The Premature Democratization of the Middle East and North Africa

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I have adhered to the university policy regarding academic honesty in completing this assignment.

Submitted to Assistant Professor Andrew Tirrell on behalf of the faculty of the department of Political Science and International Relations Graduate Program in fulfillment of the degree requirements for the Master of Arts in International Relations

Fall 2017
Abstract

The triumph of democratic governance is not due to their electoral feature where citizens have a voice in choosing their leaders. Instead democratic regimes are praised due to the liberal nature behind the electoral scene. This research focuses on democracy development in the Middle East and North Africa and analyzes why the region is not a fertile ground for democracy, despite the successful overthrow of dictators during the Arab Spring. The setback has been due to a neglect of the institutions within a state that constitute the foundation of the liberal order and instead, the attention has been on holding elections.

In an attempt to assess how liberal institutions within each country score, I use quantitative data developed by internationally recognized organizations. The second part of data collection considers Tunisia and Saudi Arabia for an in-depth analysis. Demonstrating weak liberal institutions necessitates a shift in democracy promoting programs to build liberal order first and hold elections second.
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Introduction

In his book *The Future of Freedom: Illiberal Democracy at Home and Abroad*, Zakaria takes readers through a historic journey of United Kingdom and Europe where he attests that prior to the spread of liberal democracy, monarchical governments gradually but steadily allowed for civil liberties and freedom. He states, “liberty came to the West centuries before democracy. Liberty led to democracy and not the other way around.”

For example, in Europe, the geography allowed for the rise of various city-states which led to diversity of ideas, art, and cultures, and the decentralization of power among numerous princes and rulers. Moreover, the aristocratic class stripped the kings from having absolute power. Zakaria states, “this near-equal relationship between lords and kings deeply influenced the course of liberty... The aristocracy demanded that kings guarantee them certain rights that even the crown could not violate. They also established representative bodies – parliaments, estates general, diets – to give permeant voice to their claims. In these medieval bargains lie the foundations of what we today call ‘the rule of law’.”

Moreover, the Peace of Westphalia in 1648, which permitted religious toleration by allowing for every Price to choose their state religion, was the groundwork for the freedom of religion. In the case of the United Kingdom, the 1688 Glorious Revolution strengthened the aristocracy, which in turn decentralized the power of the king.

Zakaria’s book in essence is a continuation of an article he wrote in 1997 titled *The Rise of Illiberal Democracy*, in which he puts the spotlight on two conflicting trends occurring at the state level: the proliferation of electoral elections especially after the fall of the Soviet Union and the deterioration of rule of law and basic human and civil rights. Using Zakaria’s words he states, “democratically elected regimes are routinely ignoring constitutional limits on their power and depriving citizens of basic rights and freedom.” Such countries seldom mature into liberal democracies. Many are settling into a form of government that mixes democracy with illiberalism, imposing restriction on freedom of speech, assembly, and press. Zakaria is not alone in his assessment. Political scientist Larry Diamond distinguished between “liberal” democracies and “electoral” democracies. Diamond makes the case that the third wave of democratic countries, which include countries that democratized right after the cold war, are merely “electoral” democracies because they used elections and voting mechanisms to elect their representatives. Nonetheless, they are an “Illiberal Democracy” as they lack the liberal identity found in the first and second waves of democracies. Building on Diamond’s work, Samuel P. Huntington argues that the introduction of elections in non-Western societies may often put illiberal forces to power.

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* The term “premature democratization” is extracted from Fareed Zakaria’s book The Future of Freedom, 58.

Problem and Research Question

Obsession over holding elections to legitimize one’s grip on power has dominated political discourse and downgraded the importance of constitutional liberalism and civil liberties. In their article published in Journal of Democracy, Elklit and Svensson explain, “free and fair” has become the catchphrase of UN officials, journalists, politicians, and political scientists alike.\(^7\) This in part has to do with U.S. foreign policy’s core mission when promoting democracy. Often the term “promoting democracy” is utilized in the context of regime change, holding elections, and determining the best governmental system (i.e. presidential or parliamentary); and seldom it is in the context of long-term investment in rule of law and civil liberties. When the latter are considered, they are often shoved aside when dealing with security and fighting terrorism, creating a disingenuous impression to the people of the region. Critics to the democracy promoting efforts in the Middle East and North Africa assert that pressuring regimes to liberalize lead to cosmetic changes that have no real impact on the rule of law, checks and balances, and civil liberties.

In Iraq, for example, the election of 1995 is a testament to the ineffectiveness of emphasizing electoral democracy. Voters went to the polls to answer one yes or no question: whether or not they approve of President Saddam Hussein to be the President of the republic for an indefinite time.\(^8\) This is the same president who has been in power since 1979. In the context of state-controlled media, no plausible opposition, no real civil liberties, the results were unsurprising. Saddam won by 99.99% of votes casted by 8.4 million Iraqis.

In Egypt, the 2005 presidential election results revealed that former Egyptian president Hosni Mubarak received 89% of the votes, allowing him a fifth consecutive six-year term as a president. The opposition leader Ayman Nour received 7% of the votes.\(^9\) In previous election in 1999, Hosni Mubarak won 94% of the votes and had no real opposition.

In Syria’s 2007 presidential election, the incumbent Bashar al-Assad won a second seven-year term by 97%. Previously after the death of his father in 2000, Bashar al-Assad was elected the new president and won also 98% of the votes in an election that the United States has mocked by congratulating him for defeating “exactly zero other candidates.”\(^10\)

In Algeria, the 2014 presidential election resulted in the incumbent president Abdelaziz Bouteflika winning 81% of the votes and the opposition leader Ali Benflis receiving 12% of the votes.\(^11\) Bouteflika is currently serving his fourth 5-year term as Algerian president. Previous election in 2009 resulted in Bouteflika receiving 90% of the votes.

The examples above are not exceptions but a pattern in the Middle East and North Africa (MENA) region. Observers do not need to analyze these results deeply to deduce that there is something deeply flawed with the region’s democracy. My research analysis attempts to answer why the Middle East and North Africa is not a fertile ground for liberal democracy.

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Hypothesis

Efforts to bringing democracy to the Middle East and North Africa has thus far failed due to juvenile emphasis on elections without building institutions that make democracy liberal. As presented in my introduction, Europe and United Kingdom achieved liberal democracy by first building constitutional liberalism and then holding elections. Columbia university democracy expert Giovanni Sartori asserts, “the itinerary is not reversible.” Therefore, United States policies must shift from promoting elections in the Middle East and North Africa to promoting constitutional liberalism. In other words, the rule of law, checks and balances system, and civil liberties should take precedence over whether or not governments are elected by the people. During his visit to the University of San Diego on November 2, 2017, Stephan Walt also emphasized that it is too soon for the United States to introduce elections to the region (MENA) because of the lack of “culture of democracy.” This paper outlines the steps to establish such culture, which starts by building the liberal institutions. The work examined herein is a policy proposal for an effective approach to bring liberal democracy to the Middle East and North Africa.

Alternative Hypothesis

The Case for Culture

Many scholars of the Middle East and North Africa have argued that the region is innately prone to dictatorships and instability due to culture. Repression, lack of freedom, and corruption have become entrenched in every aspect within the societies of the region. Certainly, culture does matter when assessing the collective psychology of people and understanding their attitudes and expectations, which are embedded in their shared historic experience. But culture alone is not enough to explain the region’s failure to achieve liberal democracy because culture is prone to change. For example, once a stronghold of fascism in the late 1930s and early 1940s, the German culture transformed into a promoter for unification of coal and steel industry leading to the creation of the European Union just 20 years later. Once a place of immutable poverty in the early 20th century where scholars have pinpointed to Confucian as the inherent cause of economic deterioration, East Asia transformed into a booming economy 100 years later. And once an isolationist republic with distrust of a standing army, the United States transformed into a world hegemon with around 900 military bases around the world.

Culture therefore is not only an adaptable argument – it can be twisted as in the case for Confucian to explain opposing trends within a society, but most importantly, culture is dynamic and ever-changing. Culture does not and should not determine destiny. In the case for MENA, if we accept the argument that culture in the driving force behind illiberalism then we are failing to explore the mechanism to transform the region into liberal democracy.

The Case for Religion

Similar to culture, many scholars have consistently pinpointed to the religion of Islam as the reason behind the lack of liberal democracy. Many have declared that Islam and democratic values are not compatible. Samuel Huntington for example has emphasized that Islam is prone to violence. He states, “Muslims also fight Muslims, and much more than the people of other

civilizations fight each other.” Such reasoning could not be further from reality and is often associated with an undertone of prejudice. Islamic jurisprudence scholar Hamza Yusuf Hanson has compared both Islamic legal theory and western legal theory. He concludes, “many Muslims would be deeply shocked to find that the very same legal principles working in Western constitutional law are the same legal principles that are working in Islamic laws… Islam is in fact a legal system that can absorb much of what we hold dear in the west in terms of our democratic ideals.”

