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Explaining Unexpected Electoral Openings in Authoritarian Systems: A Comparative Analysis of Parliamentary Elections

A dissertation submitted in partial satisfaction of the

requirements for the degree Doctor of Philosophy

in

Political Science

by

Karthik Vaidyanathan

Committee in charge:

Professor Philip G. Roeder, Chair
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2010

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Chair

University of California, San Diego

2010

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ABSTRACT OF THE DISSERTATION

Explaining Unexpected Electoral Openings in Authoritarian Systems:

A Comparative Analysis of Parliamentary Elections

by

Karthik Vaidyanathan

Doctor of Philosophy in Political Science

University of California, San Diego, 2010

Professor Philip G. Roeder, Chair

Most authoritarian elections are non-competitive affairs, manipulated by state actors to guarantee seats for regime-backed candidates. However, on rare occasions, the state provides an unexpected electoral opening for the political opposition, leading to a defeat for regime-backed candidates. This dissertation traces these unexpected electoral openings to factional rivalries within the state's constitutional structure.

Actors within an authoritarian state can be grouped broadly into conservative and reformist camps. Satisfied with the political status quo, conservatives oppose any meaningful steps toward political liberalization. In contrast, reformists aim to increase their share of the state by opening the political system to societal groups. The ability

of reformists to change the electoral process and provide an electoral opening depends on the country's constitutional framework. The configuration of accountability relationships within the state, as well as the jurisdiction over the different parts of the electoral process, determines the leeway reformists have in steering the elections to their favor.

This dissertation tests the above theory through comparative analyses of parliamentary elections in Egypt, Algeria, and Iran. The parliamentary elections are presented as qualitative stories. These stories identify relevant political agents, their preferences, and their powers, and then discuss political strategies adopted, constraints on strategies, and paths taken and paths rejected. By doing so, the narratives highlight the importance of institutional variation in determining electoral openings and outcomes in authoritarian systems.

Chapter 1: Introduction to Electoral Openings in Authoritarian Systems

I. Introduction

The overwhelming majority of authoritarian regimes hold some form of national elections. But these elections are typically non-competitive affairs, manipulated by state actors to guarantee the continued rule of the autocrats in charge. Through fraud, biased institutional rules, the disqualification of opponents, and intimidation, regimes are able to engineer electoral outcomes to their advantage. Notable examples include elections under Egypt's National Democratic Party—which has secured supermajorities in parliament since 1979—and Mexico's Institutional Revolutionary Party—which dominated congressional and presidential elections for nearly 70 years. President Suharto of Indonesia and Mobutu Sese Seko of Zaire ruled their respective countries for over three decades, winning every presidential contest handily. The uncontested presidential elections in Iraq and Syria were particularly infamous, with Saddam Hussein and Hafez al-Assad regularly winning over 99% of the vote.[1]

But elections in authoritarian systems can occasionally go awry. The example of Algeria's 1991 parliamentary elections illustrates the disastrous consequences of improperly manipulating a poll.[2] On December 26, 1991, Algeria's ruling National Liberation Front (*Front de Libération Nationale* FLN) was routed in the country's first

[1] When asked what more he could want when only 1% of Syrians had voted against him, Assad replied, "Their names." See Thomas L. Friedman, *From Beirut to Jerusalem* (New York: Farrar, Straus and Giroux, 1989), 95. For Iraqi elections see: "Saddam 'Wins 100% of Vote'", *BBC News World Edition Middle East* 16 October 2002, <http://news.bbc.co.uk/2/hi/middle_east/2331951.stm> (25 August 2008); "No Surprise in Iraqi Vote," *The New York Times*, 17 October 1995, <http://www.nytimes.com/1995/10/17/world/no-surprise-in-iraqi-vote.html> (24 June 2009).

[2] The word poll and election will be used synonymously throughout this dissertation. Both refer to the process of selecting an office, position, or membership by vote.

multiparty parliamentary elections. The Islamic Salvation Front (*Front Islamique du Salut* FIS) defeated the FLN in the first round of the elections, ending the monopoly on politics the FLN had enjoyed since the country's independence in 1962. The FIS received twice the number of votes as the FLN, captured 188 out of the 232 decided seats, and was predicted to win most of the remaining 198 seats in the second round of voting (Quandt 1998: 59). The results were a surprise to many observers both inside and outside the country who had expected the authoritarian system dominated by the FLN to continue. The government had passed an elections law biased in favor of the FLN and apportioned district seats to favor the FLN. Opposition parties expected the results to be rigged, and the FIS was considering a boycott until just before the elections.[3]

The FLN defeat triggered a disastrous sequence of events. Just a few days before the second round of elections, the army forced the resignation of President Chadli Bendjedid and installed a military high council to govern indefinitely.[4] The new council annulled the parliamentary elections, postponed the presidential elections, banned the FIS, and arrested the FIS leadership. The security situation deteriorated quickly thereafter, as the armed wing of the FIS began to wage a guerilla war against the new military government. The Algerian Civil War, sparked by the FIS election

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[3] "Algeria in Brief: Interior Ministry Rebuffs FIS Doubts on Freedom of Electoral Process," *Algerian TV (Algiers, in Arabic)*, 26 November, 1991, in *BBC Summary of World Broadcasts*, Part 4 The Middle East, Africa and Latin America (hereafter cited as *BBC SWB*, Part 4), A, The Middle East, ME/1241/A/1, 28 November, 1991; "North Africa in Brief: Algeria FFS Withdraws Support from Government: Says Elections Will Not Be Fair," *Radio France Internationale (Paris, in French)*, 23 October 1991, in *BBC SWB*, Part 4, A, The Middle East, ME/1213/A/1, 26 October 1991.

[4] Jonathan Randal, "Algerian Elections Canceled: Move Thwarts Drive by Muslim Radicals," *The Washington Post (Monday Final Edition)*, 13 January 1992: A1.

win and the military's annulment of those results, lasted from 1992-2002 and claimed over 100,000 lives.[5] Elections in authoritarian systems can be risky affairs. They provide a focal point for the opposition to rally against the regime, and an unexpected loss can lead to political violence and the ousting of the incumbent leadership.

Given potential voter dissatisfaction, why would an authoritarian regime fail to properly rig an electoral victory for the ruler or ruling party? What explains those rare occurrences when an authoritarian regime provides an unexpected and genuine electoral opening to the opposition?

Most conventional answers explain unexpected electoral openings as political accidents, and assume that the authoritarian rulers were simply incompetent or complacent regarding the management of elections. This dissertation instead argues that improper electoral manipulation by the regime stems from factional battles within and between the institutions that govern the electoral process; whichever faction succeeds in controlling the institutions that govern the menu of manipulation determines the degree of electoral rigging. When a faction that is hostile to the ruler or ruling party heads the most consequential electoral institutions, that hostile faction can succeed in creating an unexpected electoral opening, and thus hand a defeat to the ruler or ruling party.

Unexpected electoral openings and outcomes in authoritarian systems can therefore be traced to internal divisions within the state and the institutional lines along which these divisions occur. For example, the defeat of the Zimbabwe African

[5] "CIA - The World Factbook," *CIA - The World Factbook – Algeria*, 7 August 2008, <https://www.cia.gov/library/publications/the-world-factbook/geos/ag.html#Military> (19 August 2008).

National Union Patriotic Front (ZANU-PF) in Zimbabwe in March of 2008 can be traced to the introduction of new election laws that increased the transparency of the vote and dramatically reduced the usual amount of electoral fraud. These changes in the electoral laws can in turn be traced to discord within the regime. Prior to the 2008 elections in Zimbabwe, an anti-Mugabe faction, eager to supplant the President, passed electoral reforms that ultimately led to the results of 2008. Similarly, Augusto Pinochet's defeat in Chile's 1988 plebiscite can be traced to divisions within the ruling junta, and to an activist judiciary that challenged the President's terms of the vote. Iran's 2000 parliamentary victory by reformists can be traced to an Interior Ministry that refused to cooperate with the ruling clerics over candidate-vetting. And Algeria's 1991 parliamentary election results can be traced to President Chadli Bendjedid's unwillingness to continue ruling alongside a sluggish ruling party that was at odds with presidential directives. In each of these cases, an unexpected electoral opening was provided not because of chance, incompetence, or "people power", but because actors within the authoritarian regime conspired to bend the elections in favor of the political opposition.

This introductory chapter is organized as follows. First, I briefly lay out my theory regarding electoral openings in authoritarian systems. After, I review the literature on elections in authoritarian systems, including the value and risk in holding elections, as well as the methods by which authoritarian rulers manipulate the vote. I then review some alternative explanations for unexpected openings. I conclude by outlining the remaining chapters of the dissertation and addressing case selection.

II. Synopsis of Argument

Unexpected electoral openings (and the resulting electoral upsets) in authoritarian systems are not political accidents. These electoral openings can be traced to a country's constitutional framework. A constitution (which includes both written rules and unwritten norms) determines the overall institutional organization of a regime. This institutional organization in turn determines the ability of actors within the regime to manipulate the electoral process in favor of opposition candidates. If the state is organized so that actors are autonomous from the ruler (or ruling party), and if these actors wield substantial institutional power over the electoral process, they can supply an opening to the opposition. Below I briefly sketch out this theory of electoral openings in authoritarian systems. Chapter 2 provides a more detailed account of the theory.

Broadly speaking (for the sake of analysis), a state's factions can be grouped into conservative and reformist camps. Satisfied with the status quo, conservatives oppose any meaningful steps toward political liberalization. And since they derive most of their support from the state (as opposed to societal groups), they would likely lose a free and fair vote by the people. In contrast, reformists within the regime find much of their support from outside the state. Therefore, reformists aim to increase their share of the state by opening the political system to these societal groups. Rulers of authoritarian regimes may either be conservative or reformist. In cases of divided leadership, reformist rulers occupy the highest state offices alongside conservative

rivals. In cases of unified (conservative) leadership, conservatives dominate the highest offices while reformists may occupy at most constitutionally inferior bodies.

What separates routine conservative-reformist friction within an authoritarian state and the provision of a genuine electoral opening is a country's constitutional framework governing the electoral process. Specifically, the configuration of accountability relationships within the state determines the leeway reformists have in steering the elections to the political opposition's favor. If reformists are strictly accountable to conservative rulers (e.g. they owe their political office to a conservative higher-up), they will faithfully fix the elections in favor of conservatives. Conversely, if reformists operate within an institutional environment where they do not meaningfully answer to conservatives, they have the opportunity to swing the elections to the political opposition. In terms of principal-agent relationships, reformists (i.e. agents) may have the opportunity to swing elections if they enjoy attenuated accountability to conservative rulers (i.e. principals); the lack of accountability may stem from restrictions on disciplining or removing agents within the regime, or from multiple principals per agent (which can lead to conflicting incentives for the agent).

In addition to accountability relationships, jurisdiction over different parts of the electoral process matters. The constitution specifies which institutions wield which electoral powers. Factions that control the administration of the vote, the disqualification of candidates, and the running of the security services wield substantial power over the electoral process. Lesser powers include the legislation of

the electoral system, campaign financing, control of the state media, vote monitoring, and hearings on the lawfulness of the vote. The opportunity to affect electoral outcomes is also dependent on the jurisdiction and powers of reformist-controlled institutions.

Private information held by reformist and conservative factions can also lead to an electoral opening for the opposition. Reformists might have useful private information regarding voter preferences (if they derive their support from society). Additionally, reformists in consequential positions may have private information about opportunities to manipulate the vote, and may choose to exploit that information to swing the election to their favor.

Finally, reformists and conservatives, according to their constitutional constraints and private information, will work both within the existing electoral structure, as well as attempt to amend (if possible) the larger constitutional structure to change their own accountability and jurisdictional powers. By observing political machinations within the context of a country's existing (and changing) constitutional structure, one can explain unexpected electoral openings in authoritarian systems.

Consider the example of the Chilean plebiscite of October 5, 1988, when voters rejected a new eight year presidential term for Augusto Pinochet. Pinochet's loss at the polls can partially be traced to Chile's constitutional framework (Barros 2002). Protected under the 1980 Constitution, Chile's reformist judiciary began to exercise its powers and challenge many of the junta's policies in the years leading up to the referendum. On September 24, 1985, the Supreme Court limited Pinochet's ability to

set the terms of the referendum, ruling that leaving oversight of the referendum to an ad hoc electoral court was unconstitutional, and that instead an entirely new system was needed to administer the referendum (Barros 2001: 20). This ruling, along with others, created conditions for a free and fair electoral contest. Unlike the 1980 referendum to ratify the constitution, official electoral registries were required for the vote, as well as independent counting and improved poll-watching techniques. The rulings also gave incentives for the opposition to participate. The judiciary allowed access to state-owned television (including fifteen minutes of primetime television free of charge for nearly a month), leading to a persuasive and effective television campaign for a "no" vote on the referendum (Sigmund 2007: 182). The courts "consistently struck clauses that restricted free political competition or allowed arbitrary intervention in the political process" (Barros 2001: 20). The institutions that governed the electoral process, along with a recession that caused the electorate to turn against Pinochet, led to a 56% to 44% result against the President. Pinochet soon stepped down from power and Chile's transition to democracy began thereafter. Actors within the Chilean regime were effectively constrained by their own institutions.

III. Elections in Authoritarian Systems

Before further discussing electoral openings in authoritarian systems, some background on authoritarian elections is necessary. In particular, I review the literature on the value and risks of holding elections in authoritarian systems, and the strategies authoritarian regimes typically employ to ensure preferred outcomes.

A. Background on Authoritarian Elections

To understand why authoritarian regimes hold elections in the first place, a review of the role of democratic elections is needed. Elections in democracies serve the dual function of government accountability and policy responsiveness (Manin et al 1999). With regard to accountability, democratic elections establish a chain of delegation from voters to political leaders (Strom 2000). This chain of delegation establishes a method of ex post control, where voters can subsequently approve or disapprove of their political leaders (Key 1966; Fiorina 1981). With regard to responsiveness, democratic elections channel the expression of voter interests and values through elected officials to enact policy that is representative of public wishes. In this way, elections also act as "mandate-representation" to implement voter demands (Manin et al 1999: 30). Not everyone agrees on the degree to which elections in democracies effectively serve these dual roles. Hidden action by officeholders and hidden information not revealed to voters complicates how accountable political leaders truly are to voters. And scholars disagree on the extent to which elections supply mandates, pointing out that aggregating preferences within society and transforming it into a policy of popular will is problematic (Arrow 1951; Riker 1982: 9). Still, whatever mix of "sanctioning and selection" elections offer (Fearon 1999), competition for political leadership is a defining feature of democracies (Schumpeter 1976).

The role of elections in democratic countries, however, runs counter to the interests of autocrats. Elections in authoritarian systems guarantee neither ruler

accountability nor policy responsiveness. Authoritarian regimes that do choose to carry out controlled elections are seen by some as "halfway houses" that will ultimately collapse (Huntington 1991: 137). But recent evidence shows most modern authoritarian regimes do conduct elections and that these elections actually increase regime longevity. Geddes (2005) finds that nearly 74% of authoritarian regimes have held some form of national elections, and all authoritarian regime types that held regular national elections (whether military, personalist, single-party states, or hybrid) increased their survival significantly. Other quantitative studies have also found that electoral authoritarianism is the predominant form of authoritarian regimes, and that these regimes last longer than monarchies or military governments (Hadenius and Teorell 2006; Schedler 2002: 47). Diamond (2002: 27) finds that as many as a third of all governments qualify as electoral authoritarian regimes, and that, in proportional terms, these regimes increased more rapidly than democracies during the third wave of democratization. Qualitative studies of Singapore, Malaysia, and Thailand also point to the durability of electoral "semidemocracies" (Case 1996). These findings beg the question: What role do elections serve in authoritarian countries and why do they lengthen regime life?

B. The Value of Elections in Authoritarian Systems

Traditionally, scholars have assumed that authoritarian regimes hold elections to improve legitimacy. Domestic legitimacy in democracies is typically anchored in a country's constitution and laws, but since authoritarian rulers regularly alter laws, rulers must rely on other forms of legitimacy (Weber 1978). Zhao argues that China's

government has used "pragmatic nationalism" as a tool to boost faith in an increasingly stressed political system (2005). Similarly, Islam has served as a legitimizing power in the Middle East (Vatikiotis 1991: 28, 52). Macroeconomic performance can also influence the extent to which the public supports their political elites and institutions (Weatherford 1987). Zhong argues that China's economic growth since the early 1980s is an example of policy performance shoring up legitimacy (1996). Political liberalization can also improve legitimacy in struggling authoritarian regimes by increasing compliance with the new political process (Przeworski 1991: 14). For example, the increased use of multiple candidacies in Communist elections in Eastern Europe during the 1980s was a move to reestablish legitimacy (Wintrobe 1998: 63). In the vein of these latter arguments, holding some form of regular elections—no matter how undemocratic—may add a degree of legitimacy to a country's political institutions and, in turn, strengthen the regime.

Elections may also bestow a degree of international legitimacy on a state. In the post Cold War era, the international community has recognized election winners as legitimate representatives of countries. For example, the UN continued to recognize President Jean-Bertrand Aristide as the ruler of Haiti even after his ousting in 1991.[6] Elections may also placate external actors. President Pervez Musharraf's decision to hold multiparty parliamentary elections in Pakistan in February of 2008 was widely

[6] Marvine Howe, "U.N. Assembly Calls for the Restoration of Haiti's Ousted President," *New York Times*, October 12, 1991 < http://www.nytimes.com/1991/10/12/world/un-assembly-calls-for-the-restoration-of-haiti-s-ousted-president.html> (23 November 2009).

seen as a concession to the United States.[7] Egypt's parliamentary and presidential elections are also explained by pressure from the United States and international institutions (Blaydes 2006: 4).

More recent scholarship, however, has focused on the effect of authoritarian elections on the political constituencies that undergird the factions within an authoritarian regime. Controlled elections provide a regular method for achieving three objectives—identifying the constituencies of different factions, assigning shares of representation to these factions, and arbitrating conflicts between factions. In doing so, elections may prevent collusion and minimize disaffection among factions (Geddes 2005). For example, Blaydes (2008) argues that parliamentary elections in Egypt are a politically efficient mechanism for allocating spoils to influential family heads and businessmen, thereby creating a vested interest in the ruling regime. Similarly, Gandhi and Przeworski (2007) view authoritarian elections as an instrument to co-opt segments within society to prolong autocrat tenure. Elections can also solve intra-regime fights at the local level, allowing citizens some voice without threatening the central government (Geddes 2005). For example, Bahrain, Qatar, and Saudi Arabia have all recently established municipal elections, but these local councils have little power and cannot challenge the authority of the ruling monarchies (Kapiszewski 2006). Syria's Baath party introduced open list elections for local councils, but governors are still appointed by the President and national elections are still tightly

[7] Stephen Graham, "Bush Urges Pakistan to Hold Elections," *Associated Press Online*, 8 November 2007.

controlled.[8] Rulers may also hold elections and set up parties to build political power in an effort to wean their reliance off of the military and other political factions (Nordlinger 1977: 201). During the 1960s, Egyptian President Gamal Nasser established the Arab Socialist Union party and held National Assembly elections in part to help rally the masses against conspiracies emanating from the military and secret police (Dekmejian 1971: 154).

A final explanation for holding elections rests on the "information-revealing" qualities of polls. Election results in authoritarian systems can act as signals from the regime to the opposition. Overwhelming victories at the ballot box can be used to indicate the resource imbalance between the regime and the opposition, while barely-won majorities give hope to opponents. For example, the PRI's impressive margins of victory and colorful campaign rallies contributed to an image of invincibility within Mexican politics and discouraged coordination among challengers (Magaloni 2006). Large wins also deter divisions within the ruling party and indicate the difficulty of unseating autocrats. Mexican elections sent a message that the road to success was through the PRI, and therefore "strategic defections" from the party were pointless (Magaloni 2006: 199). Even Saddam Hussein's 1995 presidential election was reportedly conducted to temper rumors about dissension among the state's political elites after senior government officials had defected to Jordan (Freedman 1998: 229). Election results in authoritarian systems can also act as information signals to the regime. Totalitarian regimes hold elections to gauge the effectiveness of the ruling

[8] Ibrahim Hamidi, "The Local Elections of 2007," *SyriaComment.com*, 27 August 2005, <http://faculty-staff.ou.edu/L/Joshua.M.Landis-1/syriablog/2005/08/local-elections-of-2007-by-ibrahim.htm > (23 November 2009).

party and to test the integration of other mass organizations with the state (Linz 2000: 92). Elections in the Soviet Union served as a quantitative measure of a district's ability to mobilize the electorate (Zaslavsky and Brym 1978: 369). In sum, authoritarian elections not only help legitimate the regime, apportion constituencies, and distribute patronage, but also provide and gather information about regime standing vis-à-vis the opposition.

C. The Risk of Elections in Authoritarian Systems

Despite the potential benefits of holding elections within authoritarian systems, electoral contests that are improperly managed carry substantial risks. If election returns openly go against the regime, it can harm the regime in irrevocable ways.

A country can expect international censure if they hold elections but then do not abide by anti-regime results. In Myanmar, the opposition National League for Democracy (NLD) won an overwhelming 80% of parliamentary seats in May of 1990. But the ruling military junta annulled the results and arrested the top leadership of the political opposition, including NLD leader and eventual Nobel laureate Aung San Sii Kyi. The annulment of the elections provoked a strong reaction by the international community. The United Nations issued a report criticizing the detention of the opposition leaders and the military's refusal to carry out a transition to civilian rule.[9] The United States suspended a textile agreement, cut off aid, and imposed economic sanctions on Myanmar.[10] And the European Union, Canada, Australia, and other Western-allied government also imposed sanctions on the military regime. An

[9] Paul Lewis, "U.N. Group Condemns Burmese on Rights Record," *The New York Times* (Late Edition – Final), 7 March 1991, section A, page 14, column 1.
[10] Ruth Youngblood, *United Press International* (BC Cycle), 24 July 1991.

opening to the opposition and the accompanying loss can prompt a strong international reaction if the regime chooses to annul the results.

Cancelling unwanted results can also lead to domestic instability. In 1987, for the first time, an ethnic-Indian party won the Fijian parliamentary elections. Indigenous Fijians in the military, however, were unwilling to allow Indians to control the levers of government. A coup was staged, which was followed by a second coup. The resulting instability and ethnic tensions in Fiji prompted millions of Indians to emigrate. Similar political instability plagued Peru after 1962, when the military staged a coup and annulled election results that would have awarded the political opposition the presidency.

More serious than political turnover is the possibility of civil war. In 1963, the military rulers of the Dominican Republic held elections, assuming the government-backed party would be victorious. Instead, opposition leader Juan Bosch won the presidency and his Dominican Revolutionary Party won overwhelming majorities in both houses of the legislature. Bosch was soon ousted in a military coup, which precipitated the Dominican Civil War (between pro-Bosch forces and conservatives in the military and landowning classes). War was also the result after the 1970 parliamentary elections in Pakistan, when the East Pakistani Awami League won national elections. When West Pakistan refused to concede power, a civil war ensued which led to the independence of Bangladesh. Similarly, in Burundi, presidential elections in 1993 led to the Hutu candidate winning the vote, prompting the Tutsi-dominated military to assassinate the new President, which in turn sparked further

revenge killings and plunged the nation into a civil war that claimed 300,000 lives.[11] And as mentioned at the outset of this chapter, Algeria's unexpected election results in 1991 and the resulting annulment of those results led to a lengthy and deadly civil war. After having provided an opening to the opposition, regimes often face dire consequences if they choose to annul unwanted results.

Of course, having provided an opening to the opposition, authoritarian rulers may choose to simply accept anti-regime poll results and hand over power. In Nicaragua's 1990 elections, the incumbent Sandinista National Liberation Front lost to a coalition of opposition parties. Instead of annulling the results, the Sandinista regime accepted the transfer of power. Similarly, in Turkey, the Motherland party upset the military-backed National Democratic Party in 1983. Rather than intervene via another coup, the Turkish military accepted the results and allowed a transfer of power. Similar episodes of rulers accepting anti-regime results include Peru's 1980 transition elections, the 1983 Argentinean elections, Pinochet's 1988 plebiscite, and the election of the Solidarity-led opposition in Poland in 1989. Despite the peaceful transfer of power, the immediate consequence of all the above examples was the eventual ousting of the incumbent head of state.

