and specializations are carefully defined, so as to not threaten the powers of the executive branch. As a result, parliamentary deputies in the lower house enjoy little independence and opportunity to reform; nor can they express dissent through factions of the ruling party. The upper chamber, the House of Advisors, is consultative in nature. Furthermore, it is undemocratic; its members are not elected, but rather appointed by the president.

The Judicial Branch

As for the judicial branch, Yemen is in dire need of an effective constitutional judiciary that goes beyond the

current constitutional makeup of the Supreme Court. The judicial branch lacks independence, as it is headed by the president.

The direct appointment of all judges—including those sitting on the Supreme Court—by the president, who presides over the Supreme Judicial Council, undercuts the institution's independence as well. President Ali Abdullah Saleh also appoints the attorney general. This executive influence can be curbed only by changing the composition of the Supreme Judicial Council, the Supreme Court, and the judicial branch in a manner that ensures its freedom and integrity.

Other institutional impediments to a fair and independent judiciary exist. While the constitution provides for the equality of rights and duties for men and women, opportunity is undercut by the practical failure to provide equal rights for education. As a result, women are underrepresented among those able to matriculate in institutions and qualify to work within the Yemeni judiciary. To ensure the basic elements of normal governance, the following three issues should be discussed so that Yemenis can reach some sort of national understanding.

Women's Empowerment. In their collective conscience, Yemenis view women positively. Yemenis remain proud of Belqees, the queen of Sheba, and Queen Arwa (1085–1138), the ruler of Yemen during the Middle Islamic era. The current situation for women is no longer as favorable. The spread of conservative Islamic values has limited their roles.

This matter requires a national will that can transcend the current state of women. This can begin with the adoption of a constitutional text that prohibits discrimination against women, in addition to a national movement that permits women an equal share in all appointed positions, as well as in elected positions. A change in Yemen's electoral laws could also help facilitate this goal.

The Electoral System. It is impossible to achieve true political reform within the current electoral system predicated on single-member districts. A system which combines proportional representation and single-member districts could be compatible

with our objectives, since political parties could take advantage of the proportional representation system to nominate women as well as political and professional leaders. Single-member districts, on the other hand, preserve the right of local populations to elect their own representatives to elected positions.

In any case, Yemenis must take advantage of international expertise in this field to make elections on all levels—local, parliamentary, and presidential—competitive, free, fair, and civil by international standards. By doing so, their results would become reflective of the voters and their hopes, ensuring that succession occurs in a civil, democratic manner.

The Armed Forces and Security. The security forces in Yemen have enjoyed considerable societal support, due to their exalted position in Yemen's past, especially during the official revolutionary order. Given that a democratic political system rests on the principles of political accountability and the civil succession to power, it is imperative that Yemen return to a sovereign political system. This matter requires a political discussion to create a national consensus on the role and place of the armed forces in the current political system. It is equally important to place the armed forces under the direct control of a civilian government, while guaranteeing its lack of interference in political affairs and competition among parties.

The goal behind this political reform program is to channel the existing national will to fulfill democratic transformation. Yemen has no choice if it is to survive and develop. Real transformation will not only necessitate the participation and genuine will of all political parties—strengthened with international partnership and expertise—it will also require a willingness on the part of the president to help shape the future. At present, the president is the only person who has all the political tools at his disposal necessary to affect democratic change.

Toward Presidential Elections

Yemen is approaching a historically decisive moment. The country will hold key presidential elections in

September 2006, which could be an opportunity for Yemenis to confront the daunting challenges gripping their country, such as the destructive economic, social, and security consequences associated with a failed state. Yet the presidential elections could also close this door and deprive Yemenis of their last chance to tackle these dangers and implement peaceful, democratic political development.

Yemenis of all political and social stripes are aware of these challenges. They live with the signs of impending danger every day and know of the warnings issued by the international community concerned with Yemen's well-being. Initiatives and reform packages, both Yemeni and international, have multiplied to meet these challenges. While they differ in their priorities and starting points, as well as their depth and scope, they all confirm that it is impossible to continue with the present state of affairs.

These proposals coincide with the initiatives of the opposition coalition, comprised of the Joint Meeting Parties, civil society groups, and public intellectuals. These groups assert that political reform is the starting point for comprehensive reform, and that such reform must begin by reassessing the nature of the current political system and restructuring the political system. Meanwhile, the ruling party, on the advice of its international partners, confines its efforts to merely treating the symptoms of these dangers and mitigating their effects.

Despite the basic differences between these two groups in their reform priorities, both hope to succeed in creating the conditions necessary to grapple with the coming challenges. But if the opposition cannot implement its initiatives because its members are not in power, the ruling party can present no logical justification for failing to enact its own reform package or act on the advice of its friends. Thus, the central question is this: How can Yemenis on both sides overcome the stalemate which prevents the implementation of one group's reforms and precludes a substantive discussion of the other group's initiatives?

Two peaceful and democratic choices lie before Yemen. The first is based on competition. It requires that conditions for free, fair, and competitive presidential elections exist, in which all groups participate

effectively and accept and respect the results. It also requires a lengthy list of other conditions, such as a reassessment of the Supreme Council for Elections' activities and a reconstitution of the body as a whole. Among other things, these entail the non-exploitation of state employees or public monies and the neutrality of the publicly owned media, the army, and the security services in every stage of the electoral process. In the long run, it may be possible to meet these conditions, but doing so in the few remaining months before the presidential elections will be practically impossible.

The second choice is a historic national compromise which leads to a smooth and safe presidential election. This compromise would be a substitute for some—and I repeat some, not all—of the conditions necessary for real competition listed above. But such conditions are absent, rendering the justification to reject compromise pointless. The compromise is neither an alternative nor an excuse to postpone the coming presidential elections; instead, it is a response to the stage we are currently at in establishing the basic elements of the state and the political system, which require national consensus and smooth, safe elections.

As for the basic features of this compromise, it would include all the political parties headed by the president, based on the key principle of national unity that enables safe and sustainable political development. It would begin with serious initiatives and reform packages and would require constitutional amendments. Three key issues will have a positive influence on the political, economic, and social dimensions of reform. They are:

1. The transformation of the Yemeni political system into a parliamentary system.
2. Promulgation of a hybrid electoral system combining proportional representation and the party-list system with the single-member district system.
3. Limiting the role and purview of the security forces within the constitutional framework of the state under the auspices of a

democratic political system based on the principles of political pluralism and the peaceful alternation of power.

These negotiations should result in a national consensus on the constitutional provisions needed to adopt the aforementioned points and the necessary steps to promulgate them as stipulated in the current constitution. They would also stipulate that the implementation of the constitutional amendments related to the first issue—the political system's transformation into a parliamentary system—would be delayed until the completion of the coming presidential term.

In addition to providing constitutional guarantees to various political forces, this compromise offers President Saleh—should he be a candidate and win the upcoming elections—an exceptional opportunity to complete his last term and finish his long tenure enjoying both the prerogatives of the current constitution as well as the support of the national consensus. The latter would grant him legitimacy as he deals with current realities and future demands, both domestic and foreign. A national consensus would also enable him to ensure the conditions necessary for widespread national participation in confronting upcoming challenges and dangers. Likewise, it would grant him the necessary time and national support during his coming term to fulfill his promise to break down barriers and plant the seeds for a peaceful and smooth alternation of power.