Another theology scholar Reza Aslan challenges the notion that the religion of Islam is incompatible with democratic ideals. He explains, “religion is like water — it simply takes the shape of whatever vessel you pour it into. And this is why the prosperity gospel — the notion that what Jesus really wants for you is to drive a Bentley — can exist in the United States, and why the liberation gospel — the notion that Jesus was a warrior who fought oppression and poverty — exists in El Salvador. Both versions of Christianity are equally valid. They’re just dependent on the culture of the community to which they belong.” Similarly, for Islam it is adaptable to the political, social, and economic condition in which it exists. Muslims living in Western countries for example are far more individualistic than Muslims living in predominantly Muslim-majority countries. By the same token, Muslims living in western countries are vibrant more feminist, pluralistic, and even more likely to promote gay and lesbian spirituality than Muslims living in Muslim-majority countries. Hence, what is desperately needed in the Middle East and North Africa is the political and economic reform first and foremost and inevitably Islam as a religion will adjust to fit into a democratic political fabric.

This experimentation of Islam and democracy is not entirely revolutionary. Countries such as Malaysia and Indonesia are predominantly Muslim countries and have succeeded in achieving economic development and some form of political freedom that is consistent with liberal democratic ideals. Most recently, Ennahda party, the Islamic political party in Tunisia, has succeeded in proving that liberal ideals and political Islam are compatible. Ennahda spiritual leader Rachid Ghannouchi explains, “Ennahda’s evolution should serve as evidence that Islam is indeed compatible with democracy and that Islamic movements can play a vital, constructive role in fostering successful democratic transitions.”

Highlighting Ennahda’s political compromise amidst Tunisia’s democratic transition in 2013, Karina Piser states:

For the sake of Tunisia’s political transition, Ennahda has straddled a delicate line of rejecting repression, forging democratic legitimacy, and maintaining the mantle of Islam against those would either pervert or deny it — all while willingly building coalitions with other political parties. This is admirable democratic behavior that is frequently forgotten in critiques of the party’s Islamist ideology, and something that Tunisia’s other parties have done only under great pressure. As the country’s experience has shown, political Islam can indeed be feasible in a democracy, though it will be forced to adapt to the

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will of the voters, adjust to political circumstances, and likely moderate its initial Islamist vision.\textsuperscript{18}

**Why the Emphasis on MENA Region?**

In making the case for the importance of the Middle East and North Africa to United States interests, I will first assert the unwavering U.S. interest in the region. Second, I will discuss some democracy promotion programs in the context of combating terrorism. Third, I will explore fiscal funding to democracy promotion programs. Forth, I will elaborate on the decision to include certain countries and not others as part of the “Middle East” and North Africa region.\textsuperscript{19}

**Unwavering U.S. interest in the Middle East and North Africa**

The latest 2015 National Security Strategy emphasizes the United States commitment to promoting universal values at home and abroad. Such values include defending democracy and human rights through long-term commitment and leadership especially where “historic transactions” are taking place. One of the five historic transitions outlined in the document is the transition undergoing in the Middle East and North Africa. The document declares,

> The popular uprisings that began in the Arab world [i.e. Middle East and North Africa] took place in a region with weaker democratic traditions, powerful authoritarian elites, sectarian tensions, and active violent extremist elements, so it is not surprising setbacks have thus far outnumbered triumphs… But the direction of that change is not predetermined. We will therefore continue to look for ways to support the success and ease the difficulties of democratic transitions through responsible assistance, investment and trade, and by supporting political, economic, and security reforms.\textsuperscript{20}

The document emphasizes that long-term U.S. commitment in the region – as it is undergoing political transition – is to “influence their trajectories, seize the opportunities they create, and manage the risks they present.”\textsuperscript{21} The U.S. commitment to peace and stability in the Middle East and North Africa serves first and foremost the U.S. strategic interest in the region. Such interests include ensuring the steady overflow of energy, repelling external regression (i.e. Russia and China), preventing the proliferation of Weapons of Mass Destruction, and combating violent extremism.\textsuperscript{22} Transitioning the region to liberal democracy and hence more stability brings the United States closer to its interests.

**Democracy promoting programs to combat terrorism**

Since 9/11, one of United States’ core missions in MENA region has been to combat terrorism. Democracy promoters argue in favor of promoting democracy in the region as a mean to combat terrorism.

\textsuperscript{19} The term “Middle East” has been criticized by many scholars due to its vagueness and Eurocentric tendency. For the purpose of this research, these criticisms will not be addressed here. For more information on why the term is controversial, refer to Dr. Kaveh Farrokh’s piece: *The term "Middle east" -- Geopolitical invention?*
violent extremism.\textsuperscript{23} When citizens have political, legal, and peaceful tools to dissent, they are less likely to utilize violent means. Moreover, when citizens have the basic necessities of life and the opportunities to advance socioeconomically, they are less likely to be attracted to violent rhetoric. Hence, since 2001 there has been an increase in American foreign aid programs that focus on economic development and democracy promotion. For example, Middle East Partnership Initiative (MEPI), which was initiated in 2002 in the context of combating terrorism and was announced by then Secretary of State Collin Powell, focuses on economic, political, educational and women's rights advancement in MENA.\textsuperscript{24} Another example is the initiation of the Broader Middle East and North Africa (BMENA) Partnership Initiative in 2004 with the purpose of making democracy promotion a cooperative effort between the G8 and Middle Eastern governments.\textsuperscript{25} Although initiated by the Bush administration, succeeding administrations continued to fund these programs. Democracy expert Lincoln A. Mitchell explains that the Obama administration, while not continuing the Bush administration rhetoric publicly, has preserved and funded the same democracy promotion programs that were initiated during the Bush administration.\textsuperscript{26} This is particularly the case for the MEPI and BMENA Partnership Initiatives, which did not set out any clear steps by which their proposed projects would be linked to the desired outcome.\textsuperscript{27}

**Democracy promoting programs funding**

The Obama administration’s final budget request for democracy promoting programs for FY2017 is $427.5 million, an increase from 380 million from the previous years.\textsuperscript{28} Some of this fund is spent as follow. The USAID Middle East Regional (MER), which is a term used by USAID to refer to USAID fund to MENA region, includes $30 million for FY2017 representing a decrease from the $40 million for FY2016 and an increase from the $25.5 million for FY2015.\textsuperscript{29} The State Department Middle East Partnership Initiative (MEPI), which has recently been restructured to be under the Office of Near Eastern Affairs Assistance Coordination (NEA/AC), received $60 million in FY2017, a decrease from $70 million in FY2016.\textsuperscript{30} The State Department’s Bureau of Democracy, Human Rights, and Labor (DRL), which acts as the “policy lead within the U.S. government for advancing human rights and democracy” and produces the State Department’s annual human rights reports, requested $75 million for FY2017 and received $88.5 million in FY2016.\textsuperscript{31} Near East Regional Democracy Fund (NERD), which was established in 2009 and succeeded the Bush administration’s Iran Democracy Fund, received $30 million for FY2016 and the same figure was requested for FY2017.\textsuperscript{32} The National Endowment

\textsuperscript{23} Nora Bensahel, “Political Reform in the Middle East” in The Future Security Environment in the Middle East, ed. Nora Bensahel and Daniel Byman ( Santa Monica, CA; Arlington, VA; Pittsburgh, PA: RAND Corporation, 2004).


\textsuperscript{25} Katerina Dalacoura, “US Democracy Promotion in the Arab Middle East,” 964.


\textsuperscript{27} Katerina Dalacoura, “US Democracy Promotion in the Arab Middle East,” 975.


\textsuperscript{29} Stephen, The Federal Budget and Appropriations, 22.


\textsuperscript{31} Stephen, The Federal Budget and Appropriations, 23.

\textsuperscript{32} Stephen, The Federal Budget and Appropriations, 18.
for Democracy, which is a U.S.-funded Private Institution, received 170 million for FY2017, a 26% increase from the 103.6 million requested for the same year FY2017. This generous increase in funding “reflect the opinion of key members of Congress who generally prefer the NED’s approach to democracy promotion, which emphasizes bolstering civil society and support for local grantees, over that of U.S. government agencies.”33 These numbers exclude funds allocated for peace and security, economic development program, and humanitarian assistance. When these programs are considered, the numbers are more staggering. To date, MENA “remains the largest recipient region of U.S. foreign assistance globally, receiving more than $7 billion annually in U.S. aid.”34

Despite the appetite for democracy promotion, democracy experts and non-governmental organizations have criticized the U.S. governments approach as “bound by the past” in maintaining friendly relationships with repressive regimes mainly after the 2011 Arab Spring, which presented a rare opportunity for U.S. government to empower democratic waves. Instead, U.S. officials continued “old habits of prioritizing close, overly militarized relationships with repressive regimes in exchange for short-term security gains”35

In short, in addressing the question of why this research focuses on MENA in exploring tactical means to achieve some form of liberal democracies, rather than other regions on the world, despite the ideals of liberal democracy being universal, I argue that U.S. strategic interest in the Middle East and North Africa is unlikely to wind up in the first half of the 21st century. Therefore, exploring means to bring peace and stability to the region is more likely to advance and serve American interest. Second, violent extremism has led to the proliferation of democratic promotion programs. Ensuring the effectiveness of such programs is essential to combating extremism. Liberal democracies provide means to their citizens to dissent and protest (i.e. express political frustration in peaceful way). Hence, I argue that bringing some level if liberal democracy to the region is an effective way to combating terrorism. Lastly, with an increase of democracy promotion spending each year, exploring effective paths toward liberal democracy preserves American tax dollars.