Annulling anti-regime results can lead to international sanctions, political instability, or civil war. Accepting anti-regime poll results means a surrender of power to the political opposition. No wonder authoritarian regimes take care to manipulate the electoral process to ensure victory for regime incumbents.

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[11] "Timeline: Burundi," *BBCNews.com*, 17 October 2009, <http://news.bbc.co.uk/2/hi/africa/1068991.stm> (23 November 2009).

D. Manipulating the Vote

Given the potentially disastrous consequences of an opposition win, autocrats usually manage the contests to prevent unwanted outcomes. To engineer preferred outcomes, autocrats lean on a long list of tactics to manipulate the vote. Fraud plays a large role in winning elections in authoritarian systems. Ballot boxes can be stuffed or they can disappear. Children, the deceased, and other "phantom" voters can cast ballots for the regime. Administrators can delete names from the voter list, expel voters from polling stations, and inflate vote totals. In 2000, one million forged signatures were used to register Alberto Fujimori's candidacy for a third presidential run.[12] Ferdinand Marcos tampered with the 1986 snap elections by usurping the tally of the vote via his Commission on Elections after it was clear he was about to lose.[13] Under the guise of a computer malfunction, the PRI delayed voter returns, reported fraudulent election results, and burned all the ballots to hold onto the presidency in 1988.[14] As the popular saying goes, "The people who cast the votes decide nothing. The people who count the votes decide everything."[15]

Authoritarian rulers also rely on harassment, intimidation, and violence to swing elections. Terrorizing the public dissuades dissidence, reduces voter turnout, and imposes self-censorship among the electorate and independent media (Bratton 2008).

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[12] Rick Vecchio "Peru Election Board Rejects Call To Nullify Fujimori Candidacy" *Associated Press*, 7 March 2000.
[13] Bernard Gwertzman, "U.S. Aides Alarmed at Fraud in Vote," *The New York Times* (Late City Final Edition), 9 February 1986, section 1, part 1, page 15, column 1.
[14] Ginger Thompson, "Ex-President in Mexico Casts New Light on Rigged 1988 Election," *The New York Times* (Late Edition – Final), 9 March 2004, section A, column 3, page 10.
[15] The exact author of the quote is unknown, though it is frequently attributed to Joseph Stalin. A variant of the quote can be found (in Russian) at the end of Chapter Five in Boris Bazhanov, *Vospominaniia Byvshego Sekretaria Stalina [Memoirs of Stalin's Former Secretary]*, (Moscow: III Tysiacheletie, 2002).

In many countries, elections regularly occur alongside state-sanctioned violence. A joint report on the April 2007 Nigerian elections by Amnesty International and other organizations described human rights abuses and violence as "hallmark of Nigerian elections."[16] Zimbabwe's elections have also been associated with intimidation and violence, including the latest contest where regime supporters threatened to evict voters from their homes unless they voted for President Mugabe.[17] In 1997 the ruling Kenya African National Union was accused of stoking ethnic violence and expelling voters in Coast Province to ensure that Daniel Arap Moi could meet the needed 25% minimum threshold in each province to remain President.[18] By threatening the personal safety and property of voters, a regime can interfere with the electorate's participation and free choice in elections, thereby swinging the result to its favor.

But relying exclusively on blatant fraud and naked repression somewhat negates the "information-revealing" aspects of elections. Regimes might have the power to wholly falsify results and report a 100% win for the ruler and ruling party, but if the role of elections is to indicate regime support—with the target audience being potential challengers—overt tactics are less effective. The government can better demonstrate its resource advantage over the opposition by running an insurmountable campaign, distributing goods, and controlling the flow of information (Geddes 2005). High voter turnout and supermajority victories stand a better chance of intimidating

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[16] "Nigeria: Joint statement on ending political violence and human rights abuses as April elections approach," *Amnesty International USA*, Public Statement, issued 22 January 2007, <http://www.amnestyusa.org/document.php?id=ENGAFR440022007&lang=e> (23 November 2009).
[17] "Opposition leader says voters forced to choose Mugabe," *CNN.com*, World Section, 27 June 2008, <http://edition.cnn.com/2008/WORLD/africa/06/27/zimbabwe.vote/index.html> (23 November 2009).
[18] "Kenyan reformers accuses government over coast violence," *Agence France Presse (English)*, 20 August 1997.

challengers if the vote is perceived as credible. In contrast, over reliance on fraud and intimidation may be signs that regime support is in fact weak, and may encourage opposition groups to challenge the results. A more promising route to fixing elections relies on a sophisticated and exact strategy rather than one that focuses on a crude inflation of vote totals or a brutal display of force. To sow doubt among the population considering a "hopeless" opposition, autocrats often rely on "softer" techniques of manipulation.

For instance, the regime can improve its chances at the polls by excluding its main competitors. Rulers often tailor legal instruments to bar competitors that pose the greatest threat. In the Middle East, the mosques are the principal source of political opposition. As a result, Islamist parties in the region are either legally proscribed (e.g. Egypt, Tunisia, and Algeria) or tightly curbed (e.g. Yemen and Jordan). In Gambia, President Yahyah Jammeh issued "Decree 89" that, though nominally intended to penalize corrupt former officials, effectively banned the three major opposition parties and removed any real challenge to his rule.[19] In Iran, the Guardian Council evaluates credentials and dismisses any candidate who might threaten the theocratic system. Disqualifying candidates and banning parties is a common method of securing victory.

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[19] Decree 89 deliberately excluded the previous ruling party, the People's Progressive Party (PPP), the National Convention Party (NCP) and the Gambia People's Party (GPP), and barred any persons who had held presidential vice-presidential or ministerial office since independence in 1965. Two minor parties, the People's Democratic Party and the People's Democratic Organization for Independence and Socialism (PDOIS), which had never won any parliamentary seats, were excluded from the ban. See "Gambia Lifts Ban on Political Parties," *BBCnews.com*, 23 July 2001, <http://news.bbc.co.uk/2/hi /africa/1452826.stm> (23 November 2009). Also see Arnold Hughes, "'Democratisation' under the military in The Gambia: 1994-2000," *Commonwealth and Comparative Politics*, 38.3 (November 2000): 37-38.

Banning parties and candidates may lead to boycotts by opposition groups, further eliminating the number of challengers to the regime. Boycotts are intended to deny autocrats whatever legitimacy they claim by sponsoring elections. But a successful boycott requires coordination among the most important oppositions groups. And boycotts by opposition groups are akin to a prisoner's dilemma game; collectively, opposition parties benefit from a coordinated boycott, but a defection by a single party allows that competitor to reap benefits such as increased media attention as well as rewards from being the largest opposition bloc in parliament (Posusney 2002: 48). Boycotts also test internal party cohesion, as independent-minded candidates might choose to break ranks. In Egypt's 1990 parliamentary elections, several Wafd members ran as independent candidates and succeeded in securing seats, weakening the Wafd party overall. As long as turnout is respectable, withholding participation may actually clear the ruling party's path to victory.

Assassination is a more extreme form of removing electoral competitors. In 2004, Ukrainian presidential candidate Viktor Yushchenko was the target of an attempted assassination via dioxin poisoning; most evidence points to hardliners within the Ukrainian security services as his assailants.[20] In 1999, armed gunmen entered the Armenian parliament and killed a number of high-ranking opposition candidates, cutting short and demoralizing the political movement to oust the

[20] Jill Dougherty, "Doctors: Yushchenko was poisoned," *CNN.com*, 11 December 2004, <http://www.cnn.com/2004/WORLD/europe/12/11/yushchenko.austria/index.html> (1 December 2009).

incumbent president.[21] And in August of 1983, after returning to the Philippines from a three-year exile, opposition leader Benigno Aquino was assassinated, likely at the hands of government agents.[22] But as mentioned before, overt tactics to influence the electoral process can damage the perception of the regime as invincible. With regard to the Philippines, the Aquino assassination led to massive demonstrations, the fall of the Marcos regime, and the eventual election of Aquino's widow as President.

Instead, autocrats can rely on the financial and informational advantages provided by the state for a victorious campaign. Funds for pro-regime parties are often directly culled from state coffers, whereas opposition parties are forced to scrape together money from private sources. State resources can also be used to transport pro-regime voters to the polls and mobilize pro-regime voters through the bureaucratic apparatus. State media also plays a large role in skewing elections toward preferred candidates and parties. Regimes often bar political competitors from state television and censor news regarding opposition campaigns in print media. With no reliable information about the relative standing of the parties, voters cannot cast a strategic vote; coordination among opposition parties fail if voters believe that only one party has a chance at winning (Cox 1997). Furthermore, the lack of information about the opposition and their election prospects leads risk-averse voters—who may not be happy with the status quo—to still stick with "the devil they know" (Morgenstern and Zechmeister 2001). And voters with less information are less likely to show up at the

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[21] Emil Danielyan, "Parliament Attack Trial Sparks Renewed Controversy in Armenia," *Eurasianet.org*, 20 August 2003, <http://www.eurasianet.org/departments/insight/articles/eav082003.shtml> (23 November 2009).

[22] "From Aquino's Assassination to People's Power," *Country Studies: Philippines*, <http://countrystudies.us/philippines/29.htm> (23 November 2009).

polls (Palfrey and Poole 1987). By stripping access to the media and limiting knowledge about available choices, regimes can control the flow of information to voters and thus sway election outcomes.

Autocrats can also manipulate a number of rules and procedures to engineer elections. Restricting voter registration is one such way of affecting the vote. By narrowing the electorate to a segment that will likely favor the regime, autocrats can assure themselves a sympathetic voter pool. For example, Cambodian officials prevented monks and other religious figures from registering for the 2003 parliamentary elections because of their likely opposition to the regime.[23]

The type of electoral system can also make it difficult for opposition parties or candidates to win elections. For example, Arab regimes have mastered the use of winner-take-all systems to guarantee the ruling party prevails in the legislature (Posusney 2002). In the 1984 Egyptian parliamentary elections, electoral laws forced any party that failed to gain 8% of the national vote to forfeit any seats to the winning party, and any votes that did not qualify for a seat was added to the winner's total. The rules led the National Democratic Party to win 87 percent of the seats, even though the party only won 73 percent of the vote. Some authoritarian rulers have followed a different route, using extreme forms of proportional representation to purposefully split the opposition vote. In the 1990s, President Alberto Fujimori ruled unencumbered and avoided congressional oversight because of Peru's system of open

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[23] "Cambodian opposition leader Rangsi interviewed on Upcoming Poll," *Radio Australia (Melbourne, in English)*, 20 January 2003, in *BBC Monitoring Asia Pacific – Political* supplied by *BBC Worldwide Monitoring*, January 20, 2003, text of report by *Radio Australia's* "Asia-Pacific" program on 20 January 2003.

list proportional representation and high district magnitude, which fragmented the opposition in congress and produced a "partyless" system (Levitsky 1999: 88). Similarly, proportional representation in Nicaragua was instrumental in splitting the anti-Sandinista groups in the 1980s (Santiuste 2000). Extreme forms of both majoritarian and proportional systems can be used by autocrats to affect electoral outcomes.

Malapportionment and extreme forms of gerrymandering can also help ensure loyalist legislatures. Instead of apportioning seats according to population, regimes often award more seats to those districts that will likely vote in favor of the regime. For instance, urban districts with predominantly Palestinian populations were weighed less heavily than rural districts populated by Bedouin Arabs for Jordan's 1989 parliamentary elections (Wederman 1993: 11). Similarly, Algeria's rulers in 1991 assigned a greater seat share to rural districts that were traditional strongholds of the military and less to the urban centers where Islamist groups were likely to dominate at the polls (Quandt 1998: 55). Ad hoc redistricting also gives authoritarian governments the flexibility to maintain political power amid changing voter demographics. For example, in response to the growing Shiite Islamist movements across the Middle East, the governments of Kuwait and Bahrain continually gerrymandered their Assembly districts so as to reduce the political power of their own growing Shiite populations.[24]

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[24] Paul Salem "Kuwait: Politics in a Participatory Emirate," in *Beyond the Façade: Political Reform in the Arab World*, eds. Marina Ottaway and Julia Choucair-Vizoso (Washington DC: Carnegie Endowment for International Peace, 2008): 218. Also see Jasem Karam, "Kuwaiti National Assembly – 1992: A Study in Electoral Geography," *GeoJournal* 31.4 (December 1993); Hassan M. Fattah, "In

In sum, most of what is known about authoritarian elections suggests that the regime can control the outcome and avoid a defeat at the polls. However, this gives little insight into how a regime loss can occur.

IV. Alternative Explanations

Given a regime's ability to manipulate elections, electoral openings and anti-regime poll results tend to be rare occurrences within the universe of authoritarian elections. Samuel Huntington (1991: 174-192) initially coined these occurrences "stunning elections"—when the incumbent party or candidate in an authoritarian system was widely expected to be victorious but instead lost the vote. However, in contrast to my theory presented at the beginning of this chapter, most conventional answers explain such elections as political anomalies or accidents.

A. Regime Negligence

Most observers assume stunning elections can be traced to regime ignorance, negligence, or complacence in managing the election. Huntington (1991: 182) assumes as such, suggesting stunning defeats likely stem from a ruler's gross overestimation of his approval among the public. Brownlee (2004) also claims that these rulers "neglected" institutions and coalition maintenance before suffering electoral defeats. Autocrats are presumed to live within a bubble, with little feedback from their citizens.[25] This bubble, coupled with the enormous financial and state

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Bahrain, a Referendum on Promises," *The New York Times*, 25 November 2006, <http://www.nytimes.com/2006/11/25/world/middleeast/25bahrain.html> (23 November 2009); Saad Al Ajmi, "Gerrymandering and Reform in Kuwait," *Gulf News*, 25 June 2004.

[25] Friedrich and Brzezinski (1965) called this informational bubble surrounding the dictator the "vacuum effect." Similarly, Wintrobe (1998: 24) called the tendency by bureaucrats to withhold or filter harmful (but important) information from the dictator as the dictator's dilemma.

resources that are mobilized for elections, leads rulers to arrogantly conclude they have no chance of losing. The defeat of authoritarian parties and rulers at the polls is supposedly found in "the false confidence of dictators" (Huntington 1991: 182).

But authoritarian rulers are not as isolated as these explanations suppose. The above informational vacuums might apply to coups and armed uprisings, where a small cadre is plotting against the leader. But with regard to the preferences of the citizenry, rulers are dealing with aggregate interests that can be sensed through other means. In fact, modern dictators must keep abreast of societal currents and actively court groups to maintain their power. In China, leaders monitor and assess public opinion through blogs and other online activity, and respond with an appropriate mix of concessions and repression (Lagerkvist 2005). Popular protests in China also act as information signals; depending on the nature of the protests, the central government reacts by encouraging, tolerating, or squashing demonstrations (Perry 2001). Local elections, rallies, strikes, political violence, and other visible forms of dissent also act as markers of the public mood. Authoritarian regimes can also rely on intelligence agencies, security services, and other bureaucracies to gather information on prominent public leaders and organizations that might pose a threat to the regime. In addition, authoritarian states often compel societal actors to join regime-licensed organizations. In Egypt, the ruling National Democratic Party often co-opts the heads of major non-governmental organizations such as student groups, trade unions, newspapers, and religious organizations, thereby facilitating infiltration and observation of these groups by the state. In short, rulers have a number of available

sources and cues to gauge the preferences of the public. And the dire consequences of losing power would likely lead all but the most risk-prone dictators to take advantage of these signals and properly fix the elections.

Another conventional answer explains electoral mismanagement as a personal failing of the ruler. Such explanations assume that elections are ultimately managed by a single person and belie the complex nature of these regimes. In fact, not all authoritarian governments are institutionally hierarchical, with one person or assembly at the helm directing electoral policy. The number of institutional and partisan veto players within authoritarian regimes can vary, in turn affecting policy stability and flexibility (Tsebelis 2002: 77). For example, though the Supreme Leader resides atop Iran's constitutional structure, Iran's government is "balkanized" and in "suspended equilibrium," as the different institutions of the state have come under the control of competing ideological factions (Kamrava 2004). Policymaking in Latin American military regimes involved the input of numerous governmental bodies, including military chiefs, cabinet ministers, and the judiciary (Remmer 1989). And the Soviet Union's constitutional structure, which enforced reciprocal accountability between policymakers and the bureaucracy, stifled the ability of the General Secretary to enact radical policy reforms (Roeder 1993). In short, multiple centers of power characterize most authoritarian regimes, in turn affecting the regime's ability to modify and execute policy. Yet this does not explain why multiple centers of power sometimes—but only sometimes—lead to unexpected electoral openings.

B. People Power

A second alternative explains electoral openings and anti-regime results as a product of people power. Authoritarian elections are sometimes framed as contests between united governmental fronts versus societal opposition groups. But most serious challenges to the ruler or ruling party come not from public dissatisfaction but rather from elites within the regime. Authoritarian regimes are rife with factional rivalries, and often these rivalries spill over into electoral politics. For instance, a faction of the ZANU-PF that had lost faith in Robert Mugabe's leadership backed Simba Makoni, another senior ZANU-PF member, for president in 2008. In Iran, Mohammed Khatami, who was once Minister of Culture under Ayatollah Khomeini, ran for President against the conservative establishment that he was once a part of. Stunning defeats therefore may not indicate the "strength" of societal groups but rather the political struggles within the regime.

C. International Pressure

A third alternative explanation for unexpected openings is the role that the international community plays in pressuring regimes to hold free and fair electoral contests. In some of the previously mentioned examples, the decision to hold fair elections can partly be traced to international threats. For instance, Myanmar's decision to hold elections in 1990 had partly to do with subduing international criticism after its 1988 crackdown, when the regime killed thousands of political demonstrators. The opening to Zimbabwe's opposition in 2008 can also be partly explained to international action; the Southern African Development Community

(SADC) restricted its $500 million aid package to Zimbabwe on the condition that President Mugabe embrace electoral reforms that guaranteed fairness and transparency in the vote and repealed laws that muzzled the media and silenced political opponents.[26] And President Pervez Musharraf of Pakistan held parliamentary elections in February of 2008 amid intense pressure by the United States for a fair contest. Threats from international actors clearly play some role in forcing electoral reforms and providing a genuine opening to the opposition.

But international pressure explains only part of the electoral story, often at the expense of a domestic explanation. In Myanmar, divisions within the long-standing military regime led to a coup in 1988; the new ruling junta agreed to open elections in 1990 to gain favor with political demonstrators and sideline members of the old-guard. In Zimbabwe, an economic crisis had split the regime into pro- and anti-Mugabe camps; anti-Mugabe factions in charge of the electoral process, including teachers who administered the vote, are credited with swinging the elections against the ZANU-PF and the President. Often times, scholars and pundits ignore the internal politics of authoritarian regimes because the regimes are opaque. But by opening up "the black box" of the state and by reconstructing the political calculus and equation of choices made by state actors in history, one can explain the degree of electoral manipulation by the regime in terms of factional rivalries and institutional constraints and freedoms.

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[26] "Mugabe Pressurised on Reforms / SADC Agrees on Rescue Package," *Southern Africa Documentation and Cooperation Centre (SADOCC)*, 24 August 2007 <http://www.sadocc.at/news/2007/2007-129.shtml> (24 November 2009).

Moreover, there are instances where international pressure played little to no role in the conduct of elections. In the case of both Algeria and Iran's unexpected openings (in 1991 and 2000, respectively), domestic politics was the primary driver for electoral reforms; there is no evidence that the United States, United Nations, or neighboring powers made any demands on these countries with regard to elections. And in the case of Egypt (where the United States has routinely pressured Cairo in reforming its political system) the regime has refused to carry out meaningful changes that would endanger the political position of President Mubarak or the National Democratic Party. At best, international explanations are partial explanations and need to be coupled with political maneuverings within the regime. Other times, international pressure has little to no impact on the conduct of elections.

V. Methodology, Outline of Dissertation, and Case Selection

To test the significance of the causal factors for unexpected electoral openings, this dissertation presents a set of case studies to empirically validate (or invalidate) various explanations for electoral openings. Regarding methodology, I have chosen to evaluate my proposed theory for electoral openings and any alternative explanations through a comparison of cases that are presented as analytic narratives. Each qualitative story reconstructs a chronological history of events that clearly link causes to effects. Each narrative identifies relevant political agents, their preferences, their political power, their perceptions, expectations, and evaluations of other agents, and discusses political strategies adopted, constraints on strategies, paths taken and paths rejected, and the interaction of these factors in generating the final election result. The

case studies are subject to alternative explanations; I address all major rival interpretations of the dependent variable and weigh all evidence (whether contradictory or supportive) in an open manner. In discussing alternative explanations, I consider regime negligence, the impact of "people power", as well as other alternative explanations. These alternative explanations imply different connections and effects between variables. But it is the comparison of cases that identifies the importance of variation in specific institutional constraints.

I selected the cases so as to ensure full variation on the dependent variable (specifically, cases of electoral openings and the lack of such openings). By taking care to select cases with variance on the dependent variable, I hope to avoid the problems associated with previous political works.[27]

Chapter Two presents the theory of electoral openings in greater detail. I review the impact of constitutional structure and principal-agent relationships in affecting political behavior. I then discuss the actors, constitutional constraints, strategies, information asymmetries, and actionable paths that affect the electoral process in authoritarian systems. Given the theory's implications, I then present empirical hypotheses for each case study in the dissertation.

Chapter Three and Chapter Four are a comparative analysis of parliamentary elections in Algeria and Egypt. In December 1991, Algeria held its first multiparty parliamentary elections. The newly created Islamic Salvation Front (FIS) routed the ruling National Liberation Front (FLN) in the first round of voting and was expected

[27] See King et al's criticism of Skocpol in: Gary King, Robert Keohane, and Sidney Verba, *Designing Social Inquiry* (Princeton: Princeton University Press, 1994), 129.

to dominate the second round as well. This stunning result sparked a fateful series of events that ultimately led to civil war. Before the second round of parliamentary voting could take place, the military ousted the president, annulled the election results, dissolved the parliament, and imposed a state of emergency. Hardliners within the FIS responded by waging a guerilla war against the military-government that lasted over a decade. In contrast, Egypt has been the model of stability in the region, holding multiparty parliamentary elections since 1976 and ensuring a victory for the ruling National Democratic Party (NDP) in every contest by wide margins. The 2000 Egyptian parliamentary elections were no different, when the NDP won 85% of the seats.

A comparison of the 1991 Algerian elections and the 2000 Egyptian elections is instructive in highlighting the decisions that led to an electoral opening. The 1991 Algerian parliamentary elections is perhaps the most well-known example of an authoritarian ruling party losing at the polls. The story of the FLN defeat is well-documented, politically significant, and historically consequential, making it a particularly interesting case to examine. The 2000 Egyptian parliamentary elections act as an effective comparative "control"—where the regime prevented an electoral opening to the opposition—ensuring variation in the dependent variable.

At the same time, the commonalities between Algeria and Egypt limit the variation of other independent variables. Prior to the elections, both North African countries were ruled by secular, single-party regimes and had militaries that historically played a heavy role in state politics. Both countries shared a similar level

of economic development the year of their respective elections.[28] Though Algeria's government was slightly less autocratic than Egypt's regime, both countries were categorically non-democratic at the time of their elections.[29] Both countries were predominately Muslim, with Islamist movements constituting the main source of political opposition. The opening of the Algerian political system in the 1980s allowed groups like the Islamic Salvation Front (FIS) and Movement for a Peaceful Society (HAMAS) to form and challenge the excesses and corruption of the FLN regime (Willis 1996). The Muslim Brotherhood has been the principal opposition group to the Egyptian government since 1958. And in both Algeria and Egypt, a split emerged within the regime between reformist and conservative factions over the management of the elections.