Should the conditions for the adoption and success of either of these two options—competition or compromise—not be provided, the likely alternative will be political gridlock along the road to peaceful and democratic development. The result will be the perilous situation of which we have all been warned: the failure of the Yemeni state, the destruction and fragmentation of society, and danger at the regional and international levels.

It is the national responsibility of all Yemenis and in the interest of all their regional and international partners to do their utmost to make the upcoming presidential election an open gateway through which Yemenis can overcome the current situation, either by way of a difficult and costly competitive election or through a smooth and safe electoral competition based on a historic national compromise.

About the Author

Ali Saif Hassan is executive director of the Political Development Forum in Sana'a, Yemen.

Notes

1. Presidential Study Group, *Security, Reform and Peace: The Three Pillars of U.S. Strategy in the Middle East* (Washington, D.C.: Washington Institute for Near East Policy, 2005), 40.
2. *Yemen Times*, September 16–19, 2004.

9

Tunisia

Tunisia's Election Was Undemocratic at All Levels

The following interview with Neila Charchour Hachicha was conducted by Middle East Quarterly in June 2005.

Reform in Tunisia

Middle East Quarterly: What does the Parti Libéral Méditerranéen seek to achieve in Tunisia? What are its goals?

Hachicha: The Parti Libéral Méditerranéen, PLM, believes that democracy can strengthen national cohesion rather than create divisions and animosity within the population. Specifically, the Parti Libéral Méditerranéen aims to strengthen liberal political and economic views. For too long, we have endured a socialist economic system that facilitates dictatorship. We seek to educate both the people and the regime about the necessity of moving toward liberalism. We also aim to build popular support around the Maghreb Union, which should help us integrate into the greater Mediterranean region. As a Tunisian Muslim woman, I feel closer to Mediterranean culture than to the Arab Islamic world. But we cannot achieve our goals without the Parti Libéral Méditerranéen's legalization. In Tunisia, though, party legalization is not a right but rather a favor that the government may or may not choose to bestow.

MEQ: Ben Ali won a fourth presidential term in October 2004, with 94.49 percent of the vote over two opponents. Was this election legitimate?

Hachicha: We cannot say that the election itself was not legitimate. The Constitutional Democratic Rally has held power since independence. With two million members, its power is beyond doubt. The international community supports Ben Ali. He has at his disposal the exclusive support of the entirety of state machinery. Ben Ali may hold legitimacy because he is party leader, but this is different from democratic legitimacy derived from all Tunisians. The election may have been technically legitimate, but under these conditions, it seemed like a race between a sports car and a wheelchair. It was unfair and undemocratic at all levels.

MEQ: How does Ben Ali use the mechanism of the state to marginalize opposition?

Hachicha: The regime uses all sorts of unfair and even illegal procedures to suppress opposition. Ben Ali restricts access to media and financial support, even for legal candidates and parties. As a result, the opposition remains fairly unknown. There was no comparison between the amount of time that President Ben Ali and his spouse had on television during the presidential campaign and the amount of time that the other candidates had. There was no debate. Although illegal, repression was high. While

democracy requires leadership accountability, ultimately the responsibility for action is upon the citizenry. Because of citizen complacency, it was quite easy for Ben Ali to win over 90 percent of the vote.

MEQ: Can internal pressure force Ben Ali to accept democratic reforms?

Hachicha: Internal pressure is very weak. Although it is necessary, it is far from enough. Since we have neither freedom of speech nor freedom of assembly, and because intimidation is rife, Tunisians feel uncomfortable with any political activity. Fear controls thinking. As a result, no political movement has popular or transparent enough support to really pressure Ben Ali. We are still at the stage where each political movement is only trying to build credibility in order to gain legitimacy.

MEQ: Do opposition parties carry significant weight in the political landscape?

Hachicha: Absolutely not! The regime does not show any willingness to share the political landscape. There is no opening for national dialogue. The situation is worsened because the international community keeps silent in the face of the regime's abuses. When President George W. Bush received President Ben Ali at the White House,¹ Bush insisted on the necessity of freedom of speech and political freedoms. Almost simultaneously, [French] President Jacques Chirac talked about the Tunisian miracle and said that the primary human right is to be able to eat and drink. Recently, the Italian defense minister cited Tunisia as an example of democracy in the region. Hopefully, President Bush's tour in Europe² will tighten trans-Atlantic relations and allow the United States and Europe to coordinate their views, declarations, and actions to help us feel more confident in our ability to resolve our internal problems.

MEQ: Then there is a role for outside pressure?

Hachicha: The international community has a number of tools to pressure such regimes but should not

interfere in internal domestic issues, since we all think that national sovereignty is very important. Unfortunately, the world community never pressured dictatorial regimes seriously until after 9/11, when the dangers posed by such regimes reached the U.S. government's agenda. Even so, there are still countries like France that support dictatorships. Because of geography and history, Europe's political impact is much stronger on a country like Tunisia than is that of the United States, with whom we share no vital interests.

MEQ: Can the Bush administration's Middle East Partnership Initiative (MEPI)³ make U.S. pressure more effective?

Hachicha: While Washington is actually doing quite a lot, I am not sure that the American administration is resolving the problems the right way. Let me give you two examples. The Middle East Partnership Initiative may be an excellent initiative that provides a lot of money to strengthen civil societies in the Arab world. But in a country like Tunisia that has no independent civil society, with whom will MEPI work? Will it be with the legal civil society—an extension of the regime? Or will it work covertly with unrecognized associations or political movements? I think that before spending any money, the American administration should first favor a better political context that will allow an independent civil society to grow fairly and freely. Only then will the Middle East Partnership Initiative be efficient. Ironically, when I published a summary of a conversation I had in Tunis with Scott Carpenter, deputy assistant secretary of state responsible for the MEPI, in which I suggested that the American administration apply pressure to force presidents elected with more than 90 percent of the vote to resign from their ruling parties in order to allow other political figures to develop, the Tunisian government censored the Parti Libéral Méditerranéen's Internet site, and the State Department did not show any support. So what kind of democratization and freedom of speech can we expect? America should not put less pressure on Tunisia just because it is more developed than other Arab countries. Also,

many American nongovernmental organizations are not allowed in Tunisia even though they could be excellent spaces of liberty, cooperation, and training. It is much easier for the American administration to get such organizations implemented in Tunisia than for Tunisians to form organizations in their own country. At least members of American nongovernmental organizations will not be persecuted.

MEQ: What about Europe? In 1998, Tunisia signed an association agreement with the European Union obligating the Tunisian government to promote human rights and political pluralism.⁴ Has the agreement been effective? Has the EU been a force for democratic reform?

Hachicha: Yes, Tunisia signed an agreement with Europe, but the agreement is more economic than anything else. As for human rights and political pluralism, Europe exerted little pressure because the regime argued both that reform might lead to another Algeria-style debacle and that reform could occur only upon the resolution of the Palestinian problem. While European leaders understand that democracy begins with the respect of minorities' rights, their priority continues to be stability at any price. Only a superficial pluralism under the total control of the regime has emerged.