**Country Selection within MENA**

Countries included in MENA region are selected based on conventional wisdom that is set by experts in the field. Particularly, countries are included or excluded in this research based on list of countries of the United States Department of State’s Bureau of Near Eastern Affairs. These countries are Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, and Yemen. When it comes to the USAID democracy promotion programs, the list excludes Israel.36 Therefore, I follow suit in excluding 1) Turkey, which is part of European and Eurasian Affairs, 2) Afghanistan, 3) Pakistan, which are part of South and Central Asian Affairs, 4) Sudan, and 5) Somalia, which are part of African Affairs. Exceptions to this rule have been made to exclude Israel from my research because it does not receive democracy promotion funds from the United States and has a distinct historical background from its neighbors.

34. Stephen, *The Federal Budget and Appropriations*, 4. This figure includes more than 3 million to Israel for security, which is not considered for the purpose of this research.
Method

The first step toward achieving liberal democracy in the Middle East and North Africa is to understand where countries stand today on a Liberal Democracy Spectrum. To measure liberal democracy status (the dependent variable) I will dive into the various institutions within each country (independent variables). Establishing these institutions are critical to achieving some level of liberal democracy.

It is important to note that measuring democracy is complicated and controversial. Some organizations have developed indices that measure a narrow definition of democracy focusing for example on political competition. Others follow a more comprehensive approach measuring not just political competition but also civil liberties and economic freedom. Addressing this limitation, I do not depend on one inclusive index to generate my data but rather I measure each institution separately. Moreover, I do not depend on the work of a single organization to extract my data but rather I gather data from multiple organizations.

How I came up with operational list of independent variables?
The operational list below is formulated based on existing work of liberal democracy experts. One example of such work is Larry Diamond’s list in Developing Democracy. He states, “[t]hese institutions include a rule of law and thus an independent judiciary, autonomous legislatures, credible structure for controlling corruption, effective democratic governance at the local level, a vibrant civil society, and values and practices of tolerance, trust, participation, and accommodation.” Other work such as Zakaria’s The Future of Freedom, is more precise in listing freedom of “speech, assembly, religion, and property.” Third, in his work The Gap between Liberal and Electoral Democracy Revisited, Jørgen Møller employed the work of two democracy experts Dahl’s and O’Donnell to formulate a list of liberal democratic institutions, which he lists in this order: elected officials, free and fair elections, inclusive suffrage, right to run for office, freedom of expression, alternative information (i.e. independent media), associational autonomy, and the rule of law. The operational list I have built in this research is inclusive of the work mentioned above with slight changes in wording. For example, inclusive suffrage in Møller’s work is measured here under free and fair elections, which – along with other things – measures the extent in which all adult citizens enjoy universal and equal suffrage. Figure 1 below provides the operational list of the institutions as well as brief definitions.

Although some institutions are more foundational than others, for example free and fair elections requires freedom of speech, the order below does not address this aspect.

| Rule of law | Government is ruled by the law and subject to it. Independent Judiciary. The law protects civil liberties and guarantees equal treatment of minority |

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37. Diamond, Developing Democracy, p. 20
Division of Power

“Division of government responsibilities into distinct branches,” which consists of institutional differentiation, division of labor according to functions, and checks and balances

Freedom of Speech

Freedom to express opinion, political dissent, engage in public or private conversation without fear of harassment, prosecution, imprisonment, or torture. It also includes freedom of press

Freedom of Assembly

Freedom of assembly is the freedom to organize, demonstrate, join non-governmental organization, and engage in public discussion with no fear of harassment or political persecution

Freedom of Belief

Ability of communities to practice their faith in public and private settings without government harassment. It includes the inability of any religious dogma to influence laws or public domains

Open and accountable Government

Transparency of government activities where citizens can have access to information, documents, and proceedings and corrupt practices are kept in check

Political Pluralism and Participation

Ability of non-governmental actors, including minorities, to freely join political parties and form new ones and where minorities have real chances of obtaining political positions

Economic Opportunities and Property Rights

Property rights is the ability of individuals or associations to own and utilize resources and economic goods and the freedom to transfer these goods (i.e. sell or buy)

Free and fair elections

Free and fair elections are elections where all voters can choose their representatives in conditions of equality, openness, and transparency

Measuring independent variables:

Reliable data can only be obtained if the index utilized to measure an institution is in fact measuring that specific institution. The data I present below is extracted from two specific organizations: Freedom House
d and Bertelsmann Stiftung’s Transformation Index (BTI) – an exception to this is the Transparency International Corruption Perceptions Index. The advantages I found in both Freedom House and Bertelsmann Stiftung’s Transformation Index

(BTI) is the availability for second level and third level indices that cover one particular aspect in a country, which in turn I utilized to measure the corresponding institution exclusively. For example, within the Freedom House Civil Liberties Index, there is Rule of Law Index, which I utilize to measure where countries stand in terms of their adherence to the rule of law; and within Bertelsmann Stiftung’s Transformation Index (BTI), there is Separation of Power Index, which I use to measure the extent to which power is distributed within the several branches of government. When applicable, some institutions are measured using both indices to provide a point of comparison.

After assessing the independent variables in each country, readers will have a richer understanding of the level of liberal democracy in each country. More importantly, policy makers are able to assess the work that lies ahead to establish and strengthen a particular institution.

In the last section, I substantiate the qualitative data with quantitative analysis of two specific countries that are located on the opposite ends of the Liberal Democracy Spectrum. These countries are Tunisia and Saudi Arabia.

**Quantitative Data**

**Rule of Law**

What it is?
Every organization has different approach in defining the rule of law. Nonetheless, they all have one thing in common, which is the restriction of government’s illegitimate activities. Using Skaaning definition, I define the rule of law as state in which people are obeying the law and are ruled by it but most importantly the government is ruled by the law and is not above it. Using Skaaning explains that the concept of the rule of law is highly complex and confusion over the term is currently prevalent among politicians, diplomats, practitioners, and even among academia.

Why is it important?
Rule of law is the foundation on which just societies are built. Effective rule of law reduces corruption and protects citizens’ basic human and civil rights. Moreover, citizens of countries with a strong mechanism of rule of law tend to have more faith in their governing process leading to a peaceful transition of power from the losing party to the winning one. Lastly, effective rule of law also consists of just laws where all citizens are treated equal and they have a legal, independent platform in which disputes are settles. Without the existence of such platform, citizens could revert to other forms to obtain justice on civil matters leading to anarchy and/or governments could scale back laws protecting the rights of citizens leading to dictatorial tendency.

How will it be measured?
Based on Freedom House Rule of Law Index, the following points are examined to assess where countries stand on the rule of law spectrum.
- Government is ruled by the law and is subject to it
- Judiciary Independent from political, economic, or religious influences
- Rule of law prevails in civil and criminal matters

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44. Skaaning, “Measuring the Rule of Law.”
- The law protects civil liberties and limit political terror, unjustified imprisonment, exile, or torture
- The law guarantees equal treatment of minority

Freedom House Rule of Law Index scores countries on a scale of 0 to 16, where 0 indicates the absence of the rule of law and 16 indicates the highest form of rule of law.\textsuperscript{45}

**Data**

No country scores on the higher end of the Rule of Law Index. The highest country scoring at 9 is Tunisia which has made significant improvements since the revolution. Iraq, Libya, Syria are on the lowest end of the spectrum, understandably so given the current civil and regional wars taking place in these countries. Despite the relative stability experienced in Bahrain, Egypt, and Saudi Arabia, they score particularly low on the Rule of Law Index as these governments have no regards to the rule of law, do not protect civil liberties or the rights of minorities, and their judiciary is heavily influenced by the executives in power.

![Freedom House Rule of Law Index, 2017](image)

**Division of Power**

*What it is?*

The National Conference of State Legislatures defines the Division of power as “division of government responsibilities into distinct branches to limit any one branch from exercising the core functions of another.”\textsuperscript{46} The intent is to provide a system of checks and balances. The typical division of power as described by the French Philosopher Montesquieu consists of executive, legislative, and judiciary. Some systems, such as the United Kingdom and Australia, have a parliamentary system in which the executive and the legislative are one branch and the judiciary is an independent branch.