I argue that the key difference between the two countries in explaining the electoral opening is the institutional framework governing the elections. In Algeria, the reformist-conservative split manifested itself along executive and legislative lines, with reformists occupying the executive branch and conservative (pro-FLN) forces occupying the parliament. Given the Algerian executive's constitutionally superior position in managing the parliamentary elections and its control over the administration of the elections through the Interior Ministry, conservatives in the

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[28] In 1991, per capita income in Algeria was $4,290, while per capita income in Egypt was $3,570 in 2000. (Calculations based on GNI per capita PPP, current int'l $, from World Development Indicators, World Bank, 2005.)

[29] Algeria's Freedom House scores were 4 for both political and civil rights in 1991. Freedom House issued Egypt a 6 for political rights and a 5 for civil liberties in 2000. Egypt's overall polity score was -6 in 2000, while Algeria's was -2 prior to its 1991 elections. See "Freedom in the World Country Ratings and Status 1973-2009," *Freedom House* (Freedom in the World, Comparative and Historical Data), <www.freedomhouse.org> (1 December 2009); Monty G. Marshall, Keith Jaggers, and Ted Robert Gurr, *Polity IV Project: Political Regime Characteristics and Transitions, 1800-2008*, <http://www.systemicpeace.org/polity/polity4.htm> (1 December 2009).

legislature had little power in shaping the election outcome (despite their numerical supremacy within the bureaucracy, party, and state as a whole). Conversely, the reformist-conservative split in Egypt occurred between the judiciary and the executive, with reformists occupying the judiciary and pro-NDP forces in charge of the executive. The institutional powers of the Egyptian judiciary were limited with regard to managing the election, and so ultimately the Egyptian President and his cabinet were able to outmaneuver the rulings made by the courts. All authoritarian regimes experience their share of internal dissent and defections. But the cases of Algeria and Egypt show that the institutional lines along which these factional battles play out can impact the outcome of an election.

Chapter Five examines parliamentary elections in Iran. In February of 2000, Iranian voters overwhelmingly threw their support behind reformist parties, who won 70% of the parliamentary seats and routed the conservative parties allied with the regime. Four years later, the ruling clerics ended the reformist push for political change by heavily intervening in the February 2004 parliamentary elections, prohibiting thousands of reformist-minded candidates from running in the elections. Whereas only 10% of candidates were barred from running in 2000, the regime disqualified nearly 44% of candidate applicants in 2004. The vetting process was much more complete in 2004, leading conservatives to take 70% of the seats, a virtual reversal of the election results just four years prior.

To explain this reversal, I show that prior to the year 2003, Supreme Leader Ayatollah Khamenei and the Guardian Council members he appoints had little

institutional and informal connections with the electoral vetting process. While Khamenei and the Guardian Council had nominal control over inspecting parliamentary candidates, the President and the Interior Ministry were actually in charge of gathering candidate information and making judgments regarding qualifications. Thus, when reformist Mohammed Khatami became President in 1997, he was able to slacken vetting standards administered by the Interior Ministry and usher in a win for his allies in the 2000 parliamentary elections. In response, the Guardian Council expanded its bureaucracies and severed its reliance on the interior ministry. The vetting process, upon which the regime's electoral hegemony lies, was back in the hands of Khamenei and the Guardian Council for the 2004 elections.

Iran presents an interesting and useful study of an unexpected electoral opening. Political scientists usually leave out Iran from analyses of authoritarian states, as its idiosyncratic political structure makes it a difficult case to study. But by analyzing the unexpected reformist win in the 2000 parliamentary elections and the comeback by conservatives in the 2004 election, I hope to demonstrate the explanatory power of the theory. The overlapping and intersecting political relationships between the councils and other institutions of the Iranian state show that organizational design and factional battles explain the fluctuation in vetting rates between the 2000 and 2004 parliamentary elections. Additionally, the case of Iran permits what is sometimes called a time-discontinuity research design: That is, the history, culture, and other particular characteristics of Iran are held constant, and the analysis can focus on the specific qualities that made the parliamentary elections of 2000 different from those of

2004, allowing for a more confident conclusion regarding precise causal factors without worry of other intervening variables.

Chapter Six summarizes the findings from all the chapter case studies and concludes. I review the findings of the three case study chapters, and expand the discussion in light of the most recent elections in Egypt, Algeria, and Iran. I also discuss the process of institutional reform within the three countries, and how that has affected recent elections. I conclude with a discussion of the distribution of accountability and jurisdictional powers within authoritarian systems, not only with regard to electoral policy, but also other policy areas.

Chapter 2: A Theory of Unexpected Electoral Openings in Authoritarian Systems

I. Introduction

Given the serious consequences of losing the vote, what explains the decisions of authoritarian regimes to hold elections that open the opportunity for stunning electoral upsets? The traditional democratic analysis of electoral upsets focuses on voter dissatisfaction. A change in economic circumstances, a shift in voter preferences, or a rapid expansion of the electorate can lead to voter discontent with government policy. In a democracy, politicians who do not adjust to these changing circumstances can be ousted in the next round of elections. Fair and free elections are taken for granted.

But authoritarian regimes are purposely arranged to deny expressions of dissatisfaction through elections. The very nature of authoritarian regimes is to thwart democratic accountability. These regimes limit political pluralism and prevent (often through force) political expression that is not officially sanctioned by the government. Authoritarian rulers are strategic actors, and most rulers successfully devise electoral safeguards to guarantee a pro-regime electoral result. It is a puzzle then why some do not take the necessary precautions to prevent an electoral opening.

Given potential voter dissatisfaction, why would authoritarian regimes fail to properly secure an electoral victory for the ruler or ruling party? Why would a regime allow a genuine electoral opening to the opposition? I argue that the answer can be traced to institutional control over the electoral process.

Even authoritarian elections are typically governed by numerous institutions of the state. For example, the legislature may enact electoral laws and amendments. The judiciary may hear legal challenges regarding elections. And the interior ministry may administer the vote. In a perfectly hierarchical authoritarian state, all these institutions are ultimately accountable to the head ruler or council. And so, in a perfectly hierarchical authoritarian system, all institutions work together to manipulate an election to benefit the ruler. But authoritarian regimes rarely display a perfectly hierarchical institutional structure. Instead, some institutions may be partially (or wholly) unaccountable to the ruler. If members within these "renegade" institutions exercise power over the electoral process, they can provide an electoral opening, setting the stage for a frustrated electorate to deliver an electoral upset.

This chapter details the logic behind an institutional explanation of electoral openings in authoritarian systems. First, I discuss the significance of an authoritarian state's constitutional structure. A constitution specifies the lines of accountability between the major political institutions of the state, in turn determining which political players are constrained or empowered to make changes in policy. Second, I briefly review principal-agent relationships so as to further understand accountability and incentives within the state. A constitution may structure relationships such that major players within the state are accountable not only to rulers but also to societal forces. Third, I apply this constitutional analysis to electoral policy. Those political actors who are not constitutionally accountable to the ruler and who might benefit from an election upset will attempt to change electoral practices to their favor.

Given all of this, I then construct a theory regarding how authoritarian electoral openings come about. I first define the state actors involved and their preferences. Next, I present a model consisting of two political factions—reformists and conservatives—who take advantage of their respective constitutional powers to bend the electoral process to their favor. The success of reformists in opening the system ultimately depends on their jurisdiction over the electoral process and the structure of accountability within the regime. If electoral laws and electoral administration are largely under the purview of reformists, and if the reformists are not meaningfully accountable to the ruling conservatives, they will be successful in opening the electoral system. Next I discuss the importance of information asymmetries between conservatives and reformists. If reformists hold important private information regarding voters and the electoral menu of manipulation, they may (given their accountability relationships and jurisdiction over the electoral process) be able to exploit this information to secure an electoral opening. The chapter concludes by deriving general hypotheses from the theory and applying them to the three case studies in this dissertation.

II. Constitutional Structure

It is often assumed that authoritarian rulers exercise unlimited power over the state. Indeed, the very definition of an authoritarian regime—power concentrated in the hands of an unelected few—conjures images of a single kingmaker, or a small cadre of elites, who decide policy behind closed doors. The various classifications used to categorize authoritarian regimes add to this image of power. For example,

Egypt's classification as a presidential authoritarian regime can be traced to the enormous powers vested in the executive branch, which includes the President's ability to declare war, conclude treaties, act as chief legislator, appoint cabinet members, and dissolve parliament. States that are perceived to be governed by a single personality, such as Indonesia under Suharto, are often characterized as personalist regimes. And monarchies, such as absolutist kingships of the 16th or 18th centuries and modern-day states like Saudi Arabia, can ostensibly trace their power to a single family. In this typical view, political authority in authoritarian states can be found in a single office, a single personality, or among a small band of people, and the individual (or group) who commands this authority is accountable to no one.

In practice, however, the actions of even the most powerful authoritarian rulers are constrained. Whether through written rules or unwritten norms, key political groups within authoritarian regimes have the power to remove a leader if he or she does not act in accordance with their wishes. In political science scholarship, these political groups are commonly known as the selectorate (de Mesquita et al 2003). For example, the support of the military is considered essential in Egypt, as every Egyptian President since the Free Officers' Coup in 1952 has been selected by the ranks of military officers. In Iran, the Supreme Leader is not only formally responsible to the Assembly of Experts (which possesses the institutional power to oust the Supreme Leader) but also informally dependent on the Revolutionary Guard

(whose military backing is essential for keeping a Supreme Leader in office).[1] Rules and norms are established to institutionalize this bargain between a specific selectorate and ruler.[2] And as will be discussed later, these institutional rules and norms can evolve, creating new incentives and goals for all political players. Thus, instead of viewing rules and norms within authoritarian regimes as "window dressing", I argue they can be a guide for understanding political behavior within a regime.

Moreover, multiple centers of authority, rather than a single political office, often characterize the distribution of power within authoritarian states. Regimes are rarely structured along perfectly hierarchical lines, where incentives are perfectly aligned with those of a single ruler. The characterization of a pyramid-shaped hierarchy with a single omnipotent ruler or committee at the top belies the structural diversity of authoritarian governments. In some, there are multiple or collective leaders. For example, Iran's state structure is characterized by parallel institutions with overlapping responsibilities that report up separate hierarchies that peak at the President and the Supreme Leader (Kamrava 2004). Sovereignty within the Chinese state is shared by influential members of the Politburo and the Chinese Central Committee (Shirk 1993). Even where there is a single leader, some institutions may

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[1] For more on the political influence and power of the Revolutionary Guard within Iran, see: Event Summary of the Saban Center and USIP Iran Working Group, "The Islamic Revolutionary Guard Corps: Military and Political Influence in Today's Iran," 18 November 2008, The Brookings Institution, Washington, DC < http://www.brookings.edu/events/2008/1113_iran.aspx > (8 July 2009).

[2] Authoritarian leaders establish and abide by rules and norms so as to maintain the support of key political groups. In turn, these key groups within the state abide by rules and norms so as to avoid receiving political sanction by the leader. The most well-known example of this bargain in scholarship is the story of the origins of the English Parliament (North and Weingast 1989). In the 17th century, the Crown limited its ability to unilaterally alter economic agreements with the country's nobles and lords, and ceded the power of taxation to the parliament, to prevent rebellion and guarantee a steady revenue stream. In return the Lords chose to abide by these rules, lest the Crown usurp their property rights. Thus, both parties had an incentive to maintain the bargain.

enjoy a degree of autonomy so that they are not directly controlled by the single leader. In Augusto Pinochet's Chile and Mubarak's Egypt, for example, members of the judiciary exercised enough power independently to challenge the policies of their presidents (Barros 2001 and Moustafa 2003). Political authority within authoritarian regimes can in fact be distributed among several state institutions.

The distribution of political authority within the regime ultimately can be traced to a country's constitutional framework. A country's constitutional framework is formed by the laws and historical norms that characterize the relationships between and within state institutions.[3] This definition includes (but is not limited to) a formal written constitution. A regime's constitutional framework allocates power and establishes lines of accountability between the major institutions of the state. For example, in the United States the written constitution details the powers, responsibilities, and relationships between the Senate, House of Representatives, President, and individual states. Legislative procedural rules established the committee system that governs congressional behavior within the House and Senate. The deference that Congress shows to the executive on foreign policy matters is based not on the written constitution but rather on a historical norm that has developed over time. This norm allows the President the freedom to wage wars without congressional declaration, and sign executive agreements with countries without Senate ratification. In this manner, the U.S. constitutional framework (which consists of a formal written

[3] Institutions are rules and procedures that structure political interaction by constraining and enabling behavior. This definition of institutions includes both formal (explicit) rules spelled out by a country's written body of laws, as well as (unwritten) self-enforcing norms. These institutional norms are behavioral patterns based on established guidelines and shared expectations about political conduct. The violation of these norms set off political sanctions, similar to a violation of formal rules.

document, federal laws, procedural rules, and historical norms) lays out "the rules of the game" for political actors, shaping the strategy and behavior of politicians.

Political behavior within authoritarian regimes is similarly shaped by constitutional rules and norms. Chile's 1980 constitution established formal rules for the regime which eventually constrained President Pinochet's response to the 1988 plebiscite (Barros 2002). In Algeria, a series of constitutional amendments in 1989 severed the executive's relationship with the country's dominant political party, the National Liberation Front (FLN), creating rules of the game that would lead to an electoral opening. In addition to changes in explicit rules, shifts in political authority in authoritarian regimes can result from gradual evolution in norms that empowers new institutions. In Egypt, the Supreme Constitutional Court enjoyed increased political independence over time, ultimately emboldening the judges to challenge the executive on economic policy, civil liberties, and eventually elections.

III. Understanding Institutional Accountability through Principal-Agent Relationships

A useful approach for understanding constitutional structure and accountability relationships is to frame them as principal-agent relationships. In doing so, one can evaluate the degree to which institutions are aligned (or misaligned) with the interests of authoritarian rulers.

In a principal-agent relationship, a principal appoints an agent to accomplish a task, and delegates to that agent some of the principal's power (or authority) to effectively carry out the task. Even in authoritarian regimes, rulers must delegate

some of their authority to other state officials because rulers do not have the time, resources, or knowledge to perform all the tasks required to lead the state. Rulers may also retain agents to solve problems associated with free-riding, coordination, and collective action (Kiewiet and McCubbins 1991).

To ensure that agents do not abuse their delegated powers, principals can control agents through a variety of methods. Screening and selection provides a means of controlling agents: Rulers try to appoint individuals whose preferences are aligned with their own. Institutional checks provide another means of overcoming agency loss: Rulers try to guard against agent abuse by still other agents who have the authority to veto or block the actions of the first agent. A principal can also exercise control by threatening to discipline or remove agents: Having the ability to credibly threaten state officials for non-compliance is the most direct way an authoritarian ruler can ensure accountability.

These methods of agent control are largely structured by the rules and norms of a state. For example, the charter of the dominant political party may determine the method and level of screening for loyalty to the ruler. The written constitution may specify which institutions can veto the actions of another. Unwritten norms may dictate which politicians, bureaucrats, judges, and military leaders can be disciplined directly or removed immediately by a ruler, and which officials must be tolerated by a ruler (at least until a much slower removal or amendment process can be completed). Though authoritarian rulers exercise some power in creating and altering these rules and norms, the capacity to do so again depends on the existing constitutional

framework. Designing secondary institutions to screen, veto, monitor, and punish, can be a difficult task. There may be instances where existing rules and norms make individual agents accountable to multiple principals, leading to unintended agent behavior that is at odds with the interests of the ruler.

Given this, the structure of accountability relationships within an authoritarian state may permit policies that are incongruent with the interest of the ruler. If relationships are structured so that political agents are not fully accountable to the ruler, these agents may choose to use their powers against the ruler. An authoritarian constitution can therefore lead to a division of purpose within the regime.

Extending this logic to elections in authoritarian systems, it is possible that a country's constitutional structure can result in electoral policies that are at odds with a country's ruler. In many authoritarian states, electoral policies are created and administered by several institutions. For example, Iran's constitutional rules and norms prescribe that the Parliament legislates electoral law, the Interior Ministry administers the vote, the Guardian Council supervises the vote, and the judiciary hears complaints concerning the lawfulness of the vote. If a country's constitutional framework structures these electoral institutions such that one or two are not fully accountable to the ruler, it allows for the possibility of state actors within these institutions to rework elections against the ruler or ruling party.

IV. Theory of Electoral Openings in Authoritarian Systems

This section details why an authoritarian state can provide a genuine electoral opening that may result in the ousting of its ruler (or ruling party). Instead of

conceptualizing the state as a unitary actor, I present a simple two-player model, where two factions within the regime struggle to exploit their respective institutional powers over the electoral process in an attempt to alter the electoral playing field. A country's constitutional framework, which structures the accountability relationships within the regime and allocates jurisdiction over the electoral process, determines the success of each faction in controlling the degree of electoral rigging, and thus the level of opening to the opposition.

Below I suggest broadly the actors, preferences, institutional set-ups, information, and actions that ultimately lead to an opening of the electoral system. First, I define the state actors that influence the trajectory of authoritarian elections. Second, I discuss the influence of institutions in shaping their strategies for electoral rigging. Third, I discuss the importance of private information in successfully executing these strategies. And fourth, I outline the general actions of the actors in determining the electoral playing field for opposition candidates.

A. State Actors and Their Preferences

Throughout this dissertation, I refer to state actors who are satisfied with the status quo power arrangement as "conservatives." Their chief preference is to maintain power for themselves and their allies. Conservatives who are up for reelection will be referred to as "incumbents." Conservatives are opposed to political liberalization, as they would likely lose power with any electoral opening. They will brazenly use their institutional powers to commit fraud and manipulate the electoral

process to hold onto power, and they may not surrender power if they are defeated at the polls.

Another set of state actors will be referred to as "reformists," for they are committed to expanding their share of the state by ousting conservatives from the regime and replacing them and their allies. In order to upset the status quo within the state, reformists often must find their constituencies within society. When the base of support is largely outside the regime, reformists benefit from opening the electoral system.

I refer to the political actors at the top of the regime hierarchy as "rulers." For personalist regimes, ruler refers to the individual head of state. For party regimes and other regime types characterized by collective rule, rulers refer to the group of leaders (such as a Politburo) that together lead the state. Both conservatives and reformists can be rulers. In cases of divided leadership, reformist rulers occupy the highest state offices alongside conservative rivals. In cases of unified (conservative) leadership, conservatives dominate the highest offices while reformists sit in constitutionally inferior bodies.

I assume both conservatives and reformists are self-interested rational actors whose goal is to advance their political ambitions.[4] Power maximization is a reasonable assumption when it comes to understanding reelection behavior, especially in autocracies where the loss of power can mean more than simply sitting out an

[4] This preference for rulers to maintain office and for rival elites to expand their power and their voice in poicymaking are usual assumptions in scholarly work, but I will nonetheless provide empirical evidence in my case studies for these assumptions.

election cycle. Thus, the preferences and behavior of political actors are based on an expected utility model of decision-making.[5]

B. Institutional Constraints: Accountability and Jurisdiction over the Electoral Process

A reformist-conservative split within the regime, however, does not automatically translate into an electoral opening for the opposition. Every authoritarian regime experiences its share of political friction within the state. Of significance then is not the split itself but rather the institutional lines along which the split occurs. If reformists gain control of institutions that are autonomous from the ruler, and if these institutions exercise jurisdiction over the electoral process, then reformists can level the electoral playing field for opposition candidates. To explain the causal effect of political institutions in more detail, two key aspects of a country's constitutional framework must be analyzed—the structure of accountability relationships and jurisdiction over the electoral process.

1. Accountability Relationships

The decision by reformists to manipulate the electoral process to oust incumbent officeholders depends greatly on the accountability relationships present within the state. As stated previously, state actors are primarily concerned with staying in power. If subordinate officials are institutionally accountable to the ruler, they will not take

[5] Given the stark payoffs involved (i.e. an election win or loss), a rational choice model was chosen rather than a model based on prospect theory. Prospect theory stipulates that individuals value gains and losses from an attitudinal reference point rather than absolute levels of welfare. However, I assume there are no intermediate payoffs for the ruling party losing power, and thus no possibility of attitudinal weighting of different payoffs. The zero-sum nature of staying in office or being ousted, and the extreme uncertainty regarding the consequences of losing power (e.g. house arrest, exile, death) lends itself well to a rational choice model.

action that will risk their position. In principal-agent terms, a state official (the agent) will act in the interests of the ruler (his principal) if the ruler exercises adequate agent control over the official. And in many authoritarian regimes, the ruler exercises adequate agent control. A ruler can select agents for their "type" by observing past actions, party votes, and intelligence reports; using this information, a ruler screens out those who do not share his preferences. A ruler can also rely on institutional checks, such as parallel committees and posts, to monitor and limit agent actions. Most importantly, authoritarian rulers can (usually) keep state officials in line by threatening ex post control (removing agents from office). For example, since changing electoral rules is an overt (non-hidden) action, agents who attempt to change electoral rules are easy targets for removal by the ruler. Facing such strict accountability, most reformists within authoritarian regimes have little room to maneuver and thus usually follow the mandate of the ruler.

If agents are not strictly accountable to the ruler, they may have the institutional freedom to act against the ruler's interests. Reformists who are independent of the ruler may attempt to use elections to oust conservative politicians.[6] The ability to act on this preference depends on two specific types of accountability patterns: instances of multiple principals (complicating agent incentives) or attenuated accountability (when agents are not meaningfully accountable to principals). I describe both of these patterns below.

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[6] In some cases, reformists seek to institutionalize electoral accountability and forge a permanent relationship with voters and societal groups. In other cases, reformists may see voters as a tool to come to power, and once in power do not seek to institutionalize electoral accountability. Whatever the long-term plans reformists have with regard to electoral accountability, the short-term goal of ousting the conservative establishment in the next election cycle requires an alliance with society.

a. Multiple Principals

Instead of one principal per agent, a constitution can create overlapping accountability relationships, such that multiple principals exist for one agent. Under such a scenario, the desires of the different principals will complicate the incentives of agents and give opportunities to the agent to play one principal against the other. In Iran, the President and members of Parliament are partially responsible to the Supreme Leader and Guardian Council (who control candidate vetting) but also accountable to the voters who ultimately elevate them to office and vote on their reelection. Thus, an agent may have an incentive to act against the ruler's interests if the agent is also institutionally accountable to a second principal whose preferences are at odds with the ruler.

b. Attenuated Accountability

A second accountability pattern includes instances when rulers may be constitutionally constrained in disciplining officials. Institutional norms and rules may deny a ruler the authority to punish officials for non-compliance. In Iran, the Supreme Leader does not have the power to remove the President once he has been vetted; only the Iranian Parliament can impeach a sitting President. In Egypt, judges on the Supreme Constitutional Court (SCC) cannot by removed by the executive (although at age 66 they face mandatory retirement); judges can only be disciplined by the General Assembly of the SCC (Moustafa 2007: 79). Given this attenuated accountability, the Iranian President and Egyptian judges are in a position to act according to their own preferences and deal policy blows to the ruler with less fear of constitutional reprisal.

Reformists can adjust electoral laws and protocols if they enjoy attenuated (or loose) accountability to the ruler.

2. Jurisdiction over the Electoral Process

In addition to a favorable constellation of accountability relationships, reformist-controlled institutions must have the capacity to modify the rules and administration of elections. This capacity depends on the constitutional framework of the regime. In many cases, the written constitution identifies which government bodies exercise authority over elections. For instance, Article 88 of the Egyptian constitution specifies that the judiciary holds supervisory power over elections; this clause enabled Egypt's judiciary to force somewhat fairer parliamentary elections in 2000. In other instances, legislation and informal norms that develop over time determine the capacity of institutions to swing elections. In Iran, the Interior Ministry's role in administering elections is not specified by the written constitution but rather by the electoral laws and procedural norms that developed during the 1980s and 1990s. Whether by constitutional rules, electoral legislation, or norms, reformists must exercise substantial power over the electoral process to secure a genuine electoral opening for the opposition.