Islamism

MEQ: The Tunisian government outlawed *Al-Nahdha*, the main Islamist party. Would Islamists dominate a democratic Tunisia?

Hachicha: If Tunisia were a democracy, *Al-Nahdha* wouldn't dominate at all. In a dictatorship, they seem to be the only effective opposition, since they have access to people through the mosques and don't need to rely on freedom of the press or any authorization to associate. In fact, both the regime and the Islamists serve each other. The regime holds the Islamists up as justification for restrictions upon democracy, and the Islamists use the regime's repression as a claim to legitimacy.

MEQ: But couldn't democratic reforms lead to a repeat of Algeria's bloody 1992 debacle?

Hachicha: A legal Islamist party in Tunisia would not lead to a repeat of Algeria. Any party the Tunisian government authorizes could hardly be more restrictive than the current regime. Tunisia is also immunized against the Algerian example for two reasons. First, the women's education and civil status that President Bourguiba imposed at independence are now irrevocable rights. Women are half of the voters, and Islamists will have no choice but to respect their voices. Second, our economy is based on tourism. Islamists can't restrict tourism since, unlike our neighbors, Algeria and Libya, we have no oil or gas. Any Islamic party would have to be moderate to get votes and survive in the political arena.

Differences between Tunisia's and Algeria's post-independence evolution would also limit the reach of the Islamists. While we were very open to the West, Algeria leaned more toward Arab nationalism. The Algerian army also played an important political role, which its Tunisian counterpart never did. Oil—or lack of it—is also important. Algeria's oil and gas wealth has been a great incentive for people to sacrifice even their lives in pursuit of power and control.

MEQ: Who supports Tunisia's Islamists?

Hachicha: Officially, no one supports them. Unofficially, we all think that Islamic regimes financed them at least until 9/11. Being a good Muslim does not mean being an Islamist or supporting an Islamist political movement, as *Al-Nahdha* sometimes argues. Tunisians are moderate Muslims and are quite secular in their mentality, even though secularism is not enshrined in the constitution. Of course, since 9/11, Tunisians feel protective of their religion, but they would not massively support any Islamist party, especially after all the violence they saw in Iraq from the Sunni Islamists. Tunisians are not violent people and would not allow outside Islamists to import violence. Hard-core Islamists have long since fled into exile in the West. The fact that they have not returned indicates that they do not see a bright future here. At least

in the West they have access to the press and can continue their demagoguery.

The Future

MEQ: Will Iraq's election have an impact in Tunisia?

Hachicha: Of course, there is no doubt about it. It will affect not only Tunisia but the whole region. As President Bush said, "The seeds of freedom do not sprout only where they are sown; carried by mighty winds, they cross borders and oceans and continents and take root in distant lands."⁵ Iraqi elections will not immediately affect those who are already in power and are able to get over 90 percent of the vote, but they will surely affect the political maturity of all oppressed people. The freedom process, although quite slow and often violent, is irreversible now. We can see it clearly in Iraq, in Lebanon, in Egypt, in Saudi Arabia. The domino effect is working. As for Tunisia, only one year ago I would not have dared speak my mind like I am doing right now. But today keeping silent is more dangerous in the short run than giving a constructive opinion. Hopefully, Ben Ali will listen carefully to avoid a political crisis in Tunisia.

MEQ: You have written about a national reconciliation initiative.⁶ Why is national reconciliation necessary in a seemingly stable political system?

Hachicha: You said it: "A seemingly stable political system." Indeed, Tunisia seems stable, but it is a stability imposed through repression, a stability that is too much at the expense of human dignity and human rights. We need real stability built upon individual liberties, freedom, democracy, and rule of law to insure a lasting authentic stability. Now why the reconciliation? Islamism is not fate. Islamism is the

result of dictatorship mixed with poverty and despair. Islamism is the proof that our political system failed in establishing rule of law. Both the regime and the Islamists are responsible for dictatorship, since both, in different ways, do not respect the constitution. This circle of condemnation is counterproductive. We need national reconciliation. Otherwise, how can any political, democratic movement be credible, especially when the regime totally denies the existence of political prisoners? How can we exclude even a minority of citizens from the political landscape and pretend at the same time to be democrats? Reconciliation is necessary if there is to be any true democratization. If we want to be an example of democracy in the region, President Ben Ali's resignation from the ruling party should be the first step. We need an open, nonviolent government while proceeding toward an authentic, inclusive democracy.

About the Author

Neila Charchour Hachicha is the founder of Tunisia's Parti Libéral Méditerranéen.

Notes

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2. February 21–24, 2005.
3. U.S. Department of State, "Middle East Partnership Initiative," <http://mepi.state.gov/>.
4. European Commission External Relations, "The EU's Relations with Tunisia," http://ec.europa.eu/external_relations/tunisia/index_en.htm.
5. White House news release, Bratislava, Slovakia, February 24, 2005.
6. Neila Charchour Hachicha, "Appel à la Réconciliation Nationale," Parti Libéral Méditerranéen, February 13, 2003. <http://pages.zdnet.com/neila-charchour/plm/id470.html>.

Part II

Voices from the Region: A Collection of Editorials from the Arab Press Calling for Reform

In Tunisia, the Sound of Enforced Silence

Neila Charchour Hachicha

First published in The Daily Star (Lebanon), January 9, 2006

The recent assassination of Lebanese journalist and politician Gebran Tueni highlighted how shaky press freedom was in Lebanon. Even after the “Cedar Revolution,” forces opposing democratic expression have shown that rights granted on paper don’t necessarily exist in reality.

While the international spotlight on Lebanon is good for Lebanese independence, Lebanon is not alone in the battle for free speech. On matters of press freedom, Tunisia, considered a success story by many in the West, is quickly seeing its positive image destroyed. Fortunately, it was not a bomb that exposed Tunisian oppression to the outside world, but rather the United Nations, during the recent World Summit on the Information Society held in Tunisia between November 16 and 18.

Before the summit itself, the UN provoked criticism by accepting that such a summit could be held in a country known to be one of the most repressive when it comes to freedom of speech. It is not new for the UN to publicly display its limitations. When Libya found itself at the head of the UN’s Human Rights Commission a few years ago, everyone laughed, and the world body lost a little more of its already eroded credibility.

I watched the ceremonies of the World Summit on television from my home in Tunis. What an irony that

Tunisian President Zein al-Abedin ben Ali, basking in the glow of UN Secretary General Kofi Annan’s bestowed legitimacy, showed just how much disdain he has for the principle of free speech by using his monopoly over state media to censor a critical speech by Swiss President Samuel Schmid. Under the spotlight and a flow of inquiries regarding Tunisia’s supposed free Internet, free press, and free political life, the Tunisian regime could only show its dictatorial face.

While Annan toasted Ben Ali, eight prominent Tunisian civil society figures had been undertaking a month-long hunger strike in support of political liberty. Even Al-Jazeera accepted that the truth in Tunisia was not what is seen in five-star hotels and on tourism postcards.