*Why is it important?*

Division of power prevents dictatorial tendency and puts a check on mass murder by the state against its people. In his book *Developing Democracy*, Larry Diamond puts the spotlight on Rudolph Rummel’s study of death which deduces that “every instance of mass murder by a state


against its people has happened under authoritarian rule and that the more absolutist the regime the greater the tendency toward democide.”  

Hence, checks and balances not only protects against stripping citizen’s civil liberties but also prevents abusing of power which could lead to genocides.

Second, separation of power often means the vital presence of a legislative body that adheres to citizen’s demands. In her article *Political Reform in the Middle East*, Nora Bensahel stresses the importance of an independent legislative branch. She states, “they [legislatures] legitimize government decisions, which increases public support of those policies and facilitates implementation… They provide some degree of executive accountability, especially by requiring government officials to provide written and oral testimony… [and] they are a forum for conflict resolution, demonstrating that even deep divisions can be addressed through discussion instead of violence.”

How will it be measured?
The data below presents the Bertelsmann Stiftung’s Transformation Index (BTI) measuring Separation of Power. The scores of which range from 1 to 10, 1 being “worst” and 10 being “best.” BTI Separation of Power score indicator is based on basic operation of the separation of power, which consists of institutional differentiation, division of labor according to functions, and checks and balances. The score does not include the subjection of power to the law. This dimension is measure by the Rule of Law Index.

Moreover, the column below is more descriptive, taken from CIA World Factbook, and it describes the various forms of governments that exist in the region today.

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47. Diamond, Developing Democracy, 6.
Data

Saudi Arabia, which is an absolute monarchy has the lowest score on Separation of Power Index. This is not surprising as no other institution within the Saudi government is able to counterbalance such power (not even the religious establishment). Tunisian’s score has improved significantly after the revolution scoring at 7, indicating that the separation of power is in place and functioning with partial or temporary restrictions of checks and balances occur. No country in MENA has a score of 9 to 10 because there is no country with clear separation of power and with well-established checks and balances.

Even though Jordan, Kuwait, and Morocco have legislative bodies that are more assertive, the kings of these countries are positioned above the laws and can step in arbitrarily to advance their agendas. Hence, continuing to score low on the Separation of Power Index.

In her analysis of Middle Eastern legislative bodies, in the countries in which they exist, Bensahel explains, “Middle Eastern legislatures operate under significant constraints. Their jurisdiction is often limited to issue areas approved by the regime, which reduces their ability to influence policy and keeps them subordinate to the executive branch.”  

Freedom of Speech

What it is

Freedom of speech is the freedom to express opinion, political dissent, engage in public or private conversation including criticizing the government without fear of harassment, prosecution, imprisonment, or torture. It also includes freedom of the press where there is no censorship and no governmental influence over media content and journalist are free to criticize government officials and policies.

Why is it important?

The ability to express opinions and political views without fear allows for positive discussion about issues of concern and interest, and allow for a check on government power. Democracy

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experts point out that free media serves as the forth branch of government as it puts a check on official’s tyranny and corruption. Additionally, freedom of speech allows for diversified views in the society, respecting differences and other’s opinions. Lastly, freedom of speech is the most critical civil right to ensure the free and fair elections. As Middle East Development expert Nora Bensahel points out, “free elections meant very little if citizens were not allowed to exchange information freely or to organize into interest groups.”

How it will be measured?
BTI Freedom of Expression Index looks at the following factors to determine the freedom of citizenry to freely express themselves.
- If the constitution guarantees freedom of expression, and if these laws are enforced
- If individuals, organizations or media are harassed or physically threatened for criticizing the government
- If the state practices censorship, or if journalists practice self-censorship
- If penal code, security laws or penalties for libeling state officials are enacted to intimidate dissenting opinion
- If freedom of information legislation is in place and effective
- If the structure of the media system provides for a plurality of opinions

The score ranges from 1 to 10, 1 indicating the nonexistence of freedom of speech and 10 indicating the best form of freedom of speech.

Data
No country in the Middle East or North Africa guarantees freedom of expression where citizens and the press can fully exercise these rights. Lebanon, Tunisia, Libya, and Algeria score between 6-8 indicating that freedom of expression is occasionally subject to interference from the government but there are no evidence of outright state censorship or media shutdowns. Iran, Bahrain, Oman, Saudi Arabia, Syria and UAE do not have any form of freedom of expressions. Citizens of these countries are not allowed to engage freely in any form of political discussions. In the case of Jordan and Egypt, they have sections in their constitutions that outline the rights of freedom of expression, nonetheless the governments in both countries use distortion and manipulation to shape political discourse and often interfere in the rights of citizens to express themselves freely.

Freedom of Assembly

What it is
Not to be confused with political pluralism and participation, which is defined in this research – and by Freedom House – as the rise and fall of political parties to power, freedom of assembly is the freedom to organize, demonstrate, join non-governmental organization, and engage in public discussion with no fear of harassment or political persecution.

Why is it important?
Freedom of assembly decentralizes the power of the government of one leader by demonstrating the power of the people as they march and organize to alter policy outcomes. Moreover, it provides citizens the legal mechanism to express political opinions and frustrations. Such energy if conveyed using illegal channels could result in violence, instability, and in extreme cases radicalization and terrorism.

How it will be measured?
Using the Freedom House Associational and Organizational Rights Index, the following points are considered to determine the freedom of citizens to assemble.
- Ability to engage in peaceful, political protests without intimidation, arrests, or assault
- Organizations can engage in human rights and governance-related work without legal and practical restriction
- Trade unions are established and able to operate freely without government interference
- Professional and private organization can operate freely without government interference

Freedom House Associational and Organizational Rights Index scores countries on a scale of 0 to 12 with 0 indicating the worst conditions of freedom of assembly and 12 indicating the best conditions.\(^{56}\)

Second, I also use the BTI Association and Assembly Rights Index to assess the extent to which individuals can form and join independent political or civic groups. The factors the BTI Index considers are:
- The constitution guarantees freedom of association and assembly and such laws are enforced
- Citizens or particular groups are restricted or unable to assemble and associate

Government uses intimidation, harassment or threats of retaliation to prevent citizens from exercising their freedom of assembly.

- Government uses transparent and non-discriminatory criteria in evaluating requests for permits to associate and/or assemble.

The BTI score is on a scale of 1 to 10 with 1 indicating that association and assembly rights are denied and 10 indicating association and assembly rights are guaranteed and are protected against interference or government restrictions.\(^{57}\)

Data

Saudi Arabia and Tunisia are on the opposite ends of the index. Saudi Arabia does not allow for citizens to express any form of political dissent. “Participating in protests” is a legal violation by which citizens are arrested and most of the times given long prison sentences. In the case of Egypt, protesters are faced with heavy police and are arrested, detained, and questioned despite the successful protest that toppled former dictator Hosni Mubarak in 2011. Moreover, NGOs in Egypt face harassment in the forms of “office raids, arrests of members, and restrictions on travel.”\(^{58}\)

Similarity, the BTI Association and Assembly Rights Index places Saudi Arabia and Tunisia on the opposite ends. There are few alternating countries shown by the BTI Association and Assembly Rights Index in comparison to the Freedom House Associational and Organizational Rights Index but such swapping is insignificant. The general picture persists, which is all countries – the exceptions are Lebanon and Tunisia – do not guarantee the right to assemble to their citizens and independent civic groups are prohibited.\(^{59}\)

\(^{57}\) Transformation Index, 2016. 19.


Freedom of Belief

What it is?
The freedom of religious institutions and communities to practice their faith and express themselves in public and private settings without fear or government harassment. Moreover, freedom of belief includes the neutrality of the government toward any religion and no religion as well as the inability of any religious dogma to influence laws or public domains.

Why is it important?
If the legal order and the political institutions are defined by and derived from religious dogmas, there will likely be fundamental barriers to the development of individual beliefs, capacities and choices leading to constrains on civil liberties.

How it will be measured?
Freedom of belief is measured using two indices. First, the Freedom House Freedom of Expression and Belief Index, which aside from measuring freedom of expression, it also measures whether or not religious institutions and communities are free to practice their faith and express themselves in public and private without government influence, harassment or arrests. The Freedom House Freedom of Expression and Belief Index scores countries on a scale of 0 to 16 with 0 indicating low level of freedom and 16 the highest level of freedom.60

Second, the BTI Interference of Religious Dogmas Index looks into how religious groups (i.e. mosques, churches, religious establishments) influence laws.61 Countries of lowest score indicate the state is theocratic with little to no religious freedom. Countries on the higher end indicate that the state is secular and religious dogmas have no influence over the legal, public, or political order.