Figure 2.1 ranks a list of electoral powers from most important to least important to affect the outcome of an election. (Any one of these may be prescribed by the written constitution, legislation, or norms.) As the figure indicates, the institutions that are in charge of administering the voting are most important, for they can manipulate which voters appear on the registry, where polling places are located, and

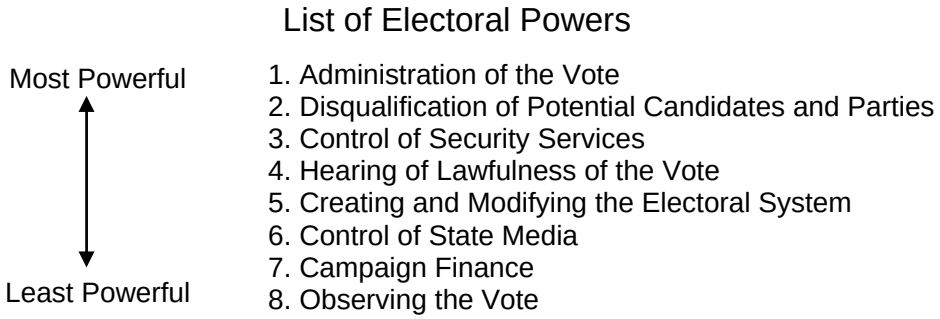


Figure 2.1: Ranking of Electoral Powers

how the tally of votes is conducted. Second is the vetting-power to ban specific candidates and parties from competing—which narrow the political field and discourage voters from showing up at the polls. Another important power is control of the security forces. State violence, or the threat of state violence, can dissuade dissidence, lower voter turnout, and impose self-censorship among the media. Fourth on the list is the power to hear challenges to voting outcomes and to annul results. The advantages of these first four powers are that their outcomes are not contingent on voter action; conservatives and reformists who control these powers can invoke them directly without mobilizing voters.

A fifth power, the ability to create and modify the electoral system, is a moderately important electoral power, but its effect on individual electoral outcomes is contingent on voter behavior. Authoritarian regimes are known to use extreme forms of majoritarian or proportional systems (either to marginalize or to divide the opposition, respectively). And malapportionment is used to overrepresent or underrepresent certain regional areas to secure victory for a ruling party. Because the actual effect of any electoral system is contingent on vote totals, it is possible that an

electoral system that is designed for a particular purpose might lead to unintended consequences. For example, the 1991 Algerian electoral system was designed to exaggerate the seat total of the ruling FLN. But when the FLN failed to win a majority, the ruling party was actually underrepresented in parliament in comparison to their vote total; the FLN might have been better off using a proportional system to win a plurality and to divide its opponents.

Sixth on the list is control over state media. The informational advantages that the state can provide in censoring the opposition or supporting regime candidates can skew media coverage toward preferred candidates and parties. Like electoral systems, however, relying on state-controlled media assumes that voters will in fact behave a certain way. In most stunning upsets, the incumbent candidate or party lost despite exercising an advantage over their opponents in disseminating campaign messages. Seventh on the list are financial advantages provided by the state. The rules responsible for campaign funding can determine which parties and candidates head into the elections with great financial advantages. Greater funding does not necessarily guarantee victory, however, as voters may overlook a candidate or party's financial difficulties if the campaign resonates with the electorate. Last on the list are those institutions that observe the vote. Though poll observers may attempt to guard against fraud by announcing irregularities, supervisory institutions are ultimately at the mercy of administrators who can structure the election such that effective supervision is difficult.

The strategies available for reformists and conservatives are ultimately shaped by the constitutional framework they operate under. The structure of accountability relationships can constrain (or empower) the actions of political agents who wish to alter the electoral rules and electoral administration. And the rules and norms that specify an institution's jurisdiction over the menu of electoral manipulation determines the degree to which reformists can meaningfully alter the electoral process. If the most powerful levers of the eight electoral powers fall under the jurisdiction of reformists, they will have the capacity to determine the level of electoral opening for opposition candidates.

C. Information Asymmetries

In addition to the above, the availability of information also affects the decision-making process of reformists and conservatives. In particular, asymmetric information—private information available to only one player—can provide one side an advantage when deciding on actions that could influence the outcome of an election. If private information regarding the electoral process is held by reformists, it can lead to a divergence of purpose between reformists (agents) and conservatives (principals). I illustrate this by reviewing two well-known problems related to information asymmetry in principal-agent relations—adverse selection and moral hazard.

Adverse selection is created by asymmetric information before a principal decides to delegate to an agent. It occurs when potential agents who are likely to produce an undesirable (adverse) outcome, are among the individuals who actively

seek out an appointment. In other words, reformists who wish to change electoral outcomes will be among those vying for positions in institutions that control the electoral process. Moreover, during the screening process and after appointment, reformists will very likely withhold information about their own preferences; in an authoritarian regime, officials are likely to be cautious and selective about transmitting information regarding their own political preferences and power ambitions to other state officials. If conservatives (principals) do not have information regarding the true intentions and preferences of potential agents, they are in danger of selecting the very people who aim to undermine them.

Moral hazard is also related to asymmetric information. Moral hazard is the prospect that an agent, who is already selected and insulated from risk, may not behave in the interests of the principal because the powers delegated to the agent create incentives to act in ways contrary to the principal's interest. For example, subordinates subject to threats of removal may seek ways to secure their tenure.

These forms of behavior become possible when agents have more information about their actions and intentions than their principal. Misbehavior is possible primarily because principals cannot monitor and gather information regarding agent actions. If institutional accountability is lax, agents will have less reason to worry about bearing the consequences of their actions. With regard to the electoral process, if conservatives cannot adequately monitor reformist actions, reformists may take advantage of their delegated power to swing elections against the ruler's interest. Both adverse selection and moral hazard rely on reformists holding important private

information (about their own preferences and actions). Only when conservatives (as principals) also have this information is the potential for agent misbehavior lessened.

Having discussed general information problems within principal-agent relations, I turn to two substantive information problems that affect the electoral process. First is private information about voter preferences. Expectations of voter support are an information problem for both conservatives and reformists. Both can rely on macro indicators for upcoming elections, but reformists and conservatives may also be privy to information about expected voter support. This private information will inform their own expectations of voter behavior, and will therefore enter into any strategic calculations they make when altering the electoral process. A dilemma for rulers is that the more they suppress public expression of dissatisfaction, the greater the potential for asymmetry of information between reformist officials—who maintain direct links to various societal groups—and conservatives—who tend to find their support within the state administration that suppresses expression of popular demands, and who at best must rely on planted informants in the public and in official movements that seek to mobilize support for incumbents. The expectations of reformists and conservatives about electoral outcomes are more likely to diverge under such circumstances, but there is no guarantee as to which set of expectations is more accurate. For example, Iranian reformists within the state were well-connected to the emerging youth movement that propelled reformist electoral wins in 2000, in contrast to Iranian conservatives who mainly found their support within the clerical establishment and the Revolutionary Guard. Divergence in information about the

public can prove crucial: state reformists may be more emboldened to change electoral procedures if they perceive substantial reformist sympathy in the voter population. Conservatives will not take preemptive action if they fail to perceive such sympathy.

A second form of private information concerns opportunities to manipulate the electoral process. As mentioned previously, without effective monitoring, information about agent actions may escape the principal. This problem is exacerbated when an agent's work is so specialized that its principals are left in the dark as to the specificities and consequences of the work. Reformists who are delegated the task of managing the electoral process may be able to take actions unobserved and unconstrained by their conservative principals. In 2000, Iranian reformists within the Interior Ministry not only held important information about the political leanings of potential political candidates, but also were in control of governmental organs that empowered them to qualify political candidates with agendas that were at odds with the policies of Iran's Supreme Leader. In 2000, the Egyptian judiciary took advantage of a previously unused clause in the constitution that prescribed judicial supervision over elections; the President and conservatives were surprised by the decision and had to quickly arrange an electoral schedule to accommodate the ruling. Political actors with specialized knowledge over the electoral system can therefore be at an advantage in reforming the electoral process. Without this information, conservatives may be too late to prevent electoral reforms.

D. The Actions and Internal Dynamics over Electoral Policy

The sequence of possible moves made by reformists and conservatives will vary from case to case. What can be spelled out (and observed) is the broad struggle to change the electoral process. Given the political actors, their preferences, the institutional environment under which they operate, and possible private information, the actions taken over the electoral process can be reduced to two games—a lower-order game ("bureaucratic politics") within the existing constitutional framework and a second, higher-order game ("constitutional politics") of changing institutional relationships and powers to affect the electoral process.

The lower-order game of bureaucratic politics between reformists and conservatives operates within the existing framework of the regime. Given an existing set of accountability relationships and jurisdictional powers, state officials will attempt to exploit their positions and powers to bend the electoral process to their favor. Figure 2.1 and its accompanying discussion list the possible institutional powers that are used to manipulate the electoral process. If reformists are placed in consequential positions, they will use their jurisdictional powers over electoral policy to minimize incumbent advantages. Conservatives will respond by exploiting their own institutional powers to offset (known) reformist actions.

A second, higher-order game of constitutional politics involves the struggle to change the institutional structure of the regime itself. Both reformists and conservatives will use their powers to change the constitutional rules of the game, so as to establish greater political influence and limit one's own accountability. By doing

so, state officials will then be in a better position to alter the electoral rules of the game. The ability to change institutional relationships and powers is itself based on constitutional rules and norms. In some systems, a single leader at the top may exercise the power to amend the constitution. In other, less hierarchical systems, changing constitutional relationships and powers may prove to be more difficult. Conservatives will attempt to centralize their power, or create new loyalist institutions to check the powers and actions of reformists. Meanwhile, reformists will seek constitutional rules over delegation that increase their discretion over electoral policy, secure their tenure in office, and avoid punishment for their actions.

The actions taken by state officials will therefore involve not only maneuvers to exploit electoral rules and administrative powers but also a struggle to rewrite the constitutional rules that define accountability and the allocation of power. The outcome of these games determines the degree to which the state supplies a genuine electoral opening to opposition candidates.

V. Empirical Hypotheses

Assembling the different parts of Section IV, I develop Figure 2.2 from which hypotheses about electoral openings can be derived. With regard to the state, I argue that two constitutional factors determine the possibility of a genuine electoral opening: (1) the degree to which reformists are constrained by institutional rules of accountability to conservative rulers and (2) the jurisdiction of these reformists in changing the electoral rules, manipulating the electoral administration, and challenging or validating the electoral results. Another way of thinking of these two

		Degree of Accountability to Conservative Rulers	
		Strict	**Autonomous**
Reformist Jurisdiction over Electoral Process	**Broad**	No Opening	Electoral Opening
	Narrow	No Opening	No Opening

Figure 2.2: Supply of Electoral Opening: Impact of Constitution on Reformist Decision-making

factors is to view them as the institutional incentive (or accountability) and institutional authority (or jurisdiction) of reformists to supply an electoral opening. A reformist electoral opening requires both incentive and authority. The degree of institutional accountability ranges from strict accountability to complete autonomy while the degree of electoral jurisdiction ranges from broad to narrow. Strict accountability assumes that conservative rulers can effectively monitor and check actions by reformists, while complete autonomy assumes that reformists can act without conservative reprisal. Strict accountability creates a disincentive to take advantage of reformist sentiment in the public; with looser accountability the incentive to take advantage rises. Broad jurisdiction assumes that the electoral powers listed in Figure 2.1 (especially the first three powers) are largely under the institutional purview of reformists, while narrow jurisdiction assumes that the electoral process is largely not under the jurisdiction of reformists. For simplification, Figure 2.2 divides the causal and dependent variables into dichotomous categories to construct a two-by-two matrix. Empirically however, the degree of accountability, degree of electoral jurisdiction, and degree of electoral opening are continuous variables, so that the

probability of an opening rises as these values reach the upper right hand extreme (autonomy and broad jurisdiction) in Figure 2.2.

Below I develop predictions from Figure 2.2 about parliamentary elections in Algeria, Egypt, and Iran, which I then test by comparison of the cases studies in Chapters 3, 4, and 5. The countries and election years were selected to ensure full variation on the dependent variable (including both limited electoral openings and substantial electoral openings) and minimize the variation of independent variables not part of the causal model.

A. The 2000 Egyptian Parliamentary Elections

Egypt's 2000 parliamentary elections is a case of conservatives firmly in control, except in a decidedly peripheral institution. Prior to 2000, conservatives in Egypt controlled the executive and legislative branch, as well as the bureaucracies and the military. The heads of all these major institutions were accountable to the President. Additionally, the executive branch dominated the electoral process in Egypt. The Interior Ministry (in charge of administering the vote), the state media, and the security services (which are regularly deployed to intimidate opposition voters and quash demonstrations against the regime) were answerable to the President. Parliament, which is little more than a rubber stamp for the Egyptian President, was responsible for legislating electoral laws. And the Political Parties Affairs Committee (PPAC), which has the power to bar Egyptian political parties, was also under the control of the President (via the upper House of Parliament). As such, prior to the 2000 elections, electoral jurisdiction in Egypt belonged largely to the conservatives.

In addition, public information about voter preferences did not benefit reformists, as public demand for change was minimal. There is little reason to believe that reformists have private information that would lead them to misread the potential for a voter shift to reform. No radical changes had occurred within the country to prompt the electorate to come out in mass against the ruling National Democratic Party (NDP). Voter turnout had usually been low in Egypt and those that did show up to the polls likely do so to repay patronage received from the NDP. Though Egypt had its share of vocal regime critics, the bulk of voters before the 2000 parliamentary elections were disinterested and did not expect much from the contest.

Prior to the 2000 parliamentary elections, state reformists in Egypt enjoyed their greatest strength in the judiciary. Although the President had the formal power to select Supreme Court justices and nominate the Chief Justice, in practice the senior-most justice was automatically selected as Chief Justice, and new justices on the court were selected by the Chief Justice. These appointment norms, along with life tenure on the bench and power over subordinate courts, allowed Egypt's judiciary to operate as a self-contained and independent institution. Under these institutional norms, the President abstained from interfering in judicial matters. This unusual degree of judicial independence in an authoritarian regime developed so that the courts could independently and credibly protect private property rights and develop the rule of law in the economic realm.[7] The President was constrained because international firms

[7] The Egyptian regime established an independent constitutional court to attract private investment and shift Egypt's socialist-oriented command economy to a market economy. Prior to the establishment of the Supreme Constitutional Court, Egypt was facing economic stagnation and pressure from international creditors. President Anwar Sadat attached the regime's political survival on attracting

had responded to this signal with increasing foreign investment in Egypt. Judicial independence was a price that had to be paid for continuing economic growth. Additionally, the courts had increasingly relied on democratic activists outside the state to demonstrate and fight for judicial autonomy. In turn, Egypt's judiciary had allied itself with these societal groups, and judges had increasingly ruled in favor of these groups in key court cases. Yet, with regard to the electoral process, the judiciary exercised moderately low authority: The courts were allowed to review the lawfulness of elections and enjoyed the constitutional authority to supervise elections. They actually declared the 1987 election results void, forcing a new round of elections. Additionally, the courts had begun to legalize political parties, overruling the judgments of the PPAC.

Given little to no demand for ousting the incumbents and the reformists' narrowly circumscribed and more indirect jurisdiction over the electoral environment (as measured by the list in Figure 2.1), my hypothesis in Figure 2.2 leads me to expect little to no state opening for reformists, and so no electoral upset in Egypt's 2000 parliamentary elections. This represents most elections in authoritarian states and a point of comparison with elections that led to openings.

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foreign direct investment. It was difficult for Egypt to provide a credible commitment to investors, as the previous President, Gamal Nasser, had nationalized much of the economy during the 1950s and 1960s. The creation of an independent court that constrained executive action and offered institutional guarantees on the security of property rights provided that credible commitment. See Tamir Moustafa, *The Struggle for Constitutional Power: Law, Politics, and Economic Development in Egypt* (New York: Cambridge University Press, 2007).

B. The 1991 Algerian Parliamentary Elections

In contrast to Egypt, Algeria is a case of a divided leadership with reformists in many top positions, and only limited constraints by conservatives at subordinate levels. Algeria's reformists came to occupy many top positions in the constitutional structure during the late 1980s and early 1990s. Algeria's President, the reformist Chadli Bendjedid, was in a position to remove his conservative adversaries in the military, the party, and the bureaucracies. Changes to the constitution in 1989 had severed the remaining institutional check by which the ruling National Liberation Front (FLN) had constrained the President. With these constitutional changes, the President was no longer accountable to regime actors but rather to a vote by the people, enabling Bendjedid to pursue an electoral strategy to dislodge the FLN conservatives from power within the state. The president exercised enormous powers over the electoral process through the Interior Ministry (which vetted potential candidates and administered the voting process), the state media, and the security apparatus. Given Algeria's dominant executive, the reformist President had the power to stack the electoral deck against the FLN conservatives.

It was widely known by reformists and conservatives that voters in Algeria were primed to deal a setback to the FLN in elections. Algeria suffered a terrible economic downturn during the late 1980s, due to the collapse of oil prices. A demographic bulge had placed strains on state services, and the patronage dealt by the FLN could not keep up with a rapidly expanding electorate. To survive in office, Bendjedid calculated that he had to blame the FLN and distance himself from the party.

Despite their numerical advantage in the bureaucracies and the newly created National Assembly, conservatives were constitutionally hamstrung in responding to Bendjedid's reforms. Through their position in the Assembly, they could legislate electoral law, but conservatives were not in a position to administer or implement the law. Conservatives did not control the Interior Ministry, the state media, the security apparatus, or the financing of the campaigns.

Given a constitution that structured strict accountability to a reformist President, and the superior electoral powers of the executive in Algeria, my hypothesis predicts a large electoral opening in the 1991 Algerian parliamentary elections.

C. The 2000 and 2004 Iranian Parliamentary Elections

The case of Iran is one of divided leadership and shifting control. During the late 1990s and early 2000s, Iran's reformists occupied many executive agencies that administered elections. President Mohammad Khatami had been able to purge most of the conservative elements from the executive agencies and replace them with his loyalists. In particular, the Interior Ministry, responsible for gathering information on candidate qualifications and administering the elections, was accountable only to Khatami. The conservative power centers in Iran for the most part were the offices and organizations subordinate to the Supreme Leader—the judiciary, the Revolutionary Guard, the Expediency Council, the Guardian Council, and the network of clerics across the country. Until 2003, the reformist executive agencies had the upper hand over these conservative power centers when it came to elections; specifically, the Guardian Council—responsible for election supervision and candidate

qualification—was largely dependent on the Interior Ministry to perform its duties. Conservative government bodies headed by the Supreme Leader had no formal power over the Interior Ministry. After 2003, however, the Guardian Council greatly expanded its bureaucracies and established permanent supervisory offices in localities across the country. No longer dependent on the Interior Ministry, conservatives in the 2004 elections were in a position to disqualify reformist candidates.

With regard to Iran's electorate, Khatami and the Interior Ministry understood that voter enthusiasm for the reformist agenda remained high in 2000. A recent campaign just three years prior had inspired young voters, women, minorities, and the urban and middle classes to turn out. Additionally, the Interior Ministry had private information about the political leanings of potential reformist candidates, but refused to share this with officials on the Guardian Council. But by 2004, voter enthusiasm had subsided, and the private information that the Interior Ministry had possessed about potential candidates was now common knowledge thanks to the growth of the supervisory bureaucracies under the Guardian Council.

My hypothesis predicts that, in 2000, with the authority to administer the vote, information on potential candidates, and incentives aligned with President Khatami, the Interior Ministry would provide a genuine electoral opening for the reformist opposition. The reformists' private information about voters and candidates also proved accurate. This opening, combined with the surge among Iran's newest voters, produced a stunning win by the opposition in 2000. By 2004, however, the constitutional structure governing the electoral process had changed. The Guardian

Council had expanded its bureaucracies to usurp many of the electoral powers of the Interior Ministry, most notably in the ability to gather information and qualify potential candidates. With expanded vetting via an empowered Guardian Council, my hypothesis predicts the smaller offering of reformist candidates, leading to an electoral closing in 2004, and a conservative win at the polls.

VI. Conclusion

This chapter has provided an institutional explanation of electoral openings in authoritarian systems. By identifying the main actors within the authoritarian state, their preferences, their private information, and the institutional constraints that shape their strategies, I argue that one can explain electoral openings. In particular, leadership unity, accountability relationships (which determine how preferences are aligned or misaligned within the state), and jurisdiction over electoral powers (which determines the capacity to change the electoral process) determines the degree of electoral opening by authoritarian states. Splits in the leadership along institutional lines account for the extent of electoral rigging or openness. This electoral opening, combined with voter dissatisfaction, causes electoral upsets in authoritarian systems.

The next three chapters demonstrate the explanatory power of the theory by analyzing events surrounding controversial elections in three authoritarian countries. As mentioned in the previous chapter, the subject and range of cases have been chosen to ensure variation in the dependent variable—the level of electoral opening. Chapter 3 examines the 2000 Egyptian parliamentary elections and describes how an institutionally superior executive succeeded in countering the actions of a reformist

judiciary, leading to a negligible electoral opening for the opposition and a victory for the ruling NDP. Chapter 4 examines the 1991 Algerian parliamentary elections as a case-control study. Unlike the case of Egypt, Algeria's electoral opening was successful in ousting the conservative FLN, primarily through the reformist President's constitutionally superior powers vis-à-vis the party. Chapter 5 presents a case study of Iran's parliamentary elections in 2000 and 2004. The radically different policies of candidate disqualifications in these two election cycles can ultimately be traced to an institutional struggle between the Interior Ministry and Guardian Council (which itself can be traced to the separate constitutional powers of the President and Supreme Leader). In 2000, a reformist Interior Ministry withheld important candidate information from the conservative Guardian Council, which allowed many reformist-minded candidates to compete and win in the elections. In 2004, the Guardian Council collected its own information on potential candidates by expanding its bureaucracies, circumventing its reliance on the Interior Ministry for information and allowing it to effectively ban all reformist-minded candidates. Through these empirical studies, I demonstrate the central role an authoritarian regime's constitutional framework plays in determining electoral openings.

Chapter 3: The Egyptian Judiciary and the 2000 Parliamentary Elections

I. Introduction

Since the introduction of multiparty parliamentary elections in 1976, the Egyptian regime has ensured overwhelming electoral wins for the government party—the National Democratic Party (NDP). The regime has restricted opposition participation in elections, used state media to favor the NDP, and stuffed ballot boxes to secure victory. As a result, the NDP has never been seriously challenged at the polls (winning nearly 94% of parliamentary seats in the 1995 elections).[1]

In 2000, the regime made some small overtures that seemed to benefit opposition parties and candidates. President Hosni Mubarak professed a commitment to democracy. More opposition parties were legalized, and rulings on press liberties allowed for greater criticism of the government. And the regime allowed judicial supervision within polling stations, which lessened the usual incidence of ballot rigging and fraud. Given these steps, some observers hoped the 2000 parliamentary elections would provide a genuine opportunity for the political opposition to score a majority in parliament.

However, there was no substantial electoral opening for the opposition in the 2000 elections. In the run-up to the elections, the regime meddled in the opposition's political activities, skewed campaign coverage toward the NDP, and engaged in a heavy police crackdown during each stage of voting. The NDP's grip over Parliament barely loosened; the government party captured 85% of the 444 contested seats in

[1] The NDP won 417 out of 444 contested seats in the 1995 elections. See: Louay Abdulbaki, "Democracy and the Re-consolidation of Authoritarian Rule in Egypt," *Contemporary Arab Affairs* 1.3 (July 2008): 451.

2000, with independent candidates taking 37 seats and legal opposition parties winning only 17 seats.[2] Hopes for a fairer poll were only partially realized, with a pro-democracy campaigner observing that "things have improved…but the government is not prepared to pay the price of democratic reform."[3]

How did the regime engineer another victory for the NDP in the 2000 elections? Why did the regime bother to embrace small electoral and political reforms? And why did these reforms not produce an electoral opening? The conduct of the 2000 elections and its outcome can be traced to an institutional battle over the electoral process between Egypt's executive and judicial branches.[4] Though reformists in Egypt's judiciary enjoyed a degree of autonomy within the regime, they exercised only narrow jurisdiction over the electoral process, which included vote monitoring and blunt vetoes of electoral laws. Egypt's executive, however, controlled the most crucial aspects of the elections, including the administration of the voting process and the security services. Given this, little to no state opening occurred for reformists, and no electoral upset resulted in Egypt's 2000 parliamentary elections.