While the Arab League remained silent, international reporters got a taste of what we Tunisians experience every day. According to the Committee to Protect Journalists, it was Tunisian thugs who beat and stabbed French journalist Christophe Boltanski, a day after he published an article critical of Tunisia’s abysmal human rights record; the police did not intervene. Police, however, did show up in force to disrupt a human rights discussion at the German cultural center in Tunis.

In Tunisia, the price for speaking one’s mind is harsh. The late blogger Zouhair Yahyaoui spent a year

and a half in prison for his Web commentary. The government sentenced teenagers in the southern port city of Zarzis to nineteen years in prison for having clicked on Web sites of terrorist groups. The teenagers did nothing that analysts, journalists, or curious persons do not do several times a month in any democratic state.

The Tunisian government regularly blocks access to my own party's Web site and that of other liberal and secular opposition groups. The government has even blocked the sites of legally recognized opposition parties. Ben Ali tells Washington and Brussels that he alone stands in the way of fundamentalist groups, and he adds that Tunisia is a genuine democratic republic evolving at its own standards of evolution. Indeed each country has its specific context and needs its own standards of evolution, but freedom of speech is and will always be the minimal credible standard for any newborn democracy. Unless this freedom is guaranteed, a regime cannot pretend that it is evolving toward democracy.

After the summit, Ben Ali, under international pressure, ordered the president of Tunisia's human rights committee to listen only to recognized civil society groups and parties wanting to expose their demands to the government. Had there been a real will to bring about a political opening, the president

would have proven himself to be more sincere by allowing public debates on national television.

Such debates would allow a variety of political activists to better dialogue with each other and with the government. They would allow Tunisians to feel more confident about their right to criticize the regime or the opposition. The debates would, finally, allow citizens to openly support members of the political movements with which they identify. Without free media, there can be no civil society.

It is humiliating to be denied freedom of expression in one's own country. It was embarrassing that it needed the public intervention of the Swiss president to defend our cause and help Ben Ali remember that he must respect Tunisia's national and international commitments as a member of the UN. Democracy cannot be a favor offered by a regime under international pressure. Liberty is a state of mind that each one of us, from the grass roots to the pinnacle of power, must practice every day through tolerance and within the framework of an independent legal system.

Instead of sending its experts after a crime is committed, the UN would be better off considering preventive sanctions for those countries whose regimes do not respect the fundamental rights of their citizens.

The Failure of the Intellectual and Cultural System

Sherif Kamal

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We agree with the analysis of our friend Dr. Muhammad al-Sayyid Said concerning the reasons for the Arab elite's failure, although there is a possibility that additional explanations will surface. Yet, the vision he presented in two articles raised—intentionally or unintentionally—a burning question: Are the Arab masses completely free of blame for the failure of their elite? On one hand, the elite emerge from the people's wombs; on the other, they both live within the same framework of the intellectual and cultural system. It is inevitable, in our view, that any serious attempt to expose the reasons for this general state of failure will fall flat unless it examines the Arab world's intellectual and cultural system and evaluates its most important elements. We see them as:

1) The "Arab vernacular": There is a famous expression in Arab literature which states that it is preferable to read a beautiful description of a park than to see the park itself. We believe this expression could be the correct scientific approach for seeing the vision of the Arab world's intellectual and cultural system from within. But the Arab world's mindset, personality, and culture tend to substitute truth and reality with words and phrases. This is why the Arab intellectual and cultural system is based on words, poetry, and writings—not on the truths and realities of life. In addition, if science and technology were the

most important reasons for the advancement of modern civilization, then the "Arab vernacular" is one of the most important reasons why our intellectual and cultural system has failed to comprehend modern civilization. In this regard, the only real way to measure an idea's validity, or lack thereof, is by observing the reality on the ground; that is, when an idea is in touch with reality. Any idea which results in failure on the ground has no value whatsoever, for the value of any idea rests in its relation to what occurs in practice, not in the heads of its thinkers. What matters most is the existence of an idea outside one's head. The implementation of an idea not only allows for a precise standard of measurement, it also distinguishes the intellectual and cultural system—in its true meaning—from the Arab cultural and "vernacular" phenomena which plague our system as a whole.

2) Centralization of the Arab-self: Here, we mean isolating one's self from the most important elements of the Arab intellectual and cultural system. In psychology, it is called "self-centralization." It occurs when the individual looks at his surroundings through his own lens and considers all things in the world to be an extension of his being. Francis Bacon labeled this self-withdrawal "The Cave's Illusions," because the human being becomes a hostage to his own thoughts, beliefs, and perspectives. This

phenomenon shapes his entire behavior toward the world and reality.

Related to this feature of withdrawal in the intellectual and cultural system is detachment from the outside world, thereby confining one's self to his own world. As such, one begins to deny the realities of the outside world. A contradiction has always existed in the Arab intellectual and cultural system between one's self and the subject; the Arab mind stands on one end of the spectrum, while reality and all of its components stand on the other. The Arab mind does not let reality affect it, as it remains isolated from the truth and lives in its own private world. Naturally, this produces a singular outlook, one of the most prominent characteristics of our intellectual and cultural system. The Arab mindset, for the most part, is incapable of knowing, understanding, and communicating with the "other." The entire world is the Arab-self. Thus, our severe intolerance and addiction to justifying our intellectual and cultural system persist; the reason for failure and defeat always lies with the other. Since the Arab-self

perceives itself as infallible, failure will continue to result so long as there is no will to analyze and observe the real reasons behind this malaise. However, Arab society still assigns blame to its elite.

Given the state of general failure, it is imperative that we overhaul our way of thinking. To establish a new Arab intellectual and cultural system will be an immense challenge for our civilization. However, if we don't undertake this challenge, both the Arab people and their elite will continue to suffer. We will remain a stagnant mass that is marginalized in the modern world, unable to share in its dynamic humanity and social and economic achievements. Will we succeed in confronting this challenge or will we continue to hold our elites accountable for this failure? Surely, we will tremble with fear as we begin to analyze and observe the reasons for our intellectual and cultural system's failure—the true force behind the decline of Arab life. How much longer will our failed system look upon infallibility, charisma, and holiness with favor?

The Necessity of Political Reform

Ibrahim Abdul Majid Saleh

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Political reform is the true pillar of economic and social reform. It raises the standard of living and increases the number of services, including health-care and education, available to all individuals. A new constitution must be written by an elected committee of Egyptians because the current constitution lacks the essential components found in the legal codes of democratic countries. This new constitution must include articles which uphold: a real separation of powers between the executive, legislative, and judicial branches; the freedom to publish newspapers; the freedom of expression for all citizens; the freedom for political parties to conduct public conferences; the freedom of movement among the masses; guarantees against the prosecution of, oppression of, discrimination against, and threatening of (i.e., with the loss of promotions or job security) political party members or preventing them from conducting their business in government agencies; and the complete judicial supervision of elections, as well as judicial control over all polling stations. The new constitution must also require that, upon election, the president resign from the political party of which he is a member.

The Political Rights Law must also be amended to guarantee free and fair elections; make it sufficient for a candidate's representatives to register at any

polling station located within a certain electoral district; and require a voter to sign his name at the polling station after presenting an official form of identification.