Data
After passing the new constitution in January 2014, Tunisians civil rights have improved significantly. The new constitution guarantees the right of all citizens to practice their faith freely. The constitution also declares Tunisia a secular state with no favoring of one faith over the other. However, on the lowest end of the scale, Saudi Arabia and Iran are theocratic where

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religious freedom is nonexistent. In Saudi Arabia for example, groups of minority religions do not have the right to practice their religions in public.\textsuperscript{62}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{Freedom_House_Freedom_of_Expression_and_Belief_Index_2017.png}
\caption{Freedom House Freedom of Expression and Belief Index, 2017}
\end{figure}

On the BTI Interference of Religious Dogmas Index, similarly Saudi Arabia and Iran are on the lowest end as they are both theocratic states promoting one form of religion over others. The religious dogmas in both countries have an influence on the legal, public and political order. On the other end of the spectrum, countries scoring from 6 to 8 have a secular order in place but religious dogmas continue to influence some form of the legal, public and political order. No country in the Middle East and North Africa is entirely free from the influence of religious dogmas.\textsuperscript{63}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{BTI_Interference_of_Religious_Dogmas_Index_2016.png}
\caption{BTI Interference of Religious Dogmas Index, 2016}
\end{figure}

\section*{Open and Accountable Government}
\textbf{What it is}
Open government is a form of government where citizens have access to information, documents, and proceedings. In other words, there is a transparency of government activities. Accountability indicates government corrupt practices are kept in check.

**Why is it important?**

Government exists to serve the people. When citizens have access to information on government activities and documents, they are more likely to be informed on how their money is being spent, and government is more likely to be just and accountable. When corruption is minimal, citizens have more faith in their government and is more likely to use political means to express themselves when a disagreement arises. The Universal Declaration on Democracy, section 13 states, “it is an essential function of the State to ensure the enjoyment of civil, cultural, economic, political and social rights to its citizens. Democracy thus goes hand in hand with an effective, honest and transparent government, freely chosen and accountable for its management of public affairs.”

**How it will be measured?**

Three indices are considered to offer scores on openness, accountability, and corruption. First, Freedom House Functioning of Government Index looks into the following factors.
- Elected government officials can determine government policies without interference from nonelected actors
- Government is free from corruption
- Citizens have the legal right and practical mechanism to obtain information about government operations
- The budget-making process is subject to meaningful legislative review and public scrutiny

The score of Functioning of Government Index ranges from 0 to 12 with 0 indicating no openness or accountability and 12 indicating most form of government openness and accountability.

Second, BTI Prosecution of Office Abuse Index assesses the extent to which public office holders who abuse their positions are prosecuted or penalized. They score countries on a scale of 1 to 10 with 1 indicating officeholders break the law without fear of legal consequences and 10 indicating that officeholders who break the law are prosecuted rigorously under established laws.

Third, the Corruption Perceptions Index, which scores countries based on how citizens of these countries see their governments and public sectors. The scale is from 0 to 100 with 0 indicating that the government is seen as “highly corrupt” and 100 indicating that the government is seen as “very clean”.

**Data**

Tunisia scores favorably on the Freedom House Functioning of Government Index, however, the score is significantly lower on the BTI Prosecution of Office Abuse Index. Moreover, majority of Tunisians do not have a favorable view toward their government when it comes to corruption. In

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an effort to crack down on corruption, the Tunisian government announced in May 2017 its intensive campaign arresting 8 businessmen and confiscating their properties. The scores below do not reflect such measure.68

The United Arab Emirates (UAE) has a favorable score on the BTI Prosecution of Office Abuse Index and most citizens have a favorable view toward their government when it comes to corruption.69 According to GAN Business Anti-Corruption report, UAE is the least corrupt country of the Arab World and business are able to operate in an effective and efficient environment.70

Lastly, on the Corruption Perception Index 90% of countries in the Middle East and North Africa score below 50, a failing grade with Syria, Libya, Yemen, and Iraq receiving the lowest score.71

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Political Pluralism and Participation

What it is
Pluralism is political participation of non-governmental actors, including minorities, where citizens are free to join political parties and form new ones and minorities have real chances of obtaining political positions.

Why is it important?
The participation of all members of the society represents a truly liberal democratic society where government is of the people, for the people, and by the people. Political pluralism also prevents the tyranny of the majority.

How it will be measured?
The Freedom House Political Pluralism and Participation index scales countries on a range of 0 to 16, where 0 represents the lowest form of political pluralism and participation and 16 represents the highest form. The index considers the following factors.
- People can organize and join different political parties
- The system is open to the rise and fall of different political parties and groups without discrimination
- Realistic opportunity for the opposition to increase its support or gain power
- No control of the military over government policy and activities
- Minority groups have full political rights and electoral opportunities

To further provide a point of comparison, the BTI Party System Index considers the extent to which parties are socially rooted and organizationally institutionalized. They consider the following factors.
- Parties are socially rooted and organizationally institutionalized
- The degree of clientelism and the effects it has in promoting or inhibiting stability
- The fragmentation of the party system
- The level of polarization within the society and voter volatility

Lastly, on a scale of 1 to 10, 1 indicates the absence of a party system that articulates people’s interest and 10 indicates the existence of a stable and socially rooted party system.72

Data:

72. Transformation Index, 2016. 23.
Tunisia has a perfect score on the scale of 0 to 16 and most countries in the Middle East and North Africa have a low score indicating the absence of true political participation by citizenries and their inability to form new parties or real opposition to current power structure.\(^\text{73}\)

Moreover, all countries of the region either has no party system that express and aggregate societal interest or they have party system that is shallow and unstable. Political parties are illegal in many states, including most of the Persian Gulf states and despite being legal in Egypt, Jordan, and Morocco, they face notable restrictions such as outright ban in Egypt or difficulties obtaining license in Jordan.\(^\text{74}\)

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**Economic Development and Property Rights**

**What it is?**

Property rights is the ability of individuals or associations to own and utilize resources and economic goods and the freedom to transfer these goods (i.e. sell or buy). Additionally, property rights include the right to enforce those rights using legal, well-established mechanism.\(^\text{75}\)

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74. Bensahel, “Political Reform in the Middle East, p. 29.
The concept of property rights can be traced back to 1600 philosopher John Locke when he attested that everyone had a natural right to defend his “Life, health, Liberty, or Possessions” and hence, property and property rights exist prior to governments. Building on Locke’s theory, the 1700 economist and philosopher Adam Smith made a distinction between natural rights, which he defined as the rights to liberty and life – rights every man is born with, and property rights, which is an acquired right and vary from one form of government to another.  

**Why is it important?**

Established property rights provide incentives for citizens to participate in economic activities, such as investment, innovation, and trade because they trust that their assets and wealth (properties) is protected not just from government overreach but also from other citizens who want to infringe on those properties. Moreover, when mechanisms exist (i.e. good economic institutions) to provide peaceful, legal platform to solve property rights disputes, the economy is more likely to develop and prosper.

Many social scientists have explored the relationship between economic development and democracy. Some argue that economic development lead to democracy. To name few, Lipset argues that democracy is related to the state of economic development. Bilson believes economic development lead to political freedom. Pennar et al attest that growth leads to democracy. And recent studies by Burkhart and Lewis-Beck, Londregan and Poole, and Feng provide further empirical support for the thesis that economic development promotes democracy.

In contrasts, Other scholars have argued in favor of a reversed causation, which is democratic government enact policies that lead to economic development. To name a few, Mancur Olson argues that political system has ultimate effect on economic development because democracies are committed to the protection of property rights. Sirowy and Inkeles conclude that democratic processes and the exercise of civil liberties and political rights lead to social conditions that are most friendly to economic development. Feng believes that political and economic freedom improve property rights and market competition, which in turn enhance economic growth. And finally, Leblang maintains that democracy indirectly helps economic growth by allowing higher levels of individual property rights.

To date, no particular causal mechanism is seen as definitive, at least not among Western scholars. Nonetheless, I want to approach this debate from a new angle. A government must provide minimal needs for its citizens. Once those basic needs are met, then and only then we can entertain this debate. The Universal Declaration of Human Rights (UDHR) includes language revealing that every human has the right to a basic standard of living and access food, clothing, housing and medical care. In particular, Article 25 states, “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security

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in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.” When basic human needs are not met, property rights become irrelevant because citizens are too consumed with meeting the minimal needs of themselves and their families so they do not go to bed hungry. Therefore, it is incumbent upon governments to provide such basic needs of living. Once those needs are met, citizens are more likely to take their socioeconomic status to the next level. “Do you think these people who are coming here seeking medicine they cannot obtain, have the time or luxury of analyzing their tragedy?” One Iraqi pharmacist asked New York Times Journalist during the economic sanction imposed on Iraq in the 1990s.

**How it will be measured?**
To assess where countries are in regards to economic development and economic freedom, I consider two indices. First, the BTI Level of Socioeconomic Development Index, which measures the extent to which significant parts of the population are excluded from society due to poverty and inequality. The index takes into consideration the overall level of socioeconomic development, poverty rate, inequality of income and education, exclusion level based on gender, religion, and ethnicity, and finally the scope of subsistence economy. BTI Level of Socioeconomic Development Index relies on already established quantitative indicators, which are Human Development Index, Gender Inequality Index, Gini Index, Poverty rate, Literacy rate, Ratio of female to male enrollment, Gross enrollment ratio, and Female labor force. The index scores countries on a scale of 1 to 10 with 1 indicating that poverty and inequality are extensive and structurally ingrained and 10 indicating that poverty and inequality are minor and not structurally ingrained.