During the 1950s and 1960s, President Gamal Nasser (1956-1970) nationalized much of Egypt's private economic sector. The result was economic stagnation and pressure from international creditors. To help attract domestic and foreign private

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[2] Lachlan Carmichael, "Egypt's Ruling Party Grabs 85 Percent of Seats but Loses Iron Grip," *Agence France Presse (English)*, 15 November 2000.
[3] Caroline Hawley, "Four Die after Riot Police Block Egyptian Polls," *The Independent (London)*, 15 November 2000: 16.
[4] Given the Egyptian President's power over the Prime Minister and cabinet ministries, the word "executive" and "president" will be used synonymously throughout this chapter. I explain the relationship between the President, Prime Minister, and cabinet ministries within the context of Egypt's constitutional structure in the next section.

investment, and shift Egypt's socialist-oriented command economy to a market-driven economy, President Anwar Sadat (1970-1981) established an independent Supreme Constitutional Court (SCC). This Court was given the independence and power to overrule legislative and executive actions, and could therefore provide institutional guarantees on the security of property rights.[5] In its first few years, the SCC successfully overturned a number of Nasser-era economic laws.

But during the 1980s and 1990s, Egypt's judiciary gradually exploited its institutional autonomy and began to rule against the President in political and electoral matters. The judicial rulings led to the legalization of (some) opposition parties, the curtailment of government libel cases against opposition parties and newspapers, and even the annulment of national election laws. Meanwhile, Egypt's executive, reluctant to undermine court rulings and thus jeopardize the private investment that the courts' autonomy had helped spur, instead used its own constitutional powers to influence the political and electoral process without directly undercutting the judiciary. Both political institutions used their respective constitutional powers to bend the electoral process to their favor.

With regard to the 2000 parliamentary elections, judicial supervision—the major advancement that allowed for a slightly fairer vote—was a reform borne from the judiciary and unwelcomed by the executive. In July of 2000, just months prior to the elections, the Supreme Constitutional Court ruled that Article 88 of the Egyptian Constitution necessitated judicial supervision over the voting process. In doing so,

[5] For a complete explanation of Egypt's judiciary guaranteeing private property rights, see Tamir Moustafa, *The Struggle for Constitutional Power: Law, Politics, and Economic Development in Egypt* (New York: Cambridge University Press, 2007).

executive-loyal civil servants were prevented from their usual manipulation of the vote inside the polling stations. Egypt's judiciary had elevated its role in election supervision while loosening executive control over the electoral process. Egypt's highest court had exploited its constitutional powers to advance electoral reforms with the intent of empowering reformists and undermining conservative rivals within the regime.

Meanwhile the lack of a genuine electoral opening and the ultimate result of the 2000 elections—the overwhelming victory by the NDP—can also be traced to Egypt's constitutional framework. Egypt's President heads most aspects of the electoral process. The President ultimately controls campaign funding, campaign coverage in the state media, and the administration of the vote. Additionally, through his emergency powers, the President can detain opposition supporters, obstruct opposition political activities, and conduct elections under a security siege. And so despite the unwelcome ruling of Egypt's highest court regarding judicial supervision, the executive was still able to interfere heavily in the 2000 elections, blocking citizens from voting and arresting thousands of opposition activists, all the while allowing NDP-packed buses to reach polling stations. Judicial supervision may have somewhat curtailed the practice of stuffing ballot boxes. But given the President's enormous powers in Egypt, vote monitoring was inadequate to level the electoral playing field. As I hypothesized in Chapter Two, with only narrow electoral jurisdiction (which primarily consisted of vote monitoring) the Court could not provide an opening for Egypt's opposition candidates.

The SCC's ruling for judicial supervision, however, did impress upon the President the need to directly intervene against the judiciary. After the elections, the President began to restrict the Court's independence by replacing SCC justices with conservative loyalists and passing constitutional amendments that reinforced executive control over the electoral process. The President's concern for investors and the economy was not enough to tolerate Court rulings that could eventually undermine his political power.

This chapter is organized as follows. I first briefly review Egypt's constitutional framework, highlighting the enormous powers of the Egyptian presidency vis-à-vis all other political institutions. Second, I extend this examination to constitutional jurisdiction over elections, noting the preponderance of presidential authority in managing the electoral process. Third, I review the history and growing autonomy and power of Egypt's judiciary. In particular, I focus on the Supreme Constitutional Court's attenuated accountability to the President and its rulings in the political sphere that challenged executive actions. Next, I discuss the events surrounding the landmark 2000 ruling that mandated judicial supervision of Egyptian elections. The President (loosely) fulfilled the ruling on judicial supervision, but leaned heavily on other state levers to prevent the opposition from exploiting the small opening provided by the SCC. In particular, I focus on the President's influence over candidate registration, state media, campaign funding, legal opposition parties, and the security services in denying a fair vote in 2000. After, I review the election results, evaluate the overall impact of judicial supervision, and analyze the post-election

consequences for the SCC's independence. I then present a theoretical summary of the chapter narrative. I conclude by revisiting the hypotheses I laid out in Chapter Two regarding the 2000 Egyptian elections, and discuss Egypt as a "control" case in comparison to the genuine electoral opening and stunning upset that occurred in Algeria's 1991 parliamentary elections.

II. Background on Egypt's Constitutional Framework

With a constitutional framework that guarantees the domination of the executive branch, the current Egyptian regime—established by Gamal Abdul Nasser (1954-1970), sustained by Anwar Sadat (1970-1981), and since led by Hosni Mubarak (1981-)— is best described as a presidential authoritarian system. The Egyptian Constitution empowers the President to appoint and dismiss the Prime Minister and cabinet members at will.[6] The President is also responsible for appointing army commanders, the heads of the security apparatus, senior civil servants, governors, judges, and public sector managers. The President also presides over the National Security Council, which coordinates defense policy and planning. He is the Supreme Commander, may declare war and conclude treaties, and issue decrees on national security affairs. Additionally, Egypt has been under a state of emergency since 1981, empowering the President to legislate by decree, restrict the freedom of assembly, censor newspapers, detain suspects without trial, and employ military courts to try civilians (Abdulbaki 2008: 445). The President's emergency powers also allow him to

[6] The President selects the Prime Minister from the majority party (i.e. NDP) in Parliament. The President can relieve the Prime Minister without parliamentary approval, and the President can relieve cabinet members (with approval from the Prime Minister). See Article 141 of the Egyptian Constitution.

hire and fire newspaper editors, university presidents, and major religious officials. And via his authority to conduct referendums, the President can amend Egypt's written constitution.[7]

In the same way that so many state (and non-state) institutions are subordinate to the president, so too is the National Democratic Party. The NDP is a hierarchic organization, where advancement, nominations, appointments, and purges come from above rather than from below. The party incorporates major segments of the most strategic forces in society to provide them privileged access to the state, but concedes no formal accountability to these actors. Instead, the NDP acts as a patronage network to dole out state benefits to senior bureaucrats, top police and army officers, business people, large landowners, and others who wish to exploit their position in the party for economic or political gain. The NDP does not make high policy, and its committee recommendations are usually ignored by the government. It is best characterized as an appendage of the executive, rather than an independent political force. The party is mainly used to mobilize support for the regime, provide a network for political and material patronage, and encourage possible defectors to stay within the regime's organizational infrastructure.

Similarly, Egypt's bicameral legislature (which consists of the Shura Council and the People's Assembly) exercises little independent power.[8] Egypt's President

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[7] Per Article 189 of Egypt's Constitution, the President can propose amendments and have them ratified by a plebiscite and a two-thirds vote of the legislature.

[8] For the purposes of this chapter, I use the word "Parliament" to refer to the People's Assembly; the Prime Minister is selected from the Assembly, and the Assembly is the dominant house of the legislature. The Shura Council—the upper house of the legislature—exercises little power. In case of a

has also traditionally served as NDP chairman. This gives the President the authority to choose the NDP's leaders in the legislature. And since the NDP dominates the legislature, these party leaders assume the powerful posts of People's Assembly Speaker, Shura Council speaker, and the chairs of the legislative committees. In turn, NDP members of parliament must vote in line with these leaders' agenda if they wish to ascend to more senior levels within the regime. Also, the President can dissolve parliament and, through his control of the NDP and the electoral process, replace parliamentary incumbents with members that agree with him. For example, President Sadat responded to parliamentary criticism by dissolving the People's Assembly in 1979 and calling for new elections in which the executive, by a combination of fraud and intimidation, made sure its main critics lost their seats.[9] Members of parliament who do not show loyalty to the President are usually sidelined and then ousted.

Given these constraints, Egypt's parliament cannot exercise its formal power in any meaningful way. For example, the People's Assembly is nominally empowered with legislative authority, but bills are typically proposed by cabinet officials (not members of parliament). Occasionally the Assembly submits formal requests or written questions to the executive, but it has refused to exercise its more powerful checks, such as interpellation (charging corruption or mismanagement against cabinet members), forming investigative committees (which level specific charges against ministers which can result in lawsuits or criminal charges), or removing a minister by

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disagreement between the two Houses, the People's Assembly can override the Shura Council on most legislative matters.

[9] Helen Chapin Metz, ed., "The Regime and its Constituency: Parliament," *Egypt: A Country Study* (Washington: GPO for the Library of Congress, 1990) <http://countrystudies.us/egypt/114.htm> (September 25, 2009).

a vote of no-confidence (Fahmy 2002: 47-51). Despite Article 151 that specifies that Parliament must approve of any international agreements, such agreements are typically passed without debate. Additionally, the President can legislate by decree when parliament is not in session, veto legislation, and, as previously noted, dissolve parliament and call new elections.[10] Under these circumstances, the Egyptian legislature is little more than a rubber stamp for the executive.

Even Egypt's military, which initiated the 1952 Free Officer's Coup that brought Gamal Abdul Nasser to power, exercises less authority within the regime than in previous decades. President Mubarak has been careful to rotate military chiefs, and to balance them with rival officers or with strong civilian politicians. By controlling military appointments, Mubarak has prevented army units from becoming personal fiefdoms. For instance, an ambitious former defense minister, Abu Ghazala, appeared to exercise great power within the army and was frequently acknowledged as the number-two man in the regime. But by the late 1980s, Mubarak had positioned his own men as chief of staff and removed Ghazala from his post, cutting off Ghazala's power base.[11] The professionalization of the officer corps, and the lack of ambition to assume responsibility for all of Egypt's problems, makes it unlikely that the military

[10] Per Article 113, the Parliament can override a veto with a two-thirds majority vote, but this has never occurred.
[11] Helen Chapin Metz, ed., "Politics among Elites: Military Politics," *Egypt: A Country Study* (Washington: GPO for the Library of Congress, 1990) <http://countrystudies.us/egypt/111.htm> (September 25, 2009).

would overtly challenge President Mubarak.[12] The military still wields influence within Egypt, but not to the extent that it once did.

An exception to this near complete presidential domination over Egyptian political institutions is the judiciary. As will be discussed in Section IV, reformists within Egypt's Supreme Constitutional Court (SCC) enjoyed a large degree of autonomy and jurisdiction to challenge the executive. But before turning to the judiciary, I review presidential powers over the electoral process below.

III. Executive Power over the Electoral Process

The President's authority over the state extends to its electoral institutions. One of the primary levers by which the President can manage the electoral landscape is through the Political Parties Affairs Committee (PPAC). To be legally recognized by the PPAC, a party must demonstrate that its platform is not at odds with Islam or with Egypt's 1952 revolution, is not based on ethnicity, race, or religion, and is "distinct" from existing parties.[13] But the PPAC, made up of NDP members from the Shura Council, used this law to routinely reject party applications and limit the political activities of legalized groups. Prior to 2000, the PPAC had rejected about 50 parties, while legally recognizing only five parties during Mubarak's tenure. Moreover, the approved parties tended to be marginal groups that lacked popular

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[12] Many Egyptian experts now compare the military to other Egyptian branches of government that are formally subservient to the executive. See Maye Kassem, *Egyptian Politics: The Dynamics of Authoritarian Rule* (Boulder Colorado: Lynne Rienner Publishers, 2004): 28, 169. Also see Ninette S. Fahmy, *The Politics of Egypt: State-Society Relationship* (New York: RoutledgeCurzon, 2002), 243.

[13] For qualifications on legal recognition, see Abdulbaki, "Democracy and the Re-consolidation of Authoritarian Rule in Egypt," 450. Also see: Tamara Cofman Wittes, "The 2005 Egyptian Elections: How Free? How Important?" Saban Center for Middle East Policy at the Brookings Institution, 24 August 2005, <http://www.brookings.edu/papers/2005/0824middleeast_wittes.aspx> (September 22, 2009).

support and were not likely to pose any real challenge to the NDP (Abdulbaki 2008: 450). In this way, the PPAC has been used by the government as a gatekeeper to select the legal opposition.

The lack of legal recognition has been especially crippling for the Muslim Brotherhood, which is one of the few parties in Egypt that has the infrastructure to effectively compete in national elections. The Brotherhood has been banned in Egypt since 1954, and the PPAC has upheld this ban in the name of political stability. The Brotherhood has therefore only been able to compete by either making alliances with other political parties (who will sponsor their candidates under their banner) or by running as "independent" candidates (Thabet 2006: 15).

In addition to controlling the legality of political parties, the executive can also interfere in the internal affairs of opposition parties. President Mubarak has exploited Egypt's emergency laws to restrict and limit the freedom of assembly, movement, expression, and association. The government can freeze political activities, suspend party publications, bar a party from running, or even dissolve a political party. The emergency laws also allow arbitrary arrest, search, and seizure, with little protection of criminal law. And the executive frequently uses its military courts to detain and prosecute political opponents. By doing this, the government ensures the political opposition is fragmented, with little support among the people.

In addition to interfering in the internal affairs of opposition parties, the President can use his authority over the media, bureaucracy, and security forces to benefit the NDP. The President exercises power over state newspapers and broadcast

outlets. The President controls the Interior Ministry, which administers the vote, compiles voter lists, and counts the ballots. The President also heads the police, which in turn determine the security environment during the elections. And Egyptians must register to vote at their local police station, to present identification proving their age and nationality; such a procedure intimidates many citizens from registering.[14] Given these restrictions, a 1994 survey found that only 22% of eligible Egyptians held voter registration cards, and even fewer voted in the previous parliamentary elections (Moustafa 2007: 156).

With a near hierarchical constitutional structure, the President commands most electoral levers, making truly democratic elections difficult. The regime's ability to restrict political activities, commit electoral fraud, dominate campaign messaging, and wield state violence limits any genuine electoral opening to the opposition. Despite outward signs of pluralism and a professed commitment to democracy, Egypt's President works to ensure the NDP's overwhelming majority in Parliament.

IV. The Judiciary in Egypt

Prior to 2000, Egypt's judiciary was the sole branch of government that exercised a degree of independence from the President. Given this independence, Egypt's highest court—the Supreme Constitutional Court—became an active and effective countervailing force to executive power and served as a "catalyst for…political democratization based on the rule of law."[15] Below I review the

[14] Egypt State Information Service, "The People's Assembly Electoral System," <http://www.sis.gov.eg/En/Politics/Parliamentary/pross/041301000000000001.htm> (September 22, 2009).
[15] Abdulbaki, "Democracy and the Re-Consolidation of Authoritarian Rule in Egypt," 459.

political history that led to the judiciary's attenuated accountability to the President. After, I review the specific judicial rulings which attempted to empower the political opposition, and the resulting tension between the judiciary and the executive.

A. Political History of the Courts

The political system that emerged following the 1952 Free Officer's coup initially damaged the autonomy and standing of Egypt's judiciary. The most prominent members of the Supreme Administrative Court, including the Chief Justice who had designed Egypt's civil code under the monarchy, were forced to resign. Throughout the 1950s and 1960s the courts were brought more closely under executive supervision. Additionally, President Nasser created a set of military and special courts that circumvented the regular courts; these special courts "had sweeping mandates, few procedural guidelines, no appeals process," and were typically staffed by members of the military. The most famous and significant blow to the judiciary came in 1969 and came to be known as the "Massacre of the Judges." Amid calls for political and judicial reform by the Judges' Association and the Lawyers Syndicate, Nasser passed laws that dismissed more than 200 judicial officials, dissolved the board of the Judges Association (replacing it with a regime-appointed council), and created the Supreme Council of Judicial Organizations which gave the executive "greater control over judicial appointments, promotions, and disciplinary action."[16]

However, Nasser's successor, President Anwar Sadat, reversed this weakening of the judiciary. Determined to discard Egypt's socialist policies and attract foreign

[16] Tamir Moustafa, "Law versus the State: The Judicialization of Politics in Egypt," *Law and Social Inquiry* vol. 28, no. 4 (Autumn 2003): 888-889.

investment, Sadat chose to strengthen institutional guarantees on private property rights by establishing an independent constitutional court with powers of judicial review. Previous laws guaranteeing private investment were ineffective, largely because the ruling party in the People's Assembly was not seen as an effective veto player within the regime; the NDP held the overwhelming majority of parliamentary seats, and so the President could conceivably push through legislation to alter private property rights.[17] Sadat wanted to reassure foreign investors that laws would be procedurally sound. And so Sadat decided to "tie his hands" and allow greater judicial independence, in the hope that the courts could enforce private property rights and increase economic activity. Sadat reinstated all the dismissed judges from 1969, reinstated the elected council for the Judges Association, and established a new Supreme Constitutional Court (Fahmy 2002: 52).

From Sadat's time onward, the new Supreme Constitutional Court (SCC) enjoyed a great deal of autonomy and power. The SCC was given the power of judicial review; the SCC had the authority to declare legislation unconstitutional. Though the President had the formal power to appoint the Chief Justice of the SCC, a norm developed where the most senior justice from the court was automatically selected to be Chief Justice.[18] The President had the formal power to select new justices from two candidates, with one nominated by the general assembly of the court

[17] Former Prime Minister Mustafa Khalil: "A major problem was that the NDP [the ruling party], having the majority in the People's Assembly, could push through any legislation it wanted and change the previous laws. This was at the forefront of Sadat's thinking when he created the Supreme Constitutional Court. He primarily wanted to make guarantees [to investors] that laws would be procedurally and substantively sound." See Tamir Moustafa, "Law versus the State," 893.
[18] This norm changed after 2001, when Mubarak could no longer allow SCC independence to undermine his political rule. I discuss the breaking of this norm later in the chapter.

and one nominated by the Chief Justice. However, in practice both the court assembly and the Chief Justice agreed upon the same nominee. In addition, justices could not be lawfully removed by the President, and disciplinary action (including criminal prosecution) could only be dealt by the court's general assembly. And the SCC exercised full control over its financial and administrative matters; by doing so, the court could avoid corruption at the hands of the executive (such as the President paying judges as consultants to ministries). In this way, the Supreme Constitutional Court became a self-contained institution, free from presidential interference (Moustafa 2003: 893-894).

The SCC, with its accompanying autonomy and power, accomplished the goal of reassuring investors of their private property rights. In 1983, the Court ruled that private investors were entitled to fair compensation by the government when the state nationalized companies. The same year, the Court ruled against land confiscation without due compensation from the government. The SCC also handed down rulings involving landlord-tenant relations, striking down a 1977 law that had frozen rental prices from that year onward and that had allowed rental contracts of commercial properties to automatically be passed on to family members. The SCC also ruled on fiscal policy, striking down a law on excessive taxation on vacant land, ruling that the exorbitant tax rate inevitably led to land confiscation. And the Court overruled a government attempt to tax citizens retroactively. In short, the SCC had become a credible veto player within the regime by successfully overturning a number of

Nasser-era economic laws on privatization, taxation, rent control, and compensation.[19] The credibility depended on the high cost in forgone investment that a President would pay if he intervened in judicial affairs.

B. Judicial Rulings on Political Rights

But in addition to protecting property rights, the SCC began to exploit its autonomy and power to challenge the President over critical political issues. In 1985 the Court ruled against presidential decrees by declaring that Mubarak's decrees had not met proper procedural requirements.[20] Though the SCC ruling did not overrule the entire practice, it was successful in restraining Mubarak, who afterwards issued far fewer decrees than Sadat and Nasser. In 1993, the SCC ruled on press liberties, declaring that defendants (e.g. the political opposition) in libel cases no longer had to validate their statements to prosecutors (e.g. the government) within five days; the SCC ruled that the libel law violated "the freedom of opinion" guaranteed by Article 47 of the Constitution. Also, the Court held that political parties and the editors of newspapers were not criminally liable in libel suits launched by the government.[21]

The SCC also ventured into laws governing political participation. In 1986, the Court ruled that it was unconstitutional to bar those whom the government accused of corrupting political life before 1952; the ruling allowed hundreds of prerevolutionary figures to participate in elections. A similar ruling a year later struck down a law that had prohibited political participation for those convicted in a

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[19] Tamir Moustafa, *The Struggle for Constitutional Power*, 92-93, 123-126, 132-135.
[20] The decree must be when legislature is not in session, when the President faces a critical situation requiring immediate action, and requires Assembly approval afterwards. See Tamir Moustafa, *The Struggle for Constitutional Power*, 102.
[21] Tamir Moustafa, *The Struggle for Constitutional Power*, 102-103, 141-142.

government crackdown in 1971. And over PPAC objections, the judiciary began to legalize political parties; by 1995, 10 out of 13 opposition parties owed their existence to court rulings. Egypt's reformist judiciary came to be a source of "insulated liberalism" in an otherwise illiberal political system.[22]

C. Judicial Rulings on the Electoral System

The Court's bold rulings on political laws were matched by equally bold rulings on Egypt's electoral system. For the 1984 parliamentary elections, Egypt employed a proportional representation (PR) list system that allowed only officially sanctioned parties to participate. The list system gave the appearance of a multiparty competitive system. But as previously discussed, the legal status of political parties was regulated by the PPAC. And emergency powers allowed the President to discipline and dissolve political parties. Opposition party leaders were thus beholden to the executive for their position and status. In turn, opposition party candidates were beholden to their party leaders who determined the list order on the ballot; outspoken critics of the regime were typically placed down the list. As the editor of an Egyptian independent newspaper put it: "Internally, the opposition parties have the same setup as the NDP…it's the same bunch in control, it's the same aging leadership, it's the same authoritarian structure."[23]

In 1987, the SCC ruled that the 1984 legislative elections were unconstitutional, per the equal opportunity clauses of Articles 8, 40, and 62 of the

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[22] Tamir Moustafa, "Law versus the State," 896, 907; and Tamir Moustafa, *The Struggle for Constitutional Power*, 103.
[23] Elizabeth Bryant, "Analysis: Egyptian Elections Hold Little Promise of Change," *United Press International*, 29 September 2000.

Constitution. The Court argued that the PR-list system discriminated against independents. Judicial watchers understood the Court was in fact attempting to undo the executive's corporatist control over the political opposition; the executive would have a much more difficult time controlling the behavior of thousands of independent candidates rather than a handful of parties. The executive agreed to dissolve the 1986 Assembly and conduct early elections in 1987. But Mubarak did as little as possible to comply with the SCC ruling. Rather than completely abandon PR, the government responded with a mixed system. The new system assigned two seats per district for independent candidates, for a total of 48 seats out of 448 (Moustafa 2007: 97-99).

Once again, the SCC ruled the electoral system unconstitutional. The Court in 1990 ruled that the new mixed system accommodating party lists and independent candidates still did not fulfill the equality clauses of Articles 8 and 40 of the Constitution. Reluctant to disrupt judicial independence, Mubarak agreed to dissolve parliament again and hold early elections in 1990. And this time, Mubarak acquiesced and completely abandoned PR in favor of majority runoff single member districts. Whereas before the Brotherhood was banned from competition due to party legality, its members could now compete as independents. With its corporatist system of opposition party control undermined, the regime was forced to rely on alternate ways of securing NDP victories. The regime apportioned districts to minimize opposition wins, detained opposition supporters, and committed unprecedented levels of electoral fraud in the 1990 and 1995 elections.

D. An Emerging "Judicial Support Network" and Executive-Judicial Conflict

The rulings in the political and electoral sphere demonstrated to Egyptian activists that the SCC provided an avenue to meaningfully challenge executive actions from within the existing political structure. The SCC, in turn, recognized that these societal actors provided a vocal support structure for judicial independence; the Lawyers Syndicate, Judges Association, human rights organizations, and opposition parties could offer newspaper editorials, protests, and strikes when judicial independence was threatened by the regime. The courts would provide legal protection and institutional openings to the political opposition, and in exchange these societal groups would document violations, initiate litigation, and demonstrate on behalf of the judges. Tamir Moustafa (2007: 6-7) coined this relationship the "judicial support network," and cites this alliance for expanding the SCC's mandate in the 1980s and 1990s.