The law for selecting mayoral and county officials has to be revised as well, in order to make these positions elected rather than appointed. The same idea should apply to the selection of university deans. We must amend the Municipalities Law to fully empower local council members so that they can check the executive's authority—including the right to withdraw confidence from governors and executive officials.

We must also amend the Professional Syndicates' Law to ensure the independent nature of these associations and prevent the government from meddling in their affairs. So too must the Non-Governmental Organizations' Law be changed, so that these groups can operate free of government guardianship. Lastly, the Sports Clubs' Law must be amended to give these organizations greater latitude in their work and free them from government control. Any change to this legislation should also curb the government's fiscal oversight of club budgets.

If the government does not respond to what writers, intellectuals, and political parties are demanding in the way of comprehensive political

reform, it might as well abolish political parties and appoint all members of Parliament. That the Court of Cassation's decisions have invalidated

election results in most electoral districts proves that the current electoral system is seriously flawed.

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On the Brief “Damascus Spring”

Shaaban Aboud

First published in An-Nahar (Beirut, Lebanon), February 22, 2001

Given the crystal-clear messages sent several days ago and the grave concern surrounding recent developments in the internal Syrian arena, it appears that the democratic debate on display in Damascus and other major provinces is finally coming to an end. But did the democratic “Damascus Spring” end so abruptly that most Syrians never even felt it in the neighborhoods, homes, and salons where these discussions took place?

One hopes that this is not the result of what has happened thus far. Whatever impression or conclusion people have drawn, and regardless of the “information” linking these activists to foreign intelligence agencies (in reality, they are the furthest people from the U.S. and Israeli governments), what transpired in Syria was healthy in the sense that it allowed our society to become acquainted with itself. It allowed Syrians to discover what means they possessed, where they differed, and what they had almost forgotten about our civilization. Syrians want to live in the modern age and it is not our fault that the road to the future leads first to the West, which many respect for its concepts of civilization and anti-imperialism.

It is true that these salons and discussion forums, which overestimated their actual size and position on the ground, have been wracked by chaos. It is also

true that a handful of intellectuals adopted a language of “hatred and revenge” toward a sensitive period in Syrian history, one which not only dates back four decades but still exists in many present forms. This is only natural if one takes into account all the considerations that a country, which has chosen the path of reform, must endure during a transitional period. If the Syrian case is not as such, and the country is not moving toward change and reform, then what can we call it? Was it nothing more than venting steam as the fifth columnists claimed—those who read everything, saw everything, and always called on us to wait until the so-called “film” had already ended?

Our movement was optimistic about the atmosphere of reform, and we still are. So too are millions of Syrians who anticipate and support a new direction because of the impact it will have on their daily life. This new direction will help build the small but essential building blocks for our future that we have long dreamt about. We want a future without corruption for a country and people who deserve a dignified existence in a political and social system where all citizens are equal regardless of their political views or positions (so long as they all work for the common good of society). When all of us saw what was happening in our “salons,” though modest, we

believed that we had embarked on the right path: It was imperative that these forums developed and matured until they addressed the true concerns of the Syrian people. Those who followed our activities in neighboring Arab countries were happy for us and wrote about and analyzed our situation as if it was their own matter. After all, this is only natural since those countries bordering Syria are concerned about our future, just as we here have an interest in what happens around us, too.

In response to this “salon” phenomenon, there was talk of a conspiracy linking us to foreign embassies and governments. At first, we laughed off these accusations and stated both publicly and privately that our accusers had “reverted to their old ways”; that is, they wanted to prove that these salons were part of a national conspiracy so that people would boycott and resist them. But even if we assumed that these allegations were partially true, does this mean that everyone is equal and that those salons which are not corrupted should strangle their nascent clubs in the cradle?

When several of my colleagues (who did not work in the official press) and I visited a media official thought to be a member of the reform movement, he informed us that our behavior was not beyond reproach and that we had caused considerable anger.

He warned us that our way of dealing with what was happening in these salons was bothering many government officials and that we should proceed with caution. At first, I did not attach much importance to his words, even though I believed he had good intentions. But in my mind, I said to myself that the train was leaving the station and that the “Damascus Spring” had started; we should wait until we reap its fruits. In this regard, I was like all others who held out hope in the future. But we did not know that our hidden desires and wishes, rather than rational thinking, would make us see things in an unrealistic way.

Perhaps someone will come out today and say that what happened was normal, but the media has embellished its coverage by depicting it as something altogether irregular. We believe, though, that what happened in these salons was irregular only in that Syria’s political arena had not experienced it in decades. Those well versed in modern Syrian history will know that this debate was abnormal in our country. Things which are taken for granted by those around us, such as publishing a newspaper, establishing an opposition political party, or demonstrating against a certain ministry, are not simple matters in Syria. Here, it seems as if these actions are not the people’s rights; rather, they appear to be rights which come from a beautiful planet far, far away.

Let's Make the New World

Naguib Mahfouz

First published in Al Ahram (Cairo, Egypt), August 26, 1993

The general view of the world today is depressing. Current events in Bosnia, the conflict in Somalia, and the most recent air strike in Iraq do not give reason for hope. As a result, Muslims have erupted in anger, accused the scales of international justice of being tilted, and exposed the malicious intent [of the West] toward the Islamic faith; however, this buildup of anger only results in periodic [monetary] contributions and a bitter irony about what had been preached to them about the new world.

The truth is that we were not aware of this new international behavior until we acceded to the interests of the strong. Maybe, though, the new order's features have not yet crystallized. Perhaps tomorrow will be better than today. But will our role be limited to waiting? I imagine that the international community will embrace those who truly want to participate, who consider themselves to be a "cell" in its body and one of its functioning parts, no matter what its size may be. These members will contribute and respect its general principles, even though they will maintain their own special characteristics in the

global symphony and attempt to give as much as they take. This will prove that they are civilized and indispensable; alternatively, if they are dispensed with, the international community will suffer a regrettable loss.

Let us have our special character without contradicting the whole or moving counter to its direction. Maintaining one's own qualities is like a beautiful musical note that increases the beauty of other notes, but this trend must move toward the spirit of the times:

1. Toward democracy as a means of governance and living.
2. Toward science as a method for discovering truths and living with them.
3. Toward respect for human rights in the interest of cohabitation.

We must do this and partake in the creation of the new world. We cannot afford to wait under the umbrella of sorrow anymore.

Iraq and the Challenges of Change

Amr Ziab al-Tamimi

First published in Al-Khaleej (Abu Dhabi, United Arab Emirates), August 17, 2002

Building democracy in a country like Iraq, even if we assume the existence of indigenous democratic forces, will not be easy.

While Iraqis, Arabs, and others have questioned the United States' resolve in changing the ruling order in Iraq, recent events should erase many of their doubts. However, an important question still remains unanswered: What kind of change and what kind of system will be created?

Democratic forces in Iraq, the region, and the civilized world are interested in an Iraq governed by civilian leadership, one which embraces pluralism, democracy, and the alternation of power through free and fair elections. Military rule is no longer an acceptable replacement for the current regime, given that Iraq and the region have suffered continuously since the July 1958 coup. If, during our youth, we were happy about that coup and what followed it, we must now realize that we are living in the first decade of the twenty-first century. We must be cognizant of the political and economic developments occurring in all corners of the world.