Second, I use unemployment rates to demonstrate the necessity of development programs. The overall unemployment rate measures the labor force population of the ages 15 and older who are available for work and has actively taken measures to seek employment. The youth unemployment measures ages between 14 and 24 who are also actively seeking work.

**Data:**
Oil producing countries tend to score higher on the socioeconomic level while countries like Jordan, Egypt, and Lebanon lack such natural resource. The population of oil producing countries consequently enjoy higher standards of living.

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Free and Fair Elections

What it is?
A country has free and fair elections when these elections are “held on the basis of universal, equal and secret suffrage so that all voters can choose their representatives in conditions of equality, openness and transparency that stimulate political competition.”83 Free and fair elections is contingent upon the effectiveness of the other institutions listed above.

Why is it important?
Free and fair election is the key element in achieving democratic institutions. When the people have the power to elect their representatives freely, they theoretically take part in government affairs and the representatives adhere to the will of the people. This democratic pact is the essence of government of the people, by the people, and for the people. When elections are held fairly, freely, and regularly, people’s will can be expressed.84 To use Nora Bensahel’s words in analyzing political conditions in the Middle East and North Africa, “elections are the most important component of democratization, because they allow citizens to exercise control over

public policy and to hold leaders accountable for their decisions.” Moreover, “elections increase the expression of political demands and improve the quality of public policy debates by encouraging political dialogue. Citizens thus have an outlet through which they can express frustration or satisfaction with regime policies.86

How will it be measured?
Freedom House Electoral Process Index looks at the following factors:
- The head of the government and the legislative body are elected through fair, free, and open process
- Voters are able to vote for the candidate or party of their choice without undue pressure or intimidation
- All adult citizens enjoy universal and equal suffrage
- The transparency of the vote counting process

Freedom House Electoral Process Index scores countries on a scale of 0 to 12 where elections scoring 0 are the least free and fair and those scoring at 12 are the most free and fair election.87

Date:
Almost all countries of the Middle East and North Africa score poorly on the 2017 Electoral Process Index. 19 of the 22 countries score at or below 5, placing almost the entire region at the bottom of the spectrum. Tunisia is the only country scoring fairly optimistic.

Liberal Democracy Spectrum
Based on the quantitative data presented above, the following spectrum is a safe projection of where countries in the Middle East and North Africa stand today on the Liberal Democracy Spectrum. It is important to note that the following spectrum is not to scale.

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85. Bensahel, “Political Reform in the Middle East,” 27.
Qualitative Analysis:

In this section, I examine liberalization efforts in two countries that are on the opposite sides of the liberalization efforts; Tunisia which has made a significant progress since the revolution, and Saudi Arabia which is an absolute monarchy. I must add that examining these two countries is not inclusive of other countries in MENA region.

Tunisia

On December 17, 2010, 26-year old Mohamed Bouazizi set himself on fire to protest police harassment and confiscation of his small cart which he used to sell fruits and vegetables. His action tabbed into the frustration that was felt throughout the country, where unemployment rate was about 15%.\(^{88}\) Bouazizi sparked a movement for change when thousands of Tunisians took to the streets to protest corruption, high unemployment rate, inflation, and lack of political freedom. The protesters refused to go home despite police’s violent response. By January 14, 2011, the longtime dictator Zine El Abidine Ben Ali fled to Saudi Arabia paving the way for substantial progress toward liberalization.

For the first time since their independence from France in 1956, Tunisians took to the polls in October, 2011 to elect their Constituent Assembly. International monitoring groups confirmed that the election process was free and fair. Tunisia’s Freedom House score improved from 6 in 2011 to 2 in 2017, on a scale of 1 through 7, with 1 representing the greatest degree of freedom and 7 the smallest degree of freedom.\(^{89}\) The elections resulted in a considerable win for the formally banned Islamist party\(^ {90}\) Ennahda where they won 89 of the 217 seats of the Constituent Assembly. Under the leadership of its intellectual leader Rached Ghannouchi, Ennahda formed a coalition government with the left-leaning Congress for the Republic (CPR) and the left-leaning Ettakatol party who won 29 and 20 seats respectively, setting an important precedent in contemporary Arab politics. Hamadi Jebali of Ennahda became the Prime Minister, Moncef


\(^{90}\) The term “Islamists” is being used by many experts and politicians to refer to violent extremist groups throughout the Middle East and North Africa. However, my usage of the term in this context is not to indicate violent extremism agenda but rather to describe the identity and the platform of the Ennahda political party, which I have alluded to in Alternative Hypothesis section and will discussing in more depth later in this section.
Marzouki of CPR became the President, and Mustafa Ben Jaafar of Ettakatol became the Speaker of the Assembly.  

In January 2014, a new constitution has passed by a two-third majority that guarantees basic civil and political rights including freedom of belief, freedom of expression, and freedom to protest. For the first time since its independence in 1956, Tunisians are able to express their political views, assemble and protest, and join civil societies without fear of persecutions, imprisonment, or torture. Currently, 68 women serve in the parliament (31.3%), and 8 of the 40 ministers and secretaries of state are women, representing the largest proportion of female representatives in the Arab world.

In analyzing the progress Tunisia has made toward liberal democracy, I argue that the success story in the Tunisian model was not because the people took to the streets in late 2010 and early 2011 – surely Egyptians have also taken to the streets and succeeded in toppling a dictator only to revert back to dictatorship. Tunisian liberalization process has succeeded due to the actions of those in leadership roles. In other words, top down approach to liberalization has been the key factor to Tunisia’s successful story rather than bottom up approach. To expand on this argument, I look at Ennahda’s political compromise, neutrality of the military, and commitment to pluralism.

**Ennahda’s Political Compromise**

One can safely argue that Tunisia’s successful democratic transition is accredited to Ennahda’s political compromise. In 2013, Tunisians took to the streets to protest government’s failure to respond to the rise of Salafi jihadists and lack of security. The anger on the streets has been piling up over the lack of progress to pass a constitution and improve economic conditions. The last stroke was a series of assassinations of left-leaning and secular politicians, where Nidaa Tounes – Lefties party – accused Ennahda of the attacks. By October 2013, the situation worsened as thousands of Tunisians took to the streets demanding the government to step down. The country was on the verge of slipping back to authoritarianism if it was not for Ennahda’s compromise. The crisis has been averted when Ennahda Prime Minister Ali Laarayedh resigned and a constitution was passed January 2014. Moreover, when Ennahda lost the majority of the seats in the assembly after the 2014 elections, they accepted the results and instead of playing the opposition role, chose to build a coalition government with their rivalry, the leftist party Nidaa Tounes. In accepting the defeat, Ghannouchi – Ennahda’s intellectual leader – declared, “If we lose power, we will come back to it. But if we lose Tunisia’s security and stability, it will be a loss for everybody.”

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94. In comparison, the number of women serving in the United States Congress in 2017 is 105 (78D and 27R) women serving in United States House of Representatives, which is 19.6% of the 535 members; and 21 (16D and 5R) women serving in the United States Senate, which is 21% if the total 100 senators, according to the Center for American Women and Politics.
Ennahda has also made major compromises on the country’s political identity throughout the process of writing the constitution. For example, Ennahda party was pushing for a parliamentary system, where the Prime Minister serves as the head of the state and the commander-in-chief similar to British or German system. Other left-leaning political parties wanted a French-like political system that is a hybrid of parliamentary and presidential system. Eventually, Ennahda made the concession and agreed on the latter. Another example is when Ennahda loosened its stance on having the constitution declare Islam as the main source of legislation. This is a huge compromise for Ennahda, which prides itself in its Islamic identity and its appeal to their more religious base. Moreover, Ennahda under the leadership of Ghannouchi has taken the question of political Islam to the next level declaring in May 2016 that the party is no longer a religious movement preaching in mosques and doing social services but rather a political party. In his Foreign Affairs article, Ghannouchi explains this shift to politics. He states,

We no longer consider the old ideological debates about the Islamization or secularization of society to be necessary or even relevant. Today, Tunisians are less concerned about the role of religion than about building a governance system that is democratic and inclusive and that meets their aspirations for a better life. As the junior partner in Tunisia’s coalition government, Ennahda aims to find solutions to matters of concern to all of the country’s citizens and residents.

Similar to Christian Democrat parties that are prevalent across Europe, Ghannouchis’s vision is to develop a party that profess adherence to religion – in this case Islam – while simultaneously not compromising “pluralism and respect the right to difference.” Due to their laudable compromise and their efforts to save the country from the brink of political crisis, the Tunisian National Dialogue Quarter was awarded the 2015 Nobel Peace Prize and Ennahda’s spiritual leader Ghannouchi received international admirations and several awards for the successful compromise that facilitated Tunisia’s democratic transition.