This emerging alliance and the judicial rulings on political rights set the stage for a confrontation between the SCC and conservatives within the regime. In a lengthy interview in 1996, the Speaker of the Assembly criticized the SCC's liberal reading of the Constitution and hinted that the court's activism could produce a crisis similar to Franklin Roosevelt's 1937 plan to pack the U.S. Supreme Court. The Speaker suggested that the regime adopt "a process of abstract review," whereby the SCC would examine laws in their draft stage at the recommendation of the President, Speaker, or Prime Minister, after which the laws would then be immune from legal review. The Chief Justice of the SCC in 1996 countered in his own interview that

reviewing drafts of law at the recommendation of these regime leaders would completely undermine the Court's work. In 1997, NDP members in the legislature made additional threats to strip the SCC of its powers of judicial review, but legislators never followed through on these threats.[24] So long as the President's political power was not directly in danger, the need for protecting the interests of investors outweighed the risk the Court posed for Mubarak. As described later, however, this calculus changed when a Court ruling in 2000 essentially proscribed the stuffing of ballot boxes, which denied the regime of its most trusted method of rigging election results and forced the President to intervene against the courts.

V. Full Judicial Supervision of the 2000 Parliamentary Elections

Prior to 2000, Egypt's elections were primarily monitored by members of the executive branch. Although Article 88 of the Egyptian Constitution stated that "balloting take place under the supervision of a judicial body", electoral laws had allowed civil servants from the executive to administer and supervise the elections.[25] The executive had argued for decades that the lack of judges made full judicial oversight of elections logistically impossible. With about 6,000 judges available, there were insufficient personnel from the judiciary to supervise the 40,000 polling stations across the country.[26] Thus, judges were relegated to observing the vote at a small number of central voting centers, leaving tens of thousands of auxiliary stations

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[24] For a discussion of these threats, see Tamir Moustafa, *The Struggle for Constitutional Power*, 169-172.
[25] Nathan Brown, Michele Dunne, and Amr Hamzawy "Egypt's Controversial Constitutional Amendments: A Textual Analysis," *Carnegie Endowment for International Peace*, 23 March 2007, 3, <www.carnegieendowment.org/.../egypt_constitution_webcommentary01.pdf> (September 22, 2009).
[26] Bassem Mroue, "Parliament Approves Mubarak's Amendments to Election Law," *Associated Press*, 16 July 2000.

without any judicial oversight. In the absence of judicial oversight, electoral laws ensured tight executive management over ballot processing within most stations. For instance, per Article 24 of a 1956 electoral law, the directors of voting stations were required to be public sector employees appointed by the Interior Ministry. Furthermore, Article 32 of the same electoral law required the director to sign a voter's certificate to validate his or her vote, and required a station secretary to sign the voting list for each voter, but the law did not require any signature by the voter (Goodson and Radwan 1997). These laws controlling the staffing of polling stations and the validation of votes allowed for egregious executive-perpetrated fraud inside Egypt's polling stations. The above protections for vote-rigging, however, came under threat in 2000.

On June 30, 2000, state security services arrested Saad Eddin Ibrahim, director of the Ibn Khaldun Center for Human Rights at the American University in Cairo, as well as other democratic activists for "cooperating" with foreign countries and "foment[ing] internal problems that…threaten[ed] Egypt's stability." Prosecutors accused Ibrahim of attempting "to tarnish Egypt's reputation, both at home and abroad, and to make a film deriding the government."[27]

Ibrahim's arrest was part of a government crackdown to "dissuade and terrify" activists who had monitored and documented irregularities in the 1995 parliamentary elections, so that activists would not do so again in the 2000 elections.[28] The Ibn Khaldun Center reported fraud and irregularities in 88 polling stations in the 1995

[27] "Egyptian Human Rights Activist Arrested," *Agence France Presse (English)*, 1 July 2000.
[28] "Egyptian Human Rights Activist Arrested," *Agence France Presse (English)*, 1 July 2000.

elections; these allegations of fraud led to litigation, which in turn led to the courts reversing the outcomes of several races.[29] Ibrahim stated that his arrest was "all about [the] elections," and accused the government of concocting the charges against him to prevent independent election monitoring.[30] Ibrahim's son agreed, stating that his father's intent to organize "an independent monitoring and observation team to assess the fairness of the [2000] Parliamentary elections in November did not fit the State's agenda."[31]

The government's case against Ibrahim and other NGOs largely succeeded in intimidating election monitoring by domestic groups.[32] Ibrahim announced that the Ibn Khaldun Center would suspend all activities, including that of observing the parliamentary elections, until the end of his trial.[33] He cited his desire "to avoid confrontation with the security services."[34] Out of the six human rights groups that monitored the 1995 vote, only one committed to repeat election monitoring in 2000; the others abstained out of fear of government reprisal.[35] Ultimately, only the Egyptian Organization for Human Rights (EOHR) monitored the elections, but due to

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[29] Marian Fam, "Rights Campaigner Says Detention is Political; Threatens to Stop Cooperation," *Associated Press Worldstream*, 29 July 2000.
[30] Salah Nasrawi, "Prominent Activist Released after Five Weeks in Detention," *The Associated Press (Thursday, BC cycle)*, 10 August 2000. Also see: Fam, "Rights Campaigner Says Detention is Political," 29 July 2000.
[31] Amir Ibrahim, "Egypt; Professor Saad Eddin Ibrahim Arrested," *Egyptian Organization for Human Rights*, in *Africa News*, 19 July 2000.
[32] "'Intimidated' Egyptian Rights Groups Wary of Monitoring Elections: Experts," *Agence France Presse (English)*, 20 September 2000.
[33] "US-Egyptian Rights Activist Suspends Activities until End of Trial," *Agence France Presse (English)*, 3 October 2000.
[34] Ibrahim instead used a much smaller force of student volunteers in a limited number of districts in and around Cairo to avoid scrutiny by the state. See: "'Intimidated' Egyptian Rights Groups Wary of Monitoring Elections: Experts," *Agence France Presse (English)*, 20 September 2000.
[35] Two of the groups stopped their activities because of overbearing government restrictions on NGOs. See: "'Intimidated' Egyptian Rights Groups Wary of Monitoring Elections: Experts," *Agence France Presse (English)*, 20 September 2000.

government restrictions EOHR had to close four of its regional offices, reduce its staff in Cairo by 60%, and monitor less than 20% of constituencies.[36] Without an extensive campaign by NGOs to monitor the 2000 elections, Egypt's conservatives seemed ready once again to commit fraud to favor the NDP.

In response to Ibrahim's detention and the crackdown on NGOs, the SCC issued a landmark ruling on July 8, 2000, that required full judicial supervision for future elections.[37] The Court ruled that current laws did not give judges the proper authority over the vote as mandated by Article 88 of the Egyptian Constitution.[38] The judgment overturned a 1956 electoral law that called for civil servants to head the committees in charge of the polling booths (the duties of which include ensuring those who vote are listed on the registration lists).[39] And the SCC ruled that presidential objections based on insufficient numbers of judicial personnel were inadequate.[40] The Court invalidated the results of the 1990 and 1995 elections, essentially declaring the sitting parliament illegitimate.[41] Democracy advocates called the ruling a show of

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[36] Tamir Moustafa, "Law versus the State," 922.
[37] Ibrahim noted that "the SCC could have made the ruling a year earlier or a year later," and that the decision likely had to do with the detention of the Ibn Khaldun staff. See Tamir Moustafa, *The Struggle for Constitutional Power*, 192. For another account of the strategic timing of the Court's decision, see: Mariam Fam, "Civil Rights Activists Welcome New Rule on Elections," *Associated Press Worldstream*, 9 July 2000.
[38] "The SCC ruling stated unequivocally that article 24 of law 73/1956 was unconstitutional because it allowed for public sector employees to supervise polling stations despite… Article 88." See Tamir Moustafa, "Law versus the State," 920. The ruling also declared Sections 3 and 4 of Article 2 of Law 38/1972 unconstitutional. See Thabet, "Egyptian Parliamentary Elections: Between Democratisation and Autocracy," 13. See also Mona Makram-Ebeid, "Egypt's 2000 Parliamentary Elections," *Middle East Policy* 8.2 (June 2001).
[39] Mariam Fam, "Civil Rights Activists Welcome New Rule On Elections," *Associated Press Worldstream*, 9 July 2000.
[40] "Egypt: Government Studies Ruling on Unconstitutionality of Political Rights Law," *MENA news agency (Cairo, in English)*, 9 July 2000, in *BBC Monitoring Middle East – Political (Supplied by BBC Worldwide Monitoring)*, 9 July 2000.
[41] Mona Makram-Ebeid, "Egypt's 2000 Parliamentary Elections," *Middle East Policy* 8.2 (June 2001).

"unprecedented bravery."[42] The Wafd Party's Ayman Nour said, "this ruling and the previous others will unquestionably affect the future of domestic politics…the judiciary has nearly taken over the role of the political parties in forcing the government to take action in the direction of greater democracy."[43]

If President Mubarak refused to comply with the SCC's decision, it would have reversed a carefully cultivated signal to investors that Egypt's executive was intent on respecting court rulings. Therefore, Mubarak issued a Presidential decree (later ratified by Parliament) that amended the electoral laws so that the judiciary now supervised the identification of registered voters and vote-counting at the polls. To allow the relatively small number of judges to monitor the elections, voting stations would be merged to reduce their number, from 40,000 to about 15,000.[44] Also voting would be staggered across three regions in three stages (instead of the usual one-day nationwide vote).[45] In this way, judges would have the time to travel around the country and be in place at all main and auxiliary polling stations. Each of the three stages consisted of a preliminary vote and, if necessary, a runoff. A total of 444

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[42] Mariam Fam, "Civil Rights Activists Welcome New Rule on Elections," *Associated Press Worldstream*, 9 July 2000.
[43] Gamal Essam El-Din, "Counting on the Courts," *Al-Ahram Weekly*, Issue no. 493, 3 - 9 August 2000, <http://weekly.ahram.org.eg/2000/493/eg2.htm> (September 25, 2009).
[44] "Egypt: Official Reviews Election Procedures, Judicial Supervision," *MENA news agency (Cairo, in English)*, 26 September 2000, in *BBC Monitoring Middle East – Political (Supplied by BBC Worldwide Monitoring)*, 26 September 2000.
[45] Voting in 2000 occurred from October 18 through October 25 in the southern provinces, from October 29 through November 5 in the Nile Delta provinces, and from November 8 through November 15 in Cairo and surrounding provinces. For dates see, Thabet, "Egyptian Parliamentary Elections," 14. For regions see, "Egyptian Parliamentary Elections to Start October 18," *Deutsche Presse-Agentur (Sunday, BC Cycle)*, 10 September 2000.

People's Assembly seats would be decided by elections (with another 10 seats decided by presidential appointment).[46]

Judges would now head the parliamentary election committees.[47] Their duties would include watching the vote and sealing the ballot boxes.[48] Ballot boxes would be carried from polling stations to counting centers under the supervision of judges.[49] And the vote-counting committee would consist of a judge and members from two auxiliary stations chosen by the judge.[50]

VI. Executive Countermoves

Despite the landmark SCC ruling, Egypt's executive was intent on maintaining the dominance of the NDP. Instead of completely handing over the task of administering the election committees to the SCC or the Judges Association, the executive interpreted the ruling to allow the Justice Ministry to coordinate judicial supervision; although the courts would now nominate the members who would supervise the voting process, the Minister of Justice (who served at the pleasure of the President) would be responsible for selecting from this list of nominees the person

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[46] Salah Nasrawi, "Mubarak Sets Election Dates," *Associated Press Worldstream*, 10 September 2000.
[47] "Egypt: Consultative Council Approves Amendments to Election Law," *MENA news agency (Cairo, in English)*, 15 July 2000, in *BBC Monitoring Middle East – Political (Supplied by BBC Worldwide Monitoring)*, 15 July 2000.
[48] See Ghisline Alleaume's statement in: Michel Sailhan, "Egyptian Judiciary Opens Door Wider to Political Opposition," *Agence France Presse (English)*, 26 October 2000.
[49] "Elections Taking Place "in complete neutrality", Stresses Minister," *MENA news agency (Cairo, in English)*, 25 October 2000, in *BBC Summary of World Broadcasts*, Part 4 The Middle East (hereafter cited as *BBC SWB*, Part 4), ME/D3982/MED, 27 October 2000.
[50] "Egypt: Consultative Council Approves Presidential Decree on Political Rights," *MENA news agency (Cairo, in English)*, 13 July 2000, in *BBC Monitoring Middle East – Political (Supplied by BBC Worldwide Monitoring)*, 13 July 2000.

who would ultimately chair each election committee for each polling station.[51] Additionally, the executive interpreted "judicial oversight" to include not only judges from the SCC and the lower administrative courts, but also quasi-judicial personnel from the Prosecutor's Office, the Interior and Justice Ministries, the Judicial Inspection Office, and members of the State Litigation Authority—all institutions that are under direct control of the executive (Thabet 2006: 20). Using these powers, the Justice Ministry prevented many reformist judges from assuming supervisory roles.[52]

In addition, the executive relied on other powers to influence the election. Many of the judicial personnel were given a large bonus by the executive in an effort to corrupt them.[53] And the Interior Ministry still compiled the voting lists, allowing the rolls to be filled with false names.[54]

The Interior Ministry also exploited its control over candidate registration. Nearly half of Egypt's adult population is illiterate, and so candidates are allowed to use symbols and pictograms to identify themselves on the ballot. However, the Interior Ministry chooses the order in which symbols are doled out to candidates, and electoral officers gave NDP candidates an edge by allowing them first pick over

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[51] "Egypt: Consultative Council Approves Presidential Decree on Political Rights," *MENA news agency (Cairo, in English)*, 13 July 2000, in *BBC Monitoring Middle East – Political (Supplied by BBC Worldwide Monitoring)*, 13 July 2000. Also see "Egypt: Consultative Council Approves Amendments to Election Law," *MENA news agency (Cairo, in English)*, 15 July 2000, in *BBC Monitoring Middle East – Political (Supplied by BBC Worldwide Monitoring)*, 15 July 2000.

[52] Chief Justices, presidents, and vice-presidents of the courts of appeal were not selected to supervise the vote. See "Judges Oppose Ministers' Decision on Election Procedure," *Al-Wafd (Cairo, in Arabic)*, p. 1, 19 September 2000, in *BBC SWB*, Part 4, ME/D3952/MED [3], 22 September 2000.

[53] Tamir Moustafa, *The Struggle for Constitutional Power*, 192-193.

[54] For example, a village in the Samannud district had 11,070 voters on its voter roll, despite the fact that the village only had a population of 6,159. Nearly 5,000 of the names were non-residents and many of the names on the list were included multiple times. A suit alleged that the police and local politicians had engineered the list to ensure election of the NDP candidates. See "Opposition Paper Alleges Pre-Election Irregularities In Al-Gharbiyah," *Al-Wafd (Cairo, in Arabic)*, p. 1, 12 October 2000, in *BBC SWB*, Part 4, ME/D3973/MED, 17 October 2000.

symbols.[55] "The principle of first-come, first-served was not observed," resulting in "angry scenes in the registration hall."[56] "Even people who showed up at 7 am were told forget it, number one and number two are already taken."[57] Thus, candidates of the ruling party were able to identify themselves on ballots by the two most popular signs: the camel (an animal that symbolizes strength and patience, and is mentioned often in the Koran) and the crescent (the emblem of Islam). Opposition candidates were relegated to more provocative symbols—such as the hand (a pagan icon)—or meaningless symbols—such as the umbrella (which is rarely used in Egypt).[58]

Executive control over state television, radio, and newspapers also helped the electoral prospects of the NDP by skewing favorable coverage toward the ruling party. In the year prior to the elections, the state media bombarded the public with NDP achievements. When it came time for the election campaign, the Minister of Information allotted 40 minutes to official parties, but only four minutes for independent candidates to discuss their programs. A lack of financial resources crippled the campaigns of opposition parties; public financing was barely enough to cover monthly rent for a party's headquarters and official newspaper. Many Nasserite Party members declined to run after the party announced it could not offer them financial assistance. As for independent candidates, a hefty registration fee was required, and additional monies were required to hold conferences, print banners, and

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[55] Mariam Fam, Untitled, *Associated Press Worldstream*, 21 September 2000.
[56] Jasper Mortimer, "Voters Choose Among a Date Palm, a Yacht, a Camel or a Rifle," *Associated Press Worldstream*, 8 November 2000.
[57] Elizabeth Bryant, "Egypt To Send Professor To Trial," *United Press International*, 25 September 2000.
[58] Jasper Mortimer, "Voters Choose Among a Date Palm, a Yacht, a Camel or a Rifle," *Associated Press Worldstream*, 8 November 2000.

mount an effective campaign, thus allowing only the most affluent independents to compete. NDP candidates, however, were provided with public cars, public conference halls, aides from the public sector, and a budget worth millions. Public sector employees were instructed by local state officials to vote for NDP candidates, and government vehicles were used to transport these employees to voting centers. And strategic public locations were set aside for NDP candidates to display their campaign posters.[59]

Finally, executive control over political parties (through the PPAC) allowed the 2000 parliamentary elections to proceed without legal recognition of the country's largest opposition force—the Muslim Brotherhood. The Brotherhood was the only political organization that had a countrywide infrastructure to effectively mount a national challenge against the NDP. The ban on the Brotherhood meant that candidates would be forced to run as independents, hindering coordination among its members. In addition, the security services arrested over a thousand Muslim Brotherhood members without trial in an attempt to crush their parliamentary hopes.[60] Twenty prominent Brotherhood members were jailed for over a year, and their verdicts were postponed three times by military courts in order "to stop the defendants

[59] Azza Kahttab, "The Gardal and the Kanaka," *Emerging Markets Datafile (Egypt Today)*, 1 November 2000. Also see Hala G. Thabet, "Egyptian Parliamentary Elections: Between Democratisation and Autocracy," *Africa Development* 31.3 (2006): 21.
[60] "Egypt's Month-Long Elections Begin Wednesday without Islamist Element," *Agence France Presse (English)*, 17 October 2000. Also see Peter King, "Military Court Due To Pass Verdict on 20 Egyptian Muslim Brothers," *Agence France Presse (English)*, 6 November 2000.

from standing for parliament if found not guilty."[61] And during the campaign, police routinely tore down Brotherhood banners and posters.[62]

VII. State-perpetrated Violence in the 2000 Parliamentary Elections

The most egregious form of electoral manipulation by the executive was its heavy use of intimidation and violence by security forces. During the first round of voting, would-be voters in Ashmun (25 miles northwest of Cairo) were turned away from their assigned polling station by police. The judge in charge of election monitoring in Ashmun admitted that police were restricting voters from entering polling stations but that he was powerless to stop them. Out of frustration, the would-be voters "gathered outside the courthouse and pelted police trucks with stones." Police responded by firing tear gas and live ammunition at the crowd. One person was killed, over 25 were injured, and 74 were detained for incitement and rioting. Similar clashes occurred "near the northeastern city of Port Said, the northern district of Beheira, and the Suez Canal city of Ismailiya."[63]

The police continued cordoning off polling stations and denying access to voters during the second round of voting. A witness in the Mediterranean town of Damietta charged that "even before polls opened at 8 am, police formed rings around polling stations and blocked voters from entering." Meanwhile the judges, faced with police action, were once again helpless. "The magistrate who was at the voting station

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[61] Peter King, "Military Court Due to Pass Verdict on 20 Egyptian Muslim Brothers," *Agence France Presse (English)*, 6 November 2000.
[62] Dale Gavlak, "Islamists Battle Mubarak's Ruling Party in Egyptian Parliament Vote," *United Press International*, 18 October 2000.
[63] Mariam Fam, "Security Forces Clash With Opposition Supporters in Egypt," *The Associated Press (Tuesday, BC cycle)*, 24 October 2000. Also see Mona Salem, "Seven Islamists Elected to Egyptian Parliament in First Phase," *Agence France Presse (English)*, 25 October 2000.

himself got on the phone with the governor of Damietta and the director of security forces to protest against the ban on some people voting, but to no avail," said the principal of a local girls school. Angry residents started throwing stones at the police, who responded with guns and tear-gas. Nineteen were injured in the Damietta clashes, including three people hit by bullets. In Sandub, a village 80 miles north of Cairo, residents supporting the Islamist candidate were turned away from the polling station, and deliberately left off the voter lists. The residents protested in anger, blocked the transport of the ballot boxes, threw rocks at the police, and burned tires to block the roads. Police reinforcements were brought in to disperse the protestors, leading to dozens of injuries. Similar clashes between voters and security forces occurred in the towns of Tanta, Atmeeda, and Kafr El-Zayat. "This is a new method used by the security services to falsify the elections, as with the presence of a judge in each voting station they can no longer stuff the ballot boxes like they did in the past," said a Muslim Brotherhood official.[64]

Police actions were not restricted to just cordoning off polling stations. State security forces in Damietta "detained people randomly" to frighten off Brotherhood voters.[65] An opposition information officer accused the police of arresting the brother of a Wafd Party candidate in the northern town of Abu Kebir "for no reason."[66]

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[64] "Eight Injured As Egyptians Head To Polls," *Agence France Presse (English)*, 4 November 2000; "Four Killed, 80 Injured In Runoffs For Egyptian Parliament Elections," *Deutsche Presse-Agentur (Saturday, BC Cycle)*, 4 November 2000; "Isolated Clashes as Egyptians Vote In Parliamentary Elections," *Agence France Presse (English)*, 29 October 2000.
[65] "Egyptians Vote In Second Stage of Parliament Elections," *Agence France Presse (English)*, 29 October 2000.
[66] "Egyptians Vote In Second Stage of Parliament Elections," *Agence France Presse (English)*, 29 October 2000.