This potential change in Iraq will occur with the approval and knowledge of the U.S. administration. Iraqi forces must work with this administration to convince it that such change should be predicated on

democracy, not the intelligence considerations which dominated the Cold War and characterized many of its objectionable military coups d'état. Perhaps the meeting in Washington, which will be attended by key Iraqi forces, will shed light on the nature of this desired change and convince the U.S. administration that there are promising opportunities for supporting a peaceful democratic system in Iraq in the coming years.

Such a system will spare Iraq and the region from suffering further militarization and polarization. In addition to economic and political development, it will create a stability and harmony for a region whose people have been deprived of this for more than three decades. The countries, governments, and people of the region will have a vested interest in Iraq's political stability because they will want to invest in the development projects which will help create a suitable standard of living for the Iraqi people.

However, building democratic institutions in a country like Iraq, even if we assume the existence of indigenous democratic forces, will not be an easy task. The Iraqi forces guiding political society must recognize the importance of reviewing their ideological positions in order to formulate a modern political platform, one that is in sync with the demands of pluralism and which acknowledges the ethnic,

religious, and cultural situation. In the past four decades, civil society and party life have not had the opportunity to develop in a free and tolerant political system. It is true that Iraqi society is teeming with political parties and organizations, some of which even enjoy popular support. These parties and organizations, though, have been heavily influenced by repression and dictatorship. Thus, their leadership and membership are imbued with a spirit of revenge and oppression that precludes their outreach to the Iraqi people through the mechanisms that would make them more tolerant of and amenable to the principles of free speech and difference of opinion.

This reality presents a real dilemma for democracy in developing societies; Iraq is one of these societies. This situation requires creativity on the part of the political leadership. There are leaders who still suffer from rashness and extremism in pursuing their objectives and tend to condemn and mistrust those who differ in opinion. I firmly believe that the latter position will prevent the establishment of a suitable political society in any new Iraq.

A number of political science specialists have raised an important, yet controversial, issue as a solution to this problem. Their idea calls for placing Iraq under the United Nations' trusteeship until the country can establish a political system based on democracy, pluralism, and respect for divergent viewpoints. This will hopefully enable Iraqis to play a cultural role in this troubled region of the world. Of course, some of the leaders in Iraq and the other Arab states may object to this scenario as impinging on their national sovereignty. But didn't this idea succeed in

countries such as Germany and Japan in the wake of World War II?

Regional countries, such as Kuwait and Saudi Arabia, are undoubtedly concerned about what will happen in Iraq with the introduction of important political change, for the Persian Gulf's economic, political, and security systems have suffered since the start of Iraq's numerous coups. Our countries could have developed more vigorously had these not occurred. No one can deny the demographic and political change in the Gulf region that resulted from Iraq's instability and refugee crisis after the loss of revenue sources and deteriorating security conditions. Thus, we have a stake not only in Iraq's stability, but in its people's ability to live a free and dignified existence in their own country. Iraqis would thus be able to interact with the people of the region both economically and culturally so as to increase their standard of living.

There is no room anymore for maneuvering or chanting slogans of fighting foreign interference, since it is no longer possible to bring about change under a repressive regime without U.S. intervention. This requires a consensus to build a new society that will utilize its human capital and material capabilities. Such a society will be capable of building a modern economy and free political system. But the acts of detention, repression, and genocide over the last decade have turned Iraqis into "paralyzed" citizens. Those that had the means left or fled for a better life abroad; those that did not were forced to accept a life of misery, repression, and humiliation. For this reason, we should prepare for a new life, regardless of who will help us to attain it.

A New Call for Self-Criticism

Borhan Ghalion

First published in Al-Ahram (Cairo, Egypt), August 30, 1993

It is important to emphasize that our discussion about culture here is a discussion about a social relationship linked with politics, economics, and the sciences—it is not a ready-made set of ideas, skills, customs, or feelings. It is a social relationship, meaning that culture, in all its different fields, emerges from a need to solve the current conflicts in the Arab social structure.

Current Arab crises, which are not confined to one country, have returned us to square one; that is to say that, today, we are asking the same questions posed by thinkers of the so-called renaissance during the formation of the modern Arab world. Thus, if we are asking the same questions now, the answers offered in the past must not have been correct. Nor has the reality on the ground developed much since then.

By reality here, we mean the problems which we have made little progress in resolving.

It is quite easy today to eschew responsibility and justify the continuation of flawed thinking: The Arab intellectual turns a blind eye toward current crises and believes that the Arab world's major battle for freedom, independence, economic self-sufficiency, and justice is still being fought with constant progress. He believes that there are only some obstacles which occasionally delay its progress, but that the radical "wing"—either in power or in the opposition—will soon carry the torch

of history to continue the march of progression. From this perspective, the Arab world will appear developed with a number of great achievements. It will generate hope and optimism, for today its factories, weapons, capital, people, thinkers, journalists, and workers are stronger and more numerous than in any previous decade. The Arab world is changing for the better and it will not regress.

But a long stretch of history ended with the October 1973 war, one that revealed the extent to which the general system in the Arab world could progress and outlined its limitations. Since the curtain came down after this final act, observers can only take notes and lessons from this period.

While many of those remaining in attendance anticipate new acts, it has not yet occurred to them that the play is over and, in fact, never started. This play sometimes seems to be without a beginning or end; a complex drama which consists of battle scenes not linked to any script. Such denial is a refusal to admit failure and correct our society's deficiencies. It is also a refusal to admit mistakes which led to this very outcome in the first place. Yet, Arab society continues clinging to hopes that some miraculous event will save the day.

There is great fear in acknowledging failure, because it threatens to shroud everything in doubt,

especially the theoretical, political, and economic foundations on which the Arab system rests. This, by itself, will lead to an assessment which, to the close-minded Arab intellectual and the dominant Arab mindset, appears as self-betrayal and a retreat from principle—in other words, what is really an admission of guilt.

Much like a soldier who fails to see the defeat of his battalion, Arab thinking continues to preoccupy itself with little internal wars and victories as if nothing ever happened. But while this soldier adopts a stand of resistance and refuses to surrender, the opposing army occupies all of his castles; as a result, the next morning, he awakes to find himself held captive in his enemy's prison.

Confronted with this colossal failure, Arab society must engage in self-criticism and the admission of guilt. However, few are capable of such reflection, for it is easy to create a scapegoat that can be condemned as the source of all failure. Today, Arab thinking behaves in such a way on the political front as well as on other fronts. But then the first question one should ask about this line of thought is: What has it done to fight this “demon” which is a product of its ideas? In today's Arab mindset, the demon can be considered local or international, a traitor or an imperialist; it can also be a person, state, people, religion, or heritage. So long as one can justify a wrong, any scapegoat is suitable.

Examination and self-reflection entail moving from a religious framework to a historical narrative, one which contains within it a method of reformation. This idea is not an imported or hybrid theory; nor does it have Arab origins. It is not an illusion but reflects political, material, and economic realities.