The Neutrality of the Military

Another critical factor that contributed to Tunisia’s successful path toward liberalization is the neutrality of the military. The Tunisian military has declined to intervene in Tunisian politics since the beginning of the unrest in December 2010. On numerous occasions when the political situation has worsened (in the summer of 2013 and again in 2014), the military continued to play limited to no role. The neutrality of the military became clear when Defense Minister Jeribi declared in 2014 that the military will not intervene in domestic politics.

The concern over military involvement in domestic politics goes as far back as 2500 years when Plato raised the issue. Military involvement in domestic politics could lead to coup d’état (i.e. Egypt in 2013) reverting democratic progress. In his work on military and its threat to democracies, Richard Kohn stresses that civilian control over the military allows for the will of

the people to define its values and practices. In an opposite scenario, the military will define those values, where martial customs and procedures clash with individual freedom and civil liberty. Kohn states, “[w]hile a country may have civilian control of the military without democracy, it cannot have democracy without civilian control.”103 Luckily for Tunisians, the military never fought a war and hence has had a low profile in the country. Unlike in Egypt where the military is deemed a respected and prestigious institution, Tunisian military is far smaller and has had a weaker position among Tunisians allowing for the successful establishment of liberal institutions. 104

Commitment to Pluralism:
Under the spirit national reconciliation and inclusivity, the government has allowed for former regime affiliates to compete in 2014 presidential election. Kemal Morjane, Mondher Znaidi, and Abderrahim Zouari were top level ministers during the Ben Ali era and rather than banning them from political participation, they ran for presidency in late 2014 competing against Moncef Marzouki and Béji Caïd Essebsi, who represent Congress for the Republic (CPR) and Nidaa Tounes respectively – both of which are leftist-leaning political parties.

Although the decision seems alarming, the inclusion of men who actively supported a ruthless dictatorship is one of the most promising steps that Tunisia has taken toward liberalization.105 In their Foreign Affairs article The Tunisia Model, Klaas and Dirsus urge against the purging of former regime members. They provide several reasons. First, isolating former regime members from political participation could lead to volatility as they symbolize political martyrdom for their followers. In worst case scenarios, they could rally their bases and launch coups or civil wars, retrieving power by bullets rather than ballots. Second, getting rid of former regime affiliates risks dispose of expertise and experience on how to run a government. Tunisians do not need to go far to learn from the mistake of purging all those affiliated with former regimes. Just to their east, they watch Libya transition from a sliver of hope as Libyans deposed of their dictator to militants tearing the country apart as the feuds intensified by Libya’s Political Isolation Law. Additionally, isolating former regime members hinders the free marketplace of ideas that are necessary to bring about informed citizens.

In the case of Tunisia, a 2011 commission ruled that politicians associated with the former regime are disqualified only from the first democratic elections but not from future ones.106 The results of the 2014 presidential election led to the victory beji Caïd Essebsi – still the current president of Tunisia, who served as minister of foreign affairs in 1981 and President of the Chamber of Deputies in the 1990s. Klaas and Dirsus describe him as “a competent leader who is neither a staunch defender of Ben Ali nor a zealous secularist unwilling to compromise with the country’s moderate Islamists.”107 In the summer of 2017, President Essebsi took the matter of civil liberties to the next level when he gave a speech promoting equal inheritance for men and women, a striking shift from Islamic traditions where a women inherits half of that of a man’s

inheritance, and declaring that Muslim Tunisian women should be allowed to marry non-Muslim men, also another taboo under Islamic tradition. The Tunisian Assembly are currently debating both issues. Disqualifying Essebsi on the basis of former regime association would not have resulted on the revolutionary exchange of ideas that could take civil liberties and equalities of Tunisian women to the next level and improve the country’s liberty.

**Moving Forward: Alerting Trends**

Despite progress, Tunisia remains a young democracy with a lot of work ahead. Constitutions are political instruments but they will not enforce themselves. The success of the Tunisian constitution – the most liberal to date in MENA – will depend on the likelihood of people in power to abide by it. Another challenge facing Tunisia is terrorism being the leading exporter of foreign fighters in ISIS. In 2015, high-profile terrorist attacks shock the country, which also leads me to my third challenge. Due to an increase in terrorism activities, the government has enacted emergency laws that could infringe of civil liberties. Emergency laws have been renewed since 2011 and there are emerging reports of government abuse. Forth, the unemployment rate in Tunisia remains high and economic development is law. The lack of economic progress could lessen support for democratic values in favor of better economic conditions. Surveys today reveal that more and more Tunisians prefer the previous status quo over difficult living standards. Lastly, recent gulf crisis between Saudi Arabia and Qatar could have an impact on Tunisian domestic politics because Ennahda party and many of the revolutionary movements are supporting Qatar while previous-regime supporters are favoring Saudi Arabia.

**Saudi Arabia**

Saudi Arabia, the only country in the world named after its ruler, was founded in 1932 by Abdulaziz Al Saud when he successfully united several parts of Arabia. Oil was discovered in the kingdom in 1938 and large-scale oil productions began after World War II. Since then Saudi Arabia became the world's largest oil exporter and controlled the world's second largest oil reserves. The country depends heavily on oil revenue – 70% of its revenue comes from oil – making it a classic rentier state. Political Economist Hazem Beblawi has argued that the economic nature of rentier state makes it difficult for civil societies or democratization to develop. In his book *The Future of Freedom*, Zakaria explains that in the absence of taxes, citizens have no incentive to place pressure on the government to become more open and less authoritarian. Indeed, the Saudi government use social programs as a way to maintain power. Saudi Arabia’s record of human rights and authoritarian practices are notorious. This research does not aim to list them. Readers can easily obtain Human Rights reports published by various international institutions. Instead, this section will analyze recent events that took place in the

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108. “It has been a summer of progress for women in the Arab world,” The Economist, August 24, 2017.
114. For a summary of current status of illiberal and undemocratic practices in Saudi Arabia, refer to the latest Freedom House report.
kingdom internally and how such events – if utilized effectively – could lead to a slow but steady progress toward liberalization.

There are three obstacles to liberalization in Saudi Arabia: the religious establishment, the government itself, and some conservative segments of the society. The solution to all these challenges is a top down approach to ensure the country does not get into political turmoil that could threaten the destabilization of the entire region. To expand on this, I examine the recent royal decree allowing women to drive and the shift in undermining religious establishment.

**Royal Decree Allowing Women to Drive:**
For decades, the Council of Senior Religious Scholars, the highest religious body in the conservative kingdom, had vehemently opposed women driving in the country citing religious texts to substantiate their position. One cleric explained why he is opposed to women driving, “women who drive cars could cause damage to their ovaries and pelvises and that they are at risk of having children born with ‘clinical problems.”’115 All sorts of explanation from medical to social to religious were given to reinforce government position not allowing women to drive. The moment the royal decree was issued announcing the drastic shift in position, the Council switched their position to support the royal decree. This sudden switch of position on the issue of driving not only demonstrates the hypocrisy of the Council of Senior Religious Scholars but proves the power the royal family has over other institutions within the society. The decree paid no regard to whether or not the society was ready for such change. As a matter of fact, only a year when asked about the chances of lifting women ban on driving, the crown prince Mohammed Bin Salman responded, “The Saudi society is not ready to accept such decision.”116

Historically, pressure from the bottom up has not led to any progress on this issue – or any other issue for that matter. Inspired by events of the Arab Spring, Manal Al-Sharif brought the issue of women’s driving to spotlight on May 27, 2011 when she filmed herself driving her car in the streets of Dammam as an act of civil disobedience.117 The government responded by arresting Al-Sharif and detaining her for up to five days on charges of disrupting public order and enticing public opinion. Another activist Mohammad Al-Qahtani, a longtime advocate of women’s right to drive and the head of Saudi Arabia's Civil and Political Rights Association, filmed his wife from the passenger seat on June 17, 2011 as she drove her car and vowed to teach his then-13-year-old daughter to drive. Due to his other activism work, Al-Qahtani was arrested in 2012 on charges of “sowing discord and disturbing public order.” On March 9, 2013, he was sentenced to 10 years in prison and another 10-year ban on foreign travel. He is currently still serving his sentence. These are two examples that represent a pattern of Saudi government harsh responses to any form of civil or political activism.

Changes can only happen in the strict kingdom from the top bottom that only the government can grant to its citizens. Certainly, placing the decision to grant people their civil liberties at the hands of an absolute authority is not the best approach to liberalize the country. Nonetheless, if one considers the political culture of Saudi Arabia, which does not have civil society, political parties, or any form of democratic institutions – add to that the intelligence work monitoring

journalists, social media, bloggers, and activists – the top down approach is the most stable and effective approach for this time in history. Sometime these rights will not be granted under the banner of “civil rights” but as a royal favor and benevolence given to people. Regardless of how these rights are marketed, what matters is that they are granted. Top down approach in this manner will overcome the three challenges: government opposition, religious establishment, and conservative segment within the society. When the crown prince declared the ban on driving is lifted, the religious establishment shifted their position on the matter 180 degrees and no one within the conservative elements dared to speak up in opposition.