Residents of Abu Kbir told reporters they were too frightened to go to the polls because of recent arrests and the arrival of six truckloads of troops.[67] Opposition candidates in Gharbiya governorate reported that their supporters had been intimidated into not voting, and claimed their supporters had been arrested for posting elections posters on walls.[68] In Dhakala governorate, a Brotherhood candidate accused police of confiscating the identity cards of 1,500 of his supporters to prevent them from voting.[69]

The third and final round of voting saw security services step up their heavy-handed tactics. In the Dokki neighborhood, a Brotherhood candidate was attacked as he drove to the polling station; his car tires were slashed and a mob beat his car doors.[70] In Cairo's Giza district, a Brotherhood candidate complained that his supporters were prevented from entering a polling station, even after the supervisory judge ordered the security forces to let the voters through.[71] In Ein Shams and Matareya in eastern Cairo, security forces arrested over a dozen bearded men and veiled women to prevent them from voting.[72] In Assiut province, veiled women were

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[67] "Eight Injured as Egyptians Head To Polls," *Agence France Presse (English)*, 4 November 2000.
[68] "Voting Underway In Egypt for Second Stage of Parliament Elections," *Agence France Presse (English)*, 29 October 2000.
[69] "Voting Underway In Egypt for Second Stage of Parliament Elections," *Agence France Presse (English)*, 29 October 2000.
[70] Susan Sachs, "Parliament Elections in Egypt Marred by Scattered Violence," *The New York Times (Thursday, Late Edition - Final),* 9 November 2000, Section A:14, column 5.
[71] Jasper Mortimer, "Voters Choose Among a Date Palm, a Yacht, a Camel or a Rifle," *Associated Press Worldstream*, 8 November 2000.
[72] Police assumed these voters would cast their ballots for the Brotherhood, since beards and veils are signs of religious conservatism in Egypt. Mortimer, "Voters Choose Among a Date Palm…," 8 November 2000.

physically harassed and had their voting cards confiscated.[73] In Kerdasa, a town 10 miles west of Cairo, policemen chased voters into the surrounding fields to keep them away from the polling station.[74]

Where Brotherhood candidates were expected to do well, police ringed polling stations and allowed "only a trickle of voters to cast their ballots."[75] In Hawamdiya (a southern Cairo neighborhood), the entrance to the main road was closed off by metal barricades and guarded by riot police, effectively shutting down three polling stations.[76] Plainclothes policeman pressured voters into revealing who they would vote for in order to allow only NDP supporters through the blockade.[77] Police also blocked polling stations and fired tear gas at would-be voters in the southern Cairo district of Maadi. A voter yelled, "Is this the democracy that Mubarak is calling for?" after he was prevented from entering a polling station.[78] Independent candidate Abdel Barri Abu Sreaa begged voters not to leave, but then conceded that "they are not letting anyone in except NDP people."[79] Some of the deadliest violence occurred in El-Amar village (22 miles north of Cairo) when supporters of independent candidate Omar Amer broke down the doors of polling stations after they were blocked from voting. Police fired live ammunition and "pummeled opposition supporters with

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[73] Sarah El Deeb, "Voters, opposition groups criticize final runoffs of Egyptian elections," *Associated Press Worldstream*, 14 November 2000.
[74] Jasper Mortimer, "Voters Choose Among a Date Palm…," 8 November 2000.
[75] Jasper Mortimer, "Voters Choose Among a Date Palm…," 8 November 2000.
[76] Lamia Radi, "Egyptians Vote On Last Day of Elections Amid Charges Of Harassment," *Agence France Presse (English)*, 14 November 2000.
[77] Jasper Mortimer, "Voters Choose Among a Date Palm…," 8 November 2000.
[78] Mariam Fam, "Five Killed, Scores Injured In Egyptian Election Violence," *Associated Press (Tuesday, BC cycle)*, 14 November 2000.
[79] Susan Sachs, "Parliament Elections in Egypt Marred by Scattered Violence," *The New York Times (Thursday, Late Edition - Final),* 9 November 2000, Section A:14, column 5.

batons and tear gas," killing four and injuring five.[80] Hundreds of frustrated (would-be) voters in Shubra El Kheima, in northern Cairo, clashed with police when polls scheduled to open at 8 a.m. did not open until 1 p.m.[81] Police attacked protesters with batons, dogs, and tear gas, leaving one dead and 35 people injured.[82]

In all, 14 people were killed and hundreds injured in election-related violence in 2000.[83] One report counted 400 people arrested in the first round of the elections, and 1,400 during the second round of elections.[84] Another estimate counted 1,600 total arrested during the elections, in addition to 2,000 who were detained prior to the elections due to emergency laws.[85] Saad Eddin Ibrahim reported that the violence committed by the police was greater than previous parliamentary elections. [86] Opposition newspapers decried the conduct of the police. "Flagrant Bias by the Security Forces in Favor of the National Party," declared a headline in the Al-Wafd newspaper. [87] "Runoff Conducted under Tight Security Siege," headlined the Al-Ahrar newspaper.[88]

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[80] Mariam Fam, "Five Killed, Scores Injured…," 14 November 2000. Also see Sarah El Deeb, "Voters, opposition groups criticize final runoffs of Egyptian elections," *Associated Press Worldstream*, 14 November 2000.
[81] Sarah El Deeb, "Voters, opposition groups criticize final runoffs of Egyptian elections," *Associated Press Worldstream*, 14 November 2000.
[82] Jasper Mortimer, "Voters Choose Among a Date Palm…," 8 November 2000.
[83] Peter King, "Egypt's Ruling Party Grabs 85 Percent of Parliamentary Seats," *Agence France Presse (English)*, 15 November 2000.
[84] Thabet, "Egyptian Parliamentary Elections: Between Democratisation and Autocracy," 19.
[85] Amira Howeidy, "Capitalising on the Clampdown," *Al-Ahram Weekly*, Issue No.508, 16 - 22 November 2000.
[86] Peter King, "Egypt's Ruling Party Grabs 85 Percent of Parliamentary Seats," *Agence France Presse (English)*, 15 November 2000.
[87] Salah Nasrawi, "Egypt's Ruling Party Comfortably Re-Elected, Opponents Make Gains," *Associated Press (Wednesday, BC cycle)*, 15 November 2000.
[88] Salah Nasrawi, "Egypt's Ruling Party Comfortably Re-Elected, Opponents Make Gains," *Associated Press (Wednesday, BC cycle)*, 15 November 2000.

VIII. Election Results and the Impact of Judicial Supervision

The NDP's grip on the parliament loosened slightly, from 94 percent of the seats in 1995 to 87.8 percent in 2000 (Thabet 2006: 17). The small drop in seats would have been larger, if not for the 213 winning independents who then promptly switched to the ruling party; a near-majority of the 444 contested seats in the 2000 elections was won by dissidents who defeated the party's state-backed candidates and then folded into the NDP.[89] For comparison, 318 state-backed candidates won in 1995 (nearly 72 percent of parliamentary seats), with 99 independents folding into the NDP (about 22 percent of parliamentary seats).[90] Opposition gains in 2000 included seventeen Brotherhood parliamentarians, in contrast to no Brotherhood members in the outgoing Assembly; the most vocal critics of the regime, who had been foiled in previous elections, now had a small foothold in parliament.[91]

The slightly improved showing of the Brotherhood and the poor showing of officially-backed NDP candidates is largely credited to judicial supervision. Brotherhood spokesmen credited their 17 wins to the "honest and honorable role played by the judiciary."[92] "To say the truth, the judges are keeping their end of the

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[89] Only 175 out of 444 seats were won by state-backed NDP candidates in 2000 (and of those, only 52 won without a runoff). See Mona Makram-Ebeid, "Egypt's 2000 Parliamentary Elections," *Middle East Policy* 8.2 (June 2001). Also see Thabet, "Egyptian Parliamentary Elections: Between Democratisation and Autocracy," 17.

[90] Gamal Essam El-Din, "Unaccountably Independent," *Al-Ahram Weekly*, Issue No. 252, 21 - 27 December 1995, <weekly.ahram.org.eg/archives/1995elec/252_3.htm> (8 March 2010).

[91] There was only one Islamist (from the Labor party) in the outgoing Asssembly. See Mona Salem, "Seven Islamists Elected To Egyptian Parliament In First Phase," *Agence France Presse (English)*, 25 October 2000.

[92] Mona Salem, "Seven Islamists Elected To Egyptian Parliament In First Phase," *Agence France Presse (English)*, 25 October 2000.

bargain," said Brotherhood candidate Mohamed Morsi.[93] According to an analyst at the Al-Ahram Center for Political and Strategic Studies: "It's not like it used to be, with lists of dead or nonexistent people and ballots that were filled out in advance of the vote in police stations and NDP offices."[94] The Egyptian Organization for Human Rights stated that judicial supervision had "ended the legacy of stuffing ballot boxes."[95]

Still, executive power over party qualification, state patronage, and the security forces negated much of the judiciary's efforts. Though the Brotherhood and independent candidates benefitted from fairer ballot processing, final results did not meaningfully improve from the previous elections. Despite the number of dissidents ousting state-backed candidates, most independents eventually did fold into the NDP, giving the government party an overwhelming 388 out of 444 contested seats in the People's Assembly, with official opposition parties taking just 17 seats.[96] Control of parliament did not change, and the political opposition remained a small, insignificant minority.

Opposition forces argued that monitoring inside the stations led to intimidation in the streets, before voters reached the polling booths.[97] "The judges are a big help inside the polling stations, but they have no say in what happens outside," said a

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[93] Omar Shama, "Security Tight For Egypt Elections," *Associated Press Online*, 29 October 2000.
[94] Susan Sachs, "Parliament Elections in Egypt Marred by Scattered Violence," *The New York Times (Thursday, Late Edition - Final),* 9 November 2000, section A:14, column 5.
[95] Caroline Hawley, "Four Die after Riot Police Block Egyptian Polls," *The Independent (London)*, 15 November 2000: 16.
[96] "Egypt: Final count shows ruling NDP clear winner of "clean" elections – minister," *MENA news agency (Cairo, in English)*, 15 November 2000, in *BBC Monitoring Middle East – Political (Supplied by BBC Worldwide Monitoring)*, 15 November 2000.
[97] "Egyptians Vote In Second Stage of Parliament Elections," *Agence France Presse (English)*, 29 October 2000.

Brotherhood candidate.[98] "It's simple…These elections [were] free and fair but only if you…vote for the person the government wants," said one protestor.[99] A judge lamented that judicial supervision should have "[limited] the role of the police to securing the judges' safety and executing their order, not the other way around."[100] Meanwhile, the Wafd party denounced the independents that folded into the government party, and accused the NDP of "[subsisting] on others and not its own men."[101] Executive power over the state was decisive in tilting the electoral playing field in favor of the NDP.

IX. Post-Election Consequences

After the 2000 elections, President Mubarak set out to re-establish executive control over the electoral process. When reformist Chief Justice Asfour retired from the SCC in late 2001, Mubarak announced Fathi Naguib as his replacement, a conservative who had held the second most powerful post in the Justice Ministry. By appointing someone from outside the SCC, the President broke the strong norm that had developed over the previous two decades; though the President had the ability to appoint whomever he wished, "constitutional law scholars, political activists, and justices on the court themselves had come to believe that the president would never assert [that] kind of control over the court and that he would continue to abide by the

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[98] El Deeb, "Voters, opposition groups criticize final runoffs…," 14 November 2000.
[99] Caroline Hawley, "Four Die after Riot Police Block Egyptian Polls," *The Independent (London)*, 15 November 2000: 16.
[100] Azza Kahttab, "The Gardal and the Kanaka," *Emerging Markets Datafile (Egypt Today)*, 1 November 2000.
[101] Mona Salem, "Seven Islamists Elected To Egyptian Parliament In First Phase," *Agence France Presse (English)*, 25 October 2000. Also see "Opposition Paper Says Independents Who Join Ruling Party Guilty of Fraud," Al-Wafd (Cairo, in Arabic), p. 1-2, 28 October 2000, in *BBC SWB*, Part 4, ME/D3985/MED, 31 October 2000.

informal norm of simply appointing the most senior justice on the SCC."[102] Not only did Mubarak follow through with Naguib's appointment, but Naguib immediately added five new justices to the SCC, expanding the number of sitting justices on the SCC by 50%.[103] Additionally, Naguib proposed to divide the SCC into separate hierarchies, leaving the right of constitutional review to a new court packed with conservatives; these proposals were ultimately squashed by the other SCC judges, but the President had sent a clear signal that the Court had overreached in ruling for judicial supervision of elections.[104]

After the 2005 parliamentary elections (when Brotherhood candidates won even more seats), Mubarak used his powers to alter the constitution to formally end judicial interference in electoral matters. Mubarak issued a decree in 2007 that revised Article 88, transferring oversight responsibility of elections from judges to an electoral commission. The amendment also required that elections be held in one day (precluding any chance of the commission choosing judicial supervision exclusively), and left details regarding the composition and operation of the commission to the NDP-controlled parliament. Also, Mubarak revised Article 5, barring political parties from pursuing "any political activity…within any religious frame of reference."[105] The amendment was implemented to prevent the Court from legalizing the Muslim

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[102] Tamir Moustafa, "Law versus the State," 924.
[103] There is no formal rule regarding the number of sitting justices on the SCC, and it is unclear how deliberations unfolded within the SCC with regard to increasing the number of justices on the Court. See Tamir Moustafa, *The Struggle for Constitutional Power*, 199.
[104] Tamir Moustafa, "Law versus the State," 925.
[105] Nathan Brown, Michele Dunne, and Amr Hamzawy "Egypt's Controversial Constitutional Amendments: A Textual Analysis," *Carnegie Endowment for International Peace*, 23 March 2007, pg 11, <www.carnegieendowment.org/.../egypt_constitution_webcommentary01.pdf> (22 September 2009).

Brotherhood. Mubarak also revised Article 62, which called for a mixed system of party lists and individual districts. The amendment reiterated the parliament's right to specify whatever electoral system it wished, and explicitly stated that the government could "adopt a system that combines the individual district and party list systems in any ratio that it specifies."[106] The language would prevent the SCC from ruling that the electoral system was biased against independents (as it had done in the past). A return to a mixed system (with a very low percentage of seats allotted for individual districts) would hurt the electoral chances of the independent Brotherhood candidates while boosting the prospects (and re-establishing corporatist control) of legal opposition parties.

For the President, the 2000 ruling on judicial supervision proved to be a turning point in judicial-executive relations. Until that year, the Egyptian President, who had the constitutional balance of power in his favor, chose to refrain from encroaching on judicial matters in order for the Court to secure private property rights. But when the Court's independence removed his most trusted tactic for winning elections—stuffing the ballot box—concerns for private investment were eclipsed by the need to control the judiciary and the electoral process.

X. Theoretical Summary

The chapter narrative describes a strategic SCC that aimed for a fairer vote after NGO groups had been intimidated into not monitoring the 2000 parliamentary elections. The executive responded within the existing constitutional structure by

[106] Brown et al, 3-4, 11.

acquiescing to judicial supervision of balloting, while at the same time exploiting its own electoral powers to prevent opposition parties and candidates from competing on an equal playing field.

Egypt's constitutional framework guaranteed executive control over most aspects of the electoral process. The Interior Ministry compiled the voter lists and administered the elections. Via the PPAC, the executive banned all but the weakest opposition parties. Emergency powers allowed the President to interfere in the political activities of those parties that were legal. Campaign funding and media remained under the purview of the executive. The executive interpreted the SCC ruling on judicial supervision to allow the Justice Ministry to select quasi-judicial personnel for vote monitoring. And security forces were used to intimidate voters and prevent opposition supporters from voting. All the aforementioned powers demonstrate the executive's wide jurisdiction over Egypt's electoral process.

State patronage also played an important role by folding independent parliamentarians into the NDP. Voters in 2000 were clearly not happy with the regime, rejecting a near-majority of officially-backed NDP candidates in favor of independents. However, once elected, independents faced tremendous incentives to join the NDP; refusing to join the NDP would leave newly elected members shut out of the legislative process and unable to deliver to their constituents, dimming their reelection prospects. Additionally, the lack of a party organization created a collective action problem among independent parliamentarians if they chose to challenge the

regime from within the Assembly. Given these incentives, most newly elected parliamentarians joined the NDP.

The SCC enjoyed only limited jurisdiction over the electoral process. The Court was able to wield a blunt veto against previous electoral systems with its rulings in 1987 and 1990, but the SCC did not enjoy the power to actively craft the succeeding electoral systems. Judicial supervision restrained the executive from its usual electoral strategy of stuffing the ballot box, but the Court did not enjoy the power to specify how exactly the supervision would take shape. Moreover, free and fair elections require more than vote monitoring. As one Brotherhood member put it:

> Will judges turn into bodyguards, carrying the boxes on their shoulders? This is quite impossible…Elections [involve]…access to data, and the candidates' sense of security…not the fear of harassment or possibility of jail…How can I promote my program to reach out to citizens when I don't have enough publicity tools? We're trapped, restricted to delivering general principles, not a detailed program….TV and radio remain within the government's realm…[the government makes it] impossible to give other competing parties equal chances of representation.[107]

Ultimately, the executive's wide jurisdiction over the electoral process determined that the electoral opening in 2000 would be too small to dislodge the NDP. The regime had considerable leeway to engage in end runs around the judiciary. And what little electoral power the judiciary enjoyed, the executive ended after 2000 by selecting a conservative loyalist as new Chief Justice, packing the Court, and amending the very constitutional articles that the Court had relied upon for adjudicating electoral matters.

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[107] Azza Kahttab, "The Gardal and the Kanaka," *Emerging Markets Datafile (Egypt Today)*, 1 November 2000.

XI. Conclusion

This chapter examined the electoral politics of the 2000 Egyptian parliamentary elections, within the context of Egypt's constitutional structure. The Supreme Constitutional Court's rulings on political liberties and judicial supervision demonstrated the Court's willingness to challenge the executive. And the Egyptian executive's response to the SCC demonstrated that judicial activism posed a credible threat to its control over parliament. In the end, Egypt's highest court could not secure a fair vote in the face of an executive with superior institutional powers. Despite its autonomy from the executive, the Court's narrow electoral jurisdiction (which primarily consisted of vote monitoring), ensured little to no state opening could occur for Egypt's opposition candidates, and therefore no electoral upset could occur in Egypt's 2000 parliamentary elections. Conservatives in the executive still maintained control over campaign funding, the state media, the security services, state patronage, political participation, and the administration of the vote, and therefore the electoral playing field was still largely tilted towards the ruling National Democratic Party. Judicial supervision may have reduced the practice of stuffing ballot boxes, but vote monitoring was not enough to offer the opposition equal footing.[108] The chapter narrative thus confirms the hypothesis from Chapter 2.

The results of the chapter analysis suggest that Egypt's judiciary can provide only marginal improvements to an electoral process that is largely in the hands of the executive. Societal groups can observe the vote, voice their grievances, and initiate

[108] With the 2007 shift of vote supervision from the judiciary to an NDP-controlled electoral commission, the executive may once again be able to commit electoral fraud.

litigation, and hope the SCC will rule in their favor. But successful lawsuits cannot overcome executive implementation of the electoral process. And given Mubarak's intention in the last several years to rein in SCC independence, and given the Court's jurisdiction to only adjudicate law (and not legislate or execute law), one should not expect a genuine opening for Egypt's political opposition for the foreseeable future.

The narrative also speaks to the limits of how far concern for investors tied the hands of Mubarak in dealing with the judiciary. President Sadat provided the SCC with independence in the hopes that private investment and a growing economy would improve his own political prospects. Two decades later, the Court's autonomy had begun to threaten the President's political power; whatever economic benefits the SCC provided no longer outweighed the political threat that it posed for the executive.

The narrative also demonstrates the role of rules, norms, and accountability in a non-democratic system. Rules and norms meaningfully constrained political actors within Egypt's system. The executive respected the Court's rulings on elections; instead of refusing to carry out the Court's decisions, the executive used its institutional powers to influence other aspects of the electoral process. And when the executive could no longer tolerate judicial supervision of the vote, conservatives changed the very Constitutional articles that the Court relied on to adjudicate electoral matters.

The 2000 Egyptian elections serve as an effective "control" case—a case to compare with instances when a genuine opening is in fact provided to the opposition. The next chapter discusses the 1991 Algerian parliamentary elections, and illustrates

the consequences when reformists head the electoral process and conservatives are relegated to institutionally inferior positions.

Chapter 4: The Defeat of the FLN in the 1991 Algerian Parliamentary Elections

I. Introduction

On December 26, 1991, Algeria's ruling National Liberation Front (*Front de Libération Nationale* FLN) was routed in the country's first multiparty parliamentary elections. The Islamic Salvation Front (*Front Islamique du Salut* FIS) defeated the FLN in the first round of the elections, ending the monopoly on politics the FLN had enjoyed since the country's independence in 1962. The FIS received twice the number of votes as the FLN, captured 188 out of the 232 decided seats, and was predicted to win most of the remaining 198 seats in the second round of voting (Quandt 1998: 59). The results were a surprise to many observers both inside and outside the country who had expected the authoritarian system dominated by the FLN to continue. The government had passed a biased elections law in favor of the FLN and apportioned the electoral districts in favor of the FLN. Opposition parties expected the results to be rigged, and the FIS was considering a boycott until just before the elections.[1]

The FLN defeat triggered a series of events that ultimately led to the Algerian Civil War. Just a few days before the second round of elections, the army forced the resignation of President Chadli Bendjedid and installed a military high council to

[1] "Algeria in Brief: Interior Ministry Rebuffs FIS Doubts on Freedom of Electoral Process," *Algerian TV (Algiers, in Arabic)*, 26 November, 1991, in *BBC Summary of World Broadcasts*, Part 4 The Middle East, Africa and Latin America (hereafter cited as *BBC SWB*, Part 4), A, The Middle East, ME/1241/A/1, 28 November, 1991. Also see "North Africa in Brief: Algeria FFS Withdraws Support from Government: Says Elections Will Not Be Fair," *Radio France Internationale (Paris, in French)*, 23 October 1991, in *BBC SWB*, Part 4, A, The Middle East, ME/1213/A/1, 26 October 1991.

govern indefinitely.[2] The new council cancelled the parliamentary elections, postponed the presidential elections, banned the FIS, and arrested the FIS leadership. The security situation deteriorated quickly thereafter, as the armed wing of the FIS began to wage a guerilla war against the new military government. Offshoots of the FIS emerged in the following years, including the Armed Islamic Groups (GIA), which engaged in an especially gruesome campaign of terror.[3] The Algerian Civil War, sparked by the FIS election win and the military's annulment of those results, lasted from 1992-2002 and claimed over 100,000 lives.[4]

When the aborted elections and instability in Algeria are contrasted with the successful engineering of Egypt's parliamentary elections, a question comes to mind. Why did the Algerian government fail to properly engineer a FLN victory? Though some reports hint at complacency or incompetence, and other explanations focus on the strength of the FIS, I trace the failure to fix the elections to reformists within the regime, who used their institutional powers over the electoral process to sabotage the FLN.

Prior to 1989, President Chadli Bendjedid (1979-1992) and his reformist allies were hamstrung by a constitutional structure that checked their political and economic agenda. But in 1989 Bendjedid was able to push through a new constitution that severed the link between party and state. Under this new institutional framework,

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[2] Jonathan Randal, "Algerian Elections Canceled: Move Thwarts Drive by Muslim Radicals," *The Washington Post (Monday Final Edition)*, 13 January 1992: A1.
[3] Hugh Roberts, *Battlefield Algeria 1988-2002,* (London: Verso, 2002) 154-155, 164.
[4] "CIA - The World Factbook," *CIA - The World Factbook – Algeria*, 7 August 2008, <https://www.cia.gov/library/publications/the-world-factbook/geos/ag.html#Military> (19 August 2008).

reformists in the executive were able to purposefully undermine the FLN in the first multiparty parliamentary elections. Through the Interior Ministry and other executive agencies, reformists legalized the FLN's main challengers, supervised the vote, and financed and cooperated with opposition parties. In contrast, conservatives were institutionally relegated to the constitutionally inferior National Assembly, where their power to shape the electoral process was limited. As I hypothesized in Chapter Two, given the broad electoral jurisdiction of the reformist President, with little accountability to FLN conservatives in the Assembly, reformists succeeded in providing a large electoral opening to Algeria's opposition candidates.

This chapter is organized as follows. I begin by briefly discussing the political system of Algeria. I then examine economic and demographic pressures during the 1980s that strained this political system and created a rift between reformist President Bendjedid and conservatives within the FLN. I then discuss the introduction of the 1989 constitution that radically altered Algerian political institutions, separating party from state and empowering the reformist executive to manage the first multiparty parliamentary elections. I chronicle the reformist-conservative conflict over the format and administration of the election through the lens of this new constitutional structure. In particular, I focus on the discord between the reformist executive and the FLN National Assembly, as well as the intra-party conflict between the Bendjedid-appointed leadership and mid-level conservatives within the party apparatus. The narrative reveals an executive bent on downing the FLN, and a party and legislature powerless to stop it. I then present a theoretical summary of the preceding narrative,

noting the significance of Algeria's institutional structure in providing a genuine opening to the FIS. I address alternative explanations that the regime was simply negligent in election management and ignorant of the FIS electoral threat. I also address the possibility that the electoral opening provided by the state was a response to "people power," or pressure from the FIS. Both alternative explanations find little empirical support, however, and ignore the divisions within the regime, the institutional struggle over the electoral process, and the electoral consequences of that struggle. The conclusion of the chapter revisits the predictions laid out in Chapter 2 concerning the Algerian elections, and compares the Algerian case with that of Egypt.

II. Algeria's Constitutional Structure

Algeria's post-independence political system can best be described as a presidential dictatorship buttressed by the military. After ousting Algeria's first president in a military coup, Houari Boumédienne (1965-1978) imposed his authority over the country by concentrating power in the executive and ruling through his military-dominated Council of the Revolution from 1965-1975. A 1976 constitution (though creating new institutional structures such as a National Assembly) did not alter the primacy of the executive but rather reaffirmed Boumédienne as President, Prime Minister, Commander-in-Chief, Defense Minister, and Secretary General of the FLN. After Boumédienne's death in 1978, the FLN and army selected Colonel Chadli Bendjedid as Algeria's next president, with Bendjedid inheriting nearly the same overarching powers of his predecessor.