One of the most important characteristics of backward thinking is that it stifles criticism, even if it seems ambiguous and without specific meaning. Instead, its critique focuses on the past, traditions, commoners, religious people, and fundamentalists. To a degree, it also concentrates on the outside world,

occupation and colonialism, the East-West relationship, state and society, the guilty and the innocent, people and the government, and the intelligentsia and the illiterate. Such criticism cannot advance the Arab world even one step.

All segments of Arab society must seize the initiative to create programs, policies, and general visions for change. When such initiatives are indistinguishable from others already present, leaders, parties, officials, and opposition movements must lead the way. When the movement for change fails, the social critic can return to these programs, policies, and ideas which force society to see to what extent it was responsible for the failure—with the idea being not to attack this or that party, but to enable the creation of new policies that account for the pitfalls of previous ones. Each critical work of this kind spells out the intellectual and political responsibilities which necessitate new forms of work and practice and new ideas for shared responsibility. As a result, society, politics, and the social order become more advanced for the entire community.

At present, there is no need to search for an explanation of the Arab intellectual's orientation, an orientation which is based on criticizing or worshipping everything while simultaneously dealing with mistakes and responsibilities on an equal basis. This line of thinking avoids the truth and escapes reality. It is evident that preconceived notions are the same for everybody, even when public thought differs from the left to the right. It is no coincidence that the writings which criticize Arab society today direct their comments to the various masses and Westernized elite who perceive these criticisms with the same explanations and understanding. What is provocative about these criticisms is that they treat Arab society as if it were a natural disaster and not a human society—as if it had no social groups, ideas, dreams, hopes, or diversity. They all share a common analysis; one which views Arab society in a state of “darkness” and believes “light” to be its salvation.

Kuwaitis' Seriousness in Reform

Eid al-Dowaihies

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Seasonal activities, partisan work, forceful action, and contradictory goals are not the ingredients for building a country. Rather, this effort requires comprehensive and continuous action based on principles, knowledge, planning, hard work, sacrifice, and reality. In this vein, elections will serve as a barometer of the Kuwaiti population's willingness, resolve, and ability to work together and enact reform.

All popular, cultural, and political forces, in addition to every person and *diwaniya*,¹ have a role to play in these elections. The time has come for everyone to become involved in this process and back the best candidate with strong and vocal support, even if that means encouraging the withdrawal of some candidates in the interest of the greater good. This will require new hearts and developed minds; there will be no progress without this change in our souls, senses, and ways. The ardent zeal with which every group, party, tribe, and sect supports its own candidate reveals a backward and ignorant mentality which must stop. The selfishness seen in human aspirations must undergo a fundamental change. If these and other changes do not occur, then our reality will not change for the better. Popular forces guide the nation's action and work; they need to provide a template for coordination and cooperation, not just in electoral politics but in all fields. There can be no accomplish-

ments or achievements without such cooperation. As it is, we have already squandered too many years mired in our differences, controversies, debates, and conflicts. What we should recognize is that there is no room anymore for stalling, isolation, and marginalization. These are flawed solutions and will not work. Still, though, we remain in a poor state. These elections will serve as a final popular referendum on our national situation. Can we remedy Kuwait's state of affairs or will we continue moving closer to the abyss? If we choose a strong assembly, we choose reform. If we choose a weak assembly, we will have rejected the principles of reform.

If our situation prior to the [Iraqi] invasion proved that there are those who do not want to listen or take heed until disaster strikes, then the situation today is quite similar. The accumulation of our mistakes will bring about more negative results which cannot be treated or corrected. Those who laugh now will cry, those who are stubborn now will be full of regret, and those that believe that they are winning now will face defeat. We are not talking about a problem or a crisis, but about a nation's principles, interests, hopes, and pains.

The choice before us is to be or not to be, meaning: Do we want Islam? Do we want justice? Do we want the constitution? Do we want science? Do we

want Kuwait? Do we want salvation? Or do we want to rip apart our country and watch it descend into a conflict of interest along partisan, sectarian, ideological, and political fault lines?

Ultimately, our seriousness to undertake reform is not the same as our desire for it. Seriousness encompasses desire and is characterized by a considerable effort to reach one's goals. A student may want to do

well, but if he does not study or exert much effort, he most assuredly will not succeed.

Note

1. A *diwaniya* is an institution unique to Kuwaiti society where citizens can discuss politics, business, and personal affairs.

Political Reform Is the Road to All Reform

Said al-Gamal

First published in Al-Wafd (Cairo, Egypt), October 1, 1998

The world around us is constantly moving. It does not remain frozen in time. In every instance, a nation's popular will can bring about desired change, as it is the source of legitimacy for all such transformations.

Yesterday's elections in Germany, which were held by Chancellor Kohl's government, resulted in the defeat of his Christian Democratic Party with 35.1 percent of the vote and the victory of new chancellor, Gerhard Schroeder, with 41.1 percent of the tally. Immediately after the elections, Kohl accepted his defeat out of respect for the German people's will. The new chancellor affirmed his great respect and appreciation for Kohl's accomplishments while in office. Schroeder was referring to all that Kohl had achieved for the country, especially with respect to German unity in 1990. It was clear that Kohl's defeat stemmed from the German people's desire for change after he had remained in power for sixteen years. One can also attribute his loss to the increase in unemployment rates during his tenure. It should also be noted, though, that Kohl lost his hometown parliamentary seat to Social Democratic Party rival Doris Barnett, which reminds us of Prime Minister Yehia Ibrahim's defeat in the 1924 Egyptian elections. The Wafd Party swept that vote and won control of over 90 percent of parliament's seats.

During the last two weeks, we have watched in the media how the rule of law trumps all other laws. We watched as President Clinton went before a jury, and with complete humility, responded to accusations of perjury and questions about his relationship with Monica Lewinsky. Despite the partisan maneuvering, all of the proceedings were legitimate and in accordance with the law and legal interpretations available to all.

This is the state of democracy in Germany's elections, where there was a peaceful alternation of power. It is also the state of democracy in the United States, where the most senior government official adheres to the rule of law.

We are not, as often described, a country belonging to the undeveloped world. Our experience in governance and constitutional democracy predates that of many European countries. In the mid-nineteenth century, during the days of the Khedive Ismail, the old National Party was formed in accordance with a constitution written by our godfathers, most notably Imam Muhammad Abdo. Thus, the Sherif government became a constitutional government accountable to an elected legislative assembly. The Egyptian popular will expressed itself through national representatives who rejected government demands to approve economic legislation, just as

they refused to abide by the decree which sought to dissolve their assembly. Thus, these parliamentarians challenged the government and the Khedive in the name of the popular will. After this dark period ended, the British occupation was imposed on both Egypt's political and non-political life beginning in 1882 and lasting until the early twentieth century. Still, the Egyptian popular will found a way to express itself during the twentieth century through a free press. Here, we are alluding to Ahmed Lofti al-Sayyed and his writings in the *al-Jareeda* newspaper, a mouthpiece of the Umma Party. The popular will could also be found in the calls for independence issued by Mustafa Kamal. This political and cultural climate paved the way for the 1919 revolution, led by the ability and strength of Saad Zaghloul and the Wafd. They represented the greatest manifestation of the Egyptian popular will and were determined to make "Egypt for the Egyptians" through this revolution. The Wafd used the constitutional revolution and its adherence to democratic rule as a weapon to confront both the palace and occupation, as well to build a new social order and mobilize activities.