Similar logic applies to the recent royal decrees to hinder the power of the religious establishment. In April 2016, the government (mainly the crown prince) issues a decree revoking the religious police’s authority to pursue or arrest suspects or ask for their identification—meaning they must report alleged violations to regular police instead—and requires them to work only during specified office hours. Although the religious establishment will always support the political establishment in the country, the crown prince is taking steps to restructuring and in some instances liberalizing it.

Assumption and Limitations
Some of the limitation of this research include:

- This research assumes that liberal democracy is the best form of government for the Middle East and North Africa.
- This research assumes that the list of institutions comprising the independent valuables is a comprehensive list. Also, there is an assumption that all these institutions are at the same level of significance. Lastly, there is an assumption that this list is timeless.
- BTI Index does not have data on Palestine. Also, Corruption Perception Index does not have data on Palestine. Hence, the Liberal Democracy Spectrum excludes Palestine. Moreover, although data on Palestine is included by the Freedom House, the data may not include Gaza Strip.
- This research assumes all countries in MENA are similar. They are distinct. For example, Saudi Arabia is an absolute monarchy with no civil society and no democratic foundation while on the other hand Morocco is parliamentary constitutional monarchy with some civil society and some civil rights. The democratic institutions in Morocco are more developed in comparison to Saudi Arabia.

Data limitation:
Readers will notice some variation in data between the Freedom House Index and the Bertelsmann Stiftung’s Transformation Index (BTI). For example, Freedom House Political Pluralism and Participation Index scores Tunisia at 16 on a scale of 0 to 16 indicating the highest level of political participation and pluralism where citizens can organize and join different political parties freely and where the system is open to the rise and fall of different political parties and groups without discrimination. On the other hand, Bertelsmann Stiftung’s Transformation Index (BTI) of Party System scores Tunisia at 5 on a scale of 1 to 10, indicating that the party system is unstable with shallow roots in society (i.e. high fragmentation, high voter

volatility, and high polarization). Variations attest to the imperfection of these indices. First transforming qualitative data into quantitative has its limitations. Second, organizations might employ subtle biases which could result in overrating or underrating some countries. For example, the Freedom House Report does not mention the state of emergency law Tunisia has been under since 2011. Nonetheless, these indices provide the foundational assessment to assess where MENA region stands today on the Liberal Democracy Spectrum.

Conclusion

**United States Goal: Achieving Constitutional liberalism in the context of autocracy**

In an attempt to understand why the Middle East and North Africa is not a fertile ground for democracy, this research demonstrates the extend of the weakness and sometime inexistence of liberal institutions within the various countries of the region. Rather than bringing elections to the region, the focus of the United States should be building liberal institutions and economic development even if it meant building them in the context of authoritarianism. Arguing that the United States should not commit to bringing liberal democracy to the region because it will lead to instability is illogical because the current situation in the Middle East and North Africa is unstable as is. While it is true that short-term outcomes will yield violence, but the long-term goal makes the path worthwhile. To begin the journey, the United States must redefine its goal, which is not to seek democracy but to seek constitutional liberalism. In other words, the United States must stop forcing regimes in the region to introduce elections and begin to pressure these regimes to set the groundwork for liberal institutions.

Building liberal institutions does not happen overnight or over a decade. Liberalism has developed in United Kingdom and Europe over centuries. Similarly, progress in MENA will be attainable. Eventually, people living in the region will be able to speak freely about issues and policies affecting them directly. Street talks will not solely be about Israel or anti-Americanism, which are currently being tolerated and even encouraged in some countries to divert from having to criticize the regimes. Political anger and frustration will be manifested using democratic and peaceful means and the appeal of violence and terror will diminish. Liberalization will also lead to moderation of policies overall because of the rigorous nature of the democratic order to shove aside extreme ideas, a concept that dates as far back to the Federalist Paper\(^{119}\)

Another argument against bringing liberal democracy to the region is that replacing current regimes will give power to anti-American forces hostile to U.S. interest. The anger of some segments within the societies of MENA toward the United States has less to do with the clash of civilization or the Unites States as an entity, and more to do with the United States’ role in supporting repressive regimes in the region. This dilemma is not unique to the region. As Zakaria explains, just 35 years ago violent anti-America protests took place in countries such as Mexico, Chile, and South Korea. “The reasons were the same,” Zakaria explains. “people disliked the regimes that ruled them and they see the United States as the benefactor of those regimes.”\(^{120}\)

What happened when regimes in these countries liberalized, dictators were toppled, and people’s lives improved? Belligerent anti-American sentiments disappeared. If history serves us right, similar outcomes will appear in the Middle East and North Africa.

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\(^{119}\) Federalist Paper argued that expanding the sphere of democracy would guard against the excesses of factionalism. Citation: Bensahel, “Political Reform in the Middle East,” 18.

\(^{120}\) Zakaria, *The Future of Freedom*, 155.
Definitions

Constitutional: Places the rule of law at the center of politics.

Constitutional Liberalism: As defined by Zakaria, constitutionalism is a system of checks and balances designed to prevent the accumulation of power. Constitutional liberalism is not procedures for selecting government but, rather, government’s goal. It refers to the tradition that seek to protect individual’s autonomy and dignity against coercion, whatever the source – state, church, or society.

Free and Fair elections: A country has free and fair elections when these elections are “held on the basis of universal, equal and secret suffrage so that all voters can choose their representatives in conditions of equality, openness and transparency that stimulate political competition.” Free and fair elections is contingent upon the effectiveness of the other institutions listed above.

Freedom: Individuals have the right to lead their lives as they wish as long as they respect the equal rights of others.

Freedom of Assembly: Freedom of assembly is the freedom to organize, demonstrate, join non-governmental organization, and engage in public discussion with no fear of harassment or political persecution.

Freedom of Belief: The freedom of religious institutions and communities to practice their faith and express themselves in public and private settings without fear or government harassment. Moreover, freedom of belief includes the neutrality of the government toward any religion and no religion as well as the inability of any religious dogma to influence laws or public domains.

Freedom of Speech: Is the freedom to express opinion, political dissent, engage in public or private conversation including criticizing the government without fear of harassment, prosecution, imprisonment, or torture. It also includes freedom of the press where there is no censorship and no governmental influence over media content and journalist are free to criticize government officials and policies.

Liberalism: As defined by Zakaria, “Liberty in the modern world is first and foremost the freedom of the individual from arbitrary authority, which has meant for most history, from the brute power of the state. It implies certain basic human rights: freedom of expression, of association, and of worship, and rights of due process.”

Middle East and North Africa: Aka MENA, which is used interchangeably, are list of countries included in the United States Department of State’s Bureau of Near Eastern Affairs. These countries are Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, and Yemen.

Open and Accountable Government: A form of government where citizens have access to information, documents, and proceedings and government is free from corruption.
**Political Pluralism & Participation:** Participation of non-governmental actors, including minorities, where citizens are free to join political parties and form new ones and minorities have real chances of obtaining political positions.

**Property Right:** Property rights is the ability of individuals or associations to own and utilize resources and economic goods and the freedom to transfer these goods (i.e. sell or buy). Additionally, property rights include the right to enforce those rights using legal, well-established mechanism.

**Rule of Law:** Government is ruled by the law and subject to it and the existence of independent judiciary and laws protecting civil liberties and rights of minorities.

**Separation of Power:** “Division of government responsibilities into distinct branches to limit any one branch from exercising the core functions of another.” A system of checks and balances.

**Stability:** A condition of safety where people and business can operate safely. It also includes the absence of violence.

**Tunisian Democratic Transition Timeline:**
- December 2010 – Mohamed Bouazizi set himself on fire
- January 2011 – Zine el-Abidine Ben Ali fled to Saudi Arabia
- March 2011 – Court order dissolved Ben Ali’s party, the Democratic Constitutional Rally (RCD) and all members of the party were forced to resign from the transitional government
- June 2011 – A court decision found Ben Ali guilty of theft and sentenced him in absentia to 35 years in prison and a $65 million fine
- October 2011 – Constituent Assembly elections. Turnout was 52%
  - Hamadi Jebali, PM (Islamist Ennahda Party)
  - Moncef Marzouki, president (secular)
- 2012 – the constituent Assembly continued the process to draft a constitution
- June 2012 – Nidaa Tounes was founded
- December 2013 – deal compromised between Ennahda and Nidaa Tounes party
- January 2014 – new constitution passed by a two-third majority
- October 2014 – New parliamentary elections, the first since the constitution has passed
- November 2014 – New presidential elections, the first since the constitution has passed
  - Beji Caid Essebsi elected president
Bibliography