I am always eager to repeat this statement and to say that inspiring the popular will is the only way to achieve a renaissance and our national aspirations in every possible field, as well as to force rulers to derive their power from this will. The Egyptian people are powerless. They should not be denied basic political rights, such as the right to form parties, syndicates, and non-governmental organizations, which allow human activity to spring forth.

What prohibits press freedom and publishing, given the constitution's provisions and various

precedents, which made the press a historical deterrent force? By deterrent force, we mean the power to influence public opinion. This requires that the state's ownership of newspapers be abolished, as it contradicts the prevailing logic of privatization in all fields. People wonder why the State of Emergency is continuously imposed, even though the situation does not warrant it; in fact, there is no reason whatsoever for such an exceptional law to be imposed on the Egyptian people.

The State of Emergency prohibits the Egyptian citizen from practicing his rights in a normal environment. For instance, there is no recourse to ordinary law in the case of a citizen's arrest, detention, or referral to an emergency or military tribunal—which lacks guarantees of justice, the right of appeal, and, generally, the right to have a regular judge as the only magistrate with jurisdiction in civilian cases.

People question the secret forgery of elections which keeps one party—the government's party—in power. Is this in accordance with the constitutional procedures that call for transferring power and prohibiting a certain people or class from reigning supreme?

The exceptional State of Emergency that Egyptians live under and see no end to has produced an odd situation in which the ruling National Democratic Party monopolizes everything and where the loyalty of those in power is no longer based on the Egyptian popular will. As a result of this political climate, all areas of Egyptian society will become fertile ground for widespread corruption. Our laws and principles will come under attack in every sanctuary, opening the way for society's disintegration.

A Framework for Political and Social Reform in Syria

Yassin al-Haj Saleh

First published in An-Nahar (Beirut, Lebanon), October 13, 2000

The Syrian reform campaign's focus on fighting corruption has raised serious doubts about the movement's credibility and the extent to which it can succeed. During President Hafez al-Assad's last days in office, it even raised questions—and justifiably so—about the campaign's motives and ability to sustain itself, especially after Bashar al-Assad's sudden accession to power following the death of his father. Will this campaign come to a standstill, as things now seem to suggest? Or will it develop into a serious policy that meets the citizens' needs, becomes attuned to the public debate, and develops the country's economic and political administration?

The Ba'ath Party ascended to power in Syria during the paroxysm of the Cold War. Its rise occurred within a context that encouraged the concentration of power in the hands of a revolutionary elite and emphasized "progressive values" in a high-pitched ideology. This ideology legitimized the elite's control over the economic realm, as well as over social activities directly related to the production and distribution of national wealth. Of course, this control gave the ruling group ultimate authority to govern social life and sanction or prevent certain actions. Yet this policy was hard to justify given the national income level and the economy's sufficient production and

development. Despite the fact that this control diminished somewhat after the "Corrective Movement," the liberating effect of this retreat was limited because of the increase in state power over all aspects of social life after 1970.

In a nutshell, the Ba'athist state controlled both the political and cultural spheres in a way that far exceeded its control over the economic one. It is common knowledge that the Ba'ath Party bestows upon itself the role of leading party for both state and society. Here, the party and state apparatus are so intertwined that there is a resemblance to the former Communist regimes of Eastern Europe.

Regardless of which side benefits from this Catholic marriage between party and state, and regardless of the political party which monopolizes power and loses its social representation (and the legitimacy of the political party concept), it has recently been proven that the state which is ruled by one party loses its ability to represent its citizenship and its nature as a state for all Syrians. The question then is: Isn't political power in any country a public domain which no social group can monopolize? How can a state be a state for all its citizens when a single party, no matter what its size, monopolizes power and retains exclusive control over the decision-making process? Finally, is it lawful for one

party to monopolize this public utility which is the authority of the state?

No observer can be convinced that, in response to these questions, there exists a National Progressive Front. It is well known that the political parties which make up this front do not make independent decisions; rather, they support the “leading party” in all its policy choices. As the saying goes, to debate this point is to debate that which is known to be true.

It is also known that the public’s participation in referendums, which result in unanimous “yes” votes, restricts democratic life in Syria. The real benchmarks by which democracies are established—the right to object and the freedom to choose—are totally nonexistent. As for opposition parties, the government has employed a variety of cruel methods to bar them from the country’s political and social landscape.

Political decisions are the sole prerogative of the ruling party and its president, who also serves as the country’s president and commander of the armed forces. A Marxist economy, the Cold War’s political and ideological climate, and the failure to provide for the primary needs of a broad swath of society all helped contribute to this and made the combination of a nationalized economy and political monopoly seem natural. The nationalized economy became an additional tool by which the power elite could tighten its grip on society.

The situation on the cultural front is no different. Here, the authorities monopolize both the formation of a social consciousness and its identification of problems; that is, they determine what constitutes a problem and what constitutes common sense and the laws of nature. Those who specify what the problem is can decide what types of solutions should be applied (and their limitations). They alone know that the concepts of nationalism, Arabism, progress, and freedom—the basic premise of the government’s ideology—prevent their detractors from identifying the content or contradictions of these ideas. They alone determine who are the “honorable citizens and combatants” and who are the “weak souls and traitors.” And they alone give

meaning to the concepts of security, stability, national unity, and pluralism, thus prohibiting or criminalizing any alternative understanding.

But the infrastructure for monopolizing both values and reason requires absolute control over the means of production and the distribution and proliferation of cultural values. Thus, the power elite views audio and visual media as a private monopoly; this is also true of the print media. There is not one independent public newspaper in Syria, even if literary magazines are included under this rubric. And even if the parties of the National Progressive Front enjoy something of a free pass when it comes to printing and publishing their newspapers, they still cannot distribute them publicly.

All of this means that the right to criticize and supervise—as well as the right of social forces to help determine the general goals of society, the nature of institutions, social values, national identity, rights, and duties—is a standard value which can transform a group of people into an active society. This right is completely absent; the people’s right to object and act spontaneously has been stripped from them.

These are the general features of the political and social infrastructure which has become an incubator for corruption. National wealth can never be distributed equitably unless there is a form of power-sharing—and the freedom to attain the values and cultural resources which this encompasses. This means that the economic component might breed corruption and help to explain it, but the political and cultural ones are those which guarantee power, stability, and immunity.

The lack of economic development and a corruption determined to use the state for protection do not represent the essence of the “inherited” Syrian problem. Nor is this problem represented by decrepit institutions or an accumulation of fear; rather, it is characterized by a state’s and society’s departure from their logic and work. It is also represented by concealing the internal mechanisms of change and reform which society cannot live without, and by isolating society from politics and the state from modernity.

We cannot confront and solve these problems without first acknowledging them. Then, we must launch a serious national debate about them. After that, we must encourage larger societal groups to participate, in a positive way, in shaping their

national destiny. As the country's past experiences illustrate, there is no security solution to these problems. Nor does a technocratic solution to these problems exist as the current situation indicates. Syria will not be okay if Syrians are not.

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