A few direct and indirect institutional checks were in place to restrain the new President's power. For example, Bendjedid was allotted a five-year term that was subject to renewal by a majority vote of the full FLN Congress.[5] Also, Article 102 of the 1976 constitution limited "the decisive positions of responsibility at the state level… [to] members of the party leadership."[6] The FLN leadership also vetted candidates for the National Assembly (which at the time functioned as a presidential advisory board).[7] And army officers held positions on the FLN Central Committee to ensure their voice in the administration.

However, all the above checks on presidential power ran through the FLN. And the party itself was subordinate to the executive. Despite its storied history as the revolutionary movement that fought for independence against the French, as a political party the FLN was little more than an appendage of the presidency. President Bendjedid had the power to directly appoint members to the party's Political Bureau (the executive arm of the party) and Permanent Secretariat (the body in charge of personnel decisions).[8] The President also indirectly controlled the Central Committee through the Candidatures Committee set up by the Secretariat.[9] The party never

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[5] A national referendum then ratifies the appointment of the FLN. No other candidate appears on the ballot.

[6] Benjamin Stora, William B. Quandt, Jane Marie Todd, *Algeria, 1830-2000*, (Ithaca: Cornell University Press, 2001) 148.

[7] Before 1989, the Assembly rarely held sessions. The FLN chose the nominees, and voters would then elect Assembly candidates to 5 year terms.

[8] Bendjedid changed the selection process of the Political Bureau from recommendation to direct appointment. See Martin Stone, *The Agony of Algeria*, (New York: Columbia University Press, 1997) 141. Also see "Role of Political Parties," *Country Studies: Algeria*, <http://countrystudies.us/algeria /120.htm> (16 August 2008).

[9] Future Prime Minister Ghozali admitted that the Central Committee was not elected by the Congress but in reality appointed by the President. "Prime Minister Discusses Upcoming Elections," *Le Figaro (Paris, in French)*, 25 November 1991, p. 4, in *Foreign Broadcast Information Service Daily Report –*

exercised formal command over the bureaucracies akin to the communist parties of China or the Soviet Union, leading one scholar to describe the FLN as "a politically lifeless façade for [the] executive."[10]

Thus, when President Bendjedid and the FLN began to struggle over the economic and political direction of the country in the 1980s, the party was at an institutional disadvantage. Below I discuss the economic troubles that visited Algeria and the political split that ensued.

III. Algeria's Economic Boom and Bust

The 1973 and 1979 oil shocks triggered an economic boom in Algeria. Fuel exports—accounting for over 90% of the country's export earnings, over half of its budget, and over a quarter of its GDP—allowed the government to spend lavishly on industrialization and welfare programs.[11] Bureaucracies and public enterprises flourished through massive government subsidies. Hydrocarbon earnings, foreign loans, and remittances ensured a high growth rate for nearly a decade.

But in December of 1985 Algeria's economic boom ended. At an Organization of the Petroleum Exporting Countries (OPEC) meeting, Iran, Iraq, and Saudi Arabia refused to maintain low production quotas, leading to an abrupt fall in oil prices.[12] Oil, which had peaked to over $40 a barrel in 1979, crashed to $10 a barrel. Algeria's

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Near East and South Asia (hereafter referred to as *FBIS-NES*) 91-229, 27 November 1991, 4. Also see Stone, *Agony of Algeria*, 141.

[10] Hugh Roberts, "From Radical Mission to Equivocal Ambition: The Expansion and Manipulation of Algerian Islamism, 1979-1992," *Fundamentalism Project: Accounting for Fundamentalisms (Vol. 4)*, eds. Martin E. Marty and R. Scott Appleby, (Chicago: University of Chicago Press, 1993) 437. Also see Quandt, *Between Ballots and Bullets*, 126.

[11] "World Development Indicators, 2005," *World Bank (CD-ROM)*, Washington DC: World Bank; Jeffrey B. Johnson, "Current growth pause is a good time for U.S. forms to plan future business," *Business America*, 27 Oct 1986.

[12] Stone, *Agony of Algeria*, 66.

oil and gas exports, which had reached $15.6 billion in 1980, fell to $9 billion by 1986.[13] The loss in revenue forced the Algerian government to borrow to keep up with spending, ballooning its foreign debt to over $24 billion.[14] In addition to these economic troubles, the country also faced a demographic crisis. A high birth-rate had doubled the population to 24 million in less than 25 years, with three-quarters of Algerians under the age of 30.[15] Compounding these problems were urban overcrowding, a rising cost of living, and an unofficial unemployment rate near 40%.[16]

These economic and demographic pressures led to a rift within the regime. President Bendjedid and his circle of reformists felt the country's centralized economy was to blame and believed the way forward was economic liberalization. Instead of defaulting on the debt, Bendjedid insisted on paying the $5 billion a year servicing costs to maintain Algeria's good credit with international banks.[17] Subsidies on foodstuffs were cut, wages were frozen, and imports were restricted.[18] The government cut spending on public housing, freed prices for state enterprises, and made layoffs easier.[19] State-run railways announced the termination of 6,000 out of 21,000 workers, an unthinkable action just a decade earlier.[20] In agriculture, 3,000 of

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[13] "Rioters Threaten Algerian Reforms," *MidEast Markets*, 17 October 1988.
[14] Stone, *Agony of Algeria*, 66.
[15] "Algeria Rehearses a Revolution," *The Economist (International Edition)*, 15 October 1988: 49; John K. Cooley, "Explosion Of Unrest In Algeria Fueled By Falling Oil Prices," *Christian Science Monitor (Boston, Massachusetts)*, 12 October 1988: International Section, 1.
[16] "Chadli Versus Algeria's Old Guard," *MidEast Markets*, 14 November 1988.
[17] "A New Chance To Put Conscous on the Table," *The Economist*, 10 December 1988: 15.
[18] Stone, *Agony of Algeria*, 66.
[19] "Algeria Rehearses a Revolution," *The Economist* (International Edition), 15 October 1988: 49.
[20] "Algeria Rehearses a Revolution," *The Economist* (International Edition), 15 October 1988: 49.

the 3,500 state farms were privatized.[21] Reformists were championing decentralization and managerial autonomy as the economic prescription.

The FLN, however, was unhappy with the radical economic measures. For decades, the FLN had acted as a "political club" and "nursery" for bureaucrats, where members used the party apparatus to network and advance their bureaucratic careers.[22] In turn, top bureaucrats and managers of state-owned enterprises would use their party leadership positions within the FLN to influence government policy to the bureaucracy's advantage. But Bendjedid's press for greater autonomy for public companies and for foreign investment threatened to shrink the influence of the party. FLN resistance to the economic reforms was great, leading some news reports to predict Bendjedid would fail to secure the party's renomination at the next FLN Congress in December of 1988.[23]

IV. Black October and the November Referendum

On October 4, 1988, riots broke out in an underprivileged suburb of Algiers and spread to the center of the city. By the next day, almost every area of Algiers was affected by the violence. Angry mobs ransacked government offices, state-owned shops, shopping centers, and other symbols of privilege. The ministry of sports and youth was robbed and set ablaze, while the windows of other ministries were

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[21] "Rioters Threaten Algerian Reforms," *MidEast Markets*, 17 October 1988.
[22] Stone, *Agony of Algeria*, 49, 139-140.
[23] "Algeria Rehearses a Revolution," *The Economist* (International Edition), 15 October 1988: 49; John K. Cooley, "Explosion Of Unrest In Algeria Fueled By Falling Oil Prices," *Christian Science Monitor (Boston, Massachusetts)*, 12 October 1988: International Section, 1; "Rioters Threaten Algerian Reforms," *MidEast Markets*, 17 October 1988.

shattered.[24] "Protesters overturned state-owned buses, uprooted telephone booths and stoned police stations."[25] Rioting continued even after a state of siege and curfew were declared on October 6, with the unrest spreading to other cities across the country. In a district east of the capital, the mayor's office was burnt down.[26] The army used water cannons, armored vehicles, and machine guns to disperse stone-throwing crowds.[27] Gunfire in Algiers could be heard for days.[28] Though Algerian radio tried to present an image of calm, foreign journalists reported deteriorating conditions in surrounding cities and numerous instances of soldiers firing on protestors.[29] When the situation finally improved, the government reported approximately 200 people killed, though the foreign press put the number between 300 and 500.[30] Most of the dead were machine-gunned by security forces in Algiers' streets and alleyways.[31]

Far from allowing his position to be weakened, the President immediately used the violence as a mandate to quicken his reforms and disarm his conservative opponents within the FLN.[32] Just a week after the disturbances started and with

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[24] Marie Colvin, "Children round on fathers of the Algerian revolution," *The Times (London)*, 16 October 1988: Issue 8567.
[25] Marie Colvin, "Children round on fathers of the Algerian revolution," *The Times (London)*, 16 October 1988: Issue 8567.
[26] John Hooper, "Rioters defy curfew in Algeria," *The Guardian (London)*, 10 October 1988.
[27] "Armed forces clamp curfew on Algiers after rioting," *The Independent*, 7 October 1988: Foreign News, 11; "Serious Rioting In Algiers, State of Siege Declared," in *BBC SWB*, Part 4, 4(A), The Middle East, ME/0276/i, 7 October, 1988; John Hooper, "Rioters defy curfew in Algeria," *The Guardian (London)*, 10 October 1988.
[28] John Hooper, "Rioters defy curfew in Algeria," *The Guardian (London)*, 10 October 1988.
[29] "Algeria Reports Of Situation Returning To 'Normal'; Remarks by Interior Minister," in *BBC SWB*, Part 4, 4(A) The Middle East, ME/0278/i, 10 October, 1988.
[30] "Algeria Rehearses a Revolution," *The Economist (International Edition)*, 15 October 1988: 49.
[31] "Algeria Rehearses a Revolution," *The Economist (International Edition)*, 15 October 1988: 49.
[32] Most Algeria experts believe the first days of the riots were orchestrated by Bendjedid's opponents in an attempt to turn the public against the President, but that their moves ultimately backfired. See

gunfire still heard on the streets, President Bendjedid promised the nation in a televised address to amend the Constitution through a series of referendums to give the country a new beginning.[33] The first set of proposals overturned the requirement that the most consequential state positions be held by the leadership of the FLN; the Prime Minister and his cabinet would no longer be responsible to the party but rather to a formal vote of the National Assembly.[34] The President would keep the power to appoint and dismiss the Prime Minister and cabinet members. And though the National Assembly would now have the power to vote against a government program or appointment, the President could insist on a second reading, after which a second rejection by the Assembly would trigger its dissolution and new parliamentary elections. The President's proposals limited the control of the FLN over the government, leading one FLN member to declare that the institutional history of Algeria was taking a new turn.[35] The first set of proposals also included a promise of greater political pluralism and a change in the President's constitutional role from "embodiment of the party-state union" to "embodiment of the unity of the nation"—a

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Quandt, *Between Ballots and Bullets*, 40; Stone, *Agony of Algeria*, 67; "Serious Rioting In Algiers, State Of Siege Declared," in *BBC SWB*, Part 4, A, The Middle East, ME/0276/i, 7 October 1988; "Algeria Political Bureau Meeting Condemns Violence: Calls for Vigilance," *Algiers home service (in Arabic)*, 5 October 1988, in *BBC SWB*, Part 4, A, The Middle East, ME/0276/A/1, 7 October 1988.

[33] "Chadli Pledges Political Reform," *Sydney Morning Herald (Australia)*, 12 October 1988: News and Features, 18.

[34] Article 98 of the 1976 Constitution had stipulated that the FLN leadership should shape policy by a "unity of the political leadership of the Party and that of the state." In addition, Article 102 stipulated that "the decisive positions of responsibility at the state level are held by members of the Party leadership." See Benjamin Stora, William B. Quandt, Jane Marie Todd, *Algeria, 1830-2000*, (Ithaca: Cornell University Press, 2001) 148.

[35] "Algerian Opposition and Party Representatives Comment on Bendjedid's Speech," *Radio France International*, 11 October 1988, in *BBC SWB*, Part 4, A, The Middle East, ME/0281/A/1, 13 October 1988.

fitting amendment since unity between the party and the executive was precisely what was being undone (Stone 1997: 65).

Just as important as the substance of the proposals were their timing and implementation. Instead of working with the FLN to gain approval, the changes to the Algerian constitution were put to a popular vote in a referendum, only later to be ratified by the FLN. Bendjedid's strategy was to secure a mandate from the people first and then challenge the party later to openly reject the referendum results. Additionally, the first referendum was to take place on November 3, just before the December FLN Congress when Bendjedid was up for renomination as the FLN's sole candidate for President. If the referendum were delayed any longer, the party might have taken the opportunity to vote Bendjedid out of office. Finally, the referendum marked the first time the Interior Ministry was in charge of the vote.[36] In previous elections, FLN party bosses organized the polls and counted the votes—yet another sign the President was loosening the party's grip on power.[37] On November 3, the public overwhelmingly passed the President's initial set of proposals, handing Bendjedid the necessary leverage to confront conservatives within the FLN at the next congress.[38]

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[36] Susan MacDonald, "Algeria Backs Reform but Chadli's Battle Not Over," *The Times (London)*, 5 November 1988: Issue 63231.
[37] "Riot-Inspired Vote Directs Government to Be More Responsible," *Sydney Morning Herald (Australia: Late Edition)*, 5 November 1988: News and Features, 18.
[38] "Riot-Inspired Vote Directs Government to Be More Responsible," *Sydney Morning Herald (Australia: Late Edition)*, 5 November 1988: News and Features, 18; David Bamford, "Vote opens way for change in Algeria: Opposition leaders claim Chadli falsified figures," *The Guardian (London)*, 5 November 1988.; Susan MacDonald, "Algeria Backs Reform but Chadli's Battle Not Over," *The Times (London)*, 5 November 1988: Issue 63231.

In addition to amending the constitution, Bendjedid made several other political maneuvers before the FLN congress. Days before the referendum, the President continued his drive to disempower the FLN by sacking party chief Mohammed Cherif Messaadia, the head of the Permanent Secretariat and the second most powerful figure in Algeria. Messaadia was a hardline socialist and one of the main obstacles to the President's economic reforms.[39] Messaadia's replacement, Abdelhamid Mehri, was a family relative and close ally of the President.[40] Mehri's goal as new party head was to remake the party by ousting conservatives and bringing in reformist-minded recruits.[41] In addition to changing the party chief, Bendjedid changed the composition of the organizing committee for the upcoming FLN congress, tapping Mehri and other reformist allies to plan the conference and ensure Bendjedid's reelection.[42] Bendjedid also made changes to his cabinet immediately after the referendum, appointing a new Prime Minister and cabinet of technocrats. Bendjedid also gradually lessened the political influence of the army. Most of the generals opposed to Bendjedid's reforms were transferred "from key operational posts into safe administrative jobs in Algiers."[43] Public outrage at the handling of the riots also eroded the army's influence. Within a few months, military members in the FLN Central Committee

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[39] Susan MacDonald, "Chadli sacks deputy in drive to speed reform," *The Times (London)*, 31 October 1988, Issue 63226.
[40] Roberts, "From Radical Mission to Equivocal Ambition," 460.
[41] Mehri: "In fact the great infitah [openness] concerns the transformation of the party itself in its relations with the state and in its composition. Its composition must be transformed so that it is not kept exclusively for the existing militants in it." "Algeria New FLN Party Chief Outlines Democratic Reform Programme, Urges People to Vote in Referendum," *Algiers television (in Arabic)*, 31 October 1988, in *BBC SWB*, Part 4, A, The Middle East, ME/0298/A/1, 2 November 1988.
[42] "Algeria Replacement Of Senior Party And Security Officials," in *BBC SWB*, Part 4, 4(A) The Middle East, ME/0296/i, 31 October 1988.
[43] "Algeria: Neatly done," *The Economist (International)*, 4 March 1989: 42.

would leave entirely.[44] One Algerian expert at the time observed that "of the three pillars of Algeria's political power—the army, the single-party system and the presidency—only the last is left intact, and stronger."[45]

Thus, when the long awaited sixth FLN congress commenced on November 27, 1988, the President had already ensured his political agenda would pass. The congress ratified the referendum and selected Bendjedid as the party's sole candidate for president. The October riots, the November referendum, and the personnel changes initiated by the President signified the start of an institutional split between party and state from which the FLN was unable to recover.

V. The 1989 Constitution

By securing his own reelection and ensuring the government was no longer answerable to the FLN, the President was free to carry out his true political objective—breaking the constraints on his power imposed by the FLN. His intent was to build his own base of support within civil society, remake the FLN, and sideline his opponents within the party. By legalizing opposition parties, Bendjedid could use the prospect of an electoral challenge to induce the FLN to fall in line with his reforms.[46] And if the FLN chose not to fully capitulate, Bendjedid would have the option of choosing from an assortment of other suitable parties to ally with. Either way, the

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[44] "Algeria Army Released from Its Political Role," *Algiers Television (Text of Report, in Arabic)*, 4 March 1989, in *BBC SWB*, Part 4, A. The Middle East, ME/0402/A/1, 7 March 1989.
[45] Baghat Korany, "This time, a quiet revolution; Perestroika fever reaches Algeria," *The Globe and Mail (Canada)*, 11 March 1989.
[46] "The idea was to legalize opposition parties in order to use the prospect of their combined electoral challenge to induce a rather embattled and demoralized FLN to get its act together." See Hugh Roberts, "Algeria Tense On First Anniversary Of Worst Riots Since Its Independence: Economic Conditions Worsen As President Chadli Feuds With Reformers In Ruling Party," *The Guardian (London)*, 4 October 1989; Roberts, "From Radical Mission to Equivocal Ambition," 465.

President was intent on establishing a political system where he could rule unencumbered.

On February 5, 1989, twenty-three pages of additional constitutional amendments were published, drafted almost exclusively by Bendjedid's circle of reformists.[47] The changes would effectively rewrite the constitution, permanently sever the relationship between the FLN and the government, and dramatically increase the already considerable powers of the President. The most significant new amendment was Article 40, which recognized "the right to create associations of a political nature," opening the way for a multiparty system.[48] The FLN, which the 1976 constitution recognized as the only legal political organization, was now barely mentioned.[49] Also, the President was officially divorced from the FLN, no longer elected by the party congress but rather by the people to a five year term with no constitutional limit on renewal.[50] The right to strike was acknowledged for the first time, a clause inserted by Bendjedid's allies as a means to act against entrenched factory chiefs not in line with economic reforms.[51] New trade unions could now be created to recruit workers away from the monopoly union affiliated with the FLN.[52]

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[47] "Major Political Reforms Presented For Algeria," *The Globe and Mail (Canada)*, 6 February 1989.
[48] The new constitution also removed all references to an "irreversible commitment to socialism." See "Major Political Reforms Presented For Algeria," *The Globe and Mail (Canada)*, 6 February 1989.
[49] The new constitution's sole reference to the FLN was in the preamble to praise its "historic role."
[50] Susan MacDonald, "Algeria To Widen Political Choice," *The Times (London)*, 6 February 1989: Issue 63310; "Major Political Reforms Presented For Algeria," *The Globe and Mail (Canada)*, 6 February 1989.
[51] "Confusion of Algerian-style perestroika," *MidEast Markets*, 29 May 1989.
[52] "Algeria: A New Beginning," *The Economist (International Edition)*, 3 June 1989: 43.

The President's powers regarding foreign affairs and defense were also increased, to the disadvantage of the FLN and army.[53]

The new constitution was put to a national referendum on February 23, 1989 (once again bypassing the FLN). Officials reported a 79 percent turnout, with 73 percent of voters casting a "yes" vote for the new constitution.[54] Though the measure overwhelmingly passed, it was the lowest recorded turnout and highest negative vote for any referendum or election since independence.[55] Nearly 2.5 million people voted "no", a warning of the conservatives' strength.[56]

VI. The National Assembly and the Legalization of the FIS

With the October riots passing into memory, conservatives began to regroup and use their remaining institutional powers to fight against the President's agenda. The FLN-dominated National Assembly, in particular, proved to be a useful tool to impede the President's reforms.

As noted earlier, the President had the constitutional power to dissolve the National Assembly if it refused to pass a government program after a second reading. However, since the laws governing legislative election procedures and political parties had yet to be passed, and since opposition parties needed time to form, the Assembly could credibly reject executive proposals in the short-run. Any threat by the President

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[53] Stone, *Agony of Algeria*, 69.
[54] Stone, *Agony of Algeria*, 69.
[55] David Bamford, "Algerians vote for end to one-party socialist state," *The Guardian (London)*, 25 February 1989; Stone, *Agony of Algeria*, 69.
[56] David Bamford, "Algerians vote for end to one-party socialist state," *The Guardian (London)*, 25 February 1989.

to dissolve the Assembly before legislative elections could properly be carried out would rightly be seen as empty.

Thus, the National Assembly began to "enthusiastically disembowel" many of the reformist measures presented by the executive.[57] For example, a law on municipal and provincial elections was tagged with over 60 amendments by Assembly members in an effort to help the FLN at the polls.[58] A law on the freedom of information was also emasculated.[59] The Assembly also legislated that all prospective independent candidates were required to collect the signatures of 10% of the voters in their proposed constituency, a difficult task for any politician, except those with FLN backing.[60]

Of all the Assembly laws passed during this time, the law on political parties seemed the most consequential. Articles 4 and 5 of the statute banned any party based on linguistic, religious, regional, or ethnic identity, potentially ruining the electoral chances of the biggest challengers to the FLN—the Islamic fundamentalists and the Berbers.[61] The disaffected youth within Algeria's urban centers provided a natural constituent base for the newly created Islamist movements. And in the Kabylia region of Algeria, the Berbers, who had long suffered discrimination at the hands of the Arab majority, were eager to organize politically to press for greater autonomy. Legislation that outlawed the parties representing these two powerful constituencies would greatly

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[57] "Algeria: Now Get On With It," *The Economist (International Edition)*, 16 September 1989: 42.
[58] "Algeria: Now Get On With It," *The Economist (International Edition)*, 16 September 1989: 42.
[59] "Algeria: A New Beginning," *The Economist (International Edition)*, 3 June 1989: 43.
[60] "New Algerian laws to limit democracy," *MidEast Markets*, 21 August 1989.
[61] Mohand Salah Tahi, "The Arduous Democratisation Process in Algeria," *The Journal of Modern African Studies* 30.3 (Sep., 1992), p. 400, < http://www.jstor.org/stable/161165> (17 July 2008); "New Algerian laws to limit democracy," *MidEast Markets*, 21 August 1989.

strengthen the FLN. (Such a practice had adequate precedent in the Arab world; rulers in Egypt and neighboring Tunisia used similar laws to ban the Muslim Brotherhood and Al Nahda.)

Interpretation and implementation of the law, however, rested with the executive. And with regard to the law on political parties, the President ignored the statute; the Interior Ministry legalized almost every party, including Islamic fundamentalists, Berbers, and even a pro-Libyan party.[62] The executive justified these decisions "by interpreting the clause as allowing organizations inspired by Islamic values" and ethnicity (Stone 1997: 69).

Evidence suggests the President deliberately and strategically chose to legalize the FLN's main challenger—the Islamic Salvation Front (FIS). The army reportedly wanted the FIS banned, but the President overruled their objections.[63] General Mohammed Touati also claimed Bendjedid was behind the decision to legalize the FIS (Quandt 1998: 178). As to the President's motives, several accounts cite Bendjedid's desire to weaken the FLN and exploit the splits within the party.[64] Not only would the FIS pose an electoral threat to the FLN, but it was thought it would add to the multiplicity of parties within parliament, whereby the President could lead by a "divide and rule" strategy. The executive went so far as to encourage FLN members

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[62] The sole party to be banned by the Interior Ministry was the Algerian's People's Party (PPA), which presumably was rejected because Article 8 of the law stipulated that parties could not have any association that ran contrary to the revolution. The PPA was a rival to the FLN during the war for independence. Tahi, "The Arduous Democratisation Process in Algeria," 400; Hugh Roberts, *Battlefield Algeria 1988-2002*, (London: Verso, 2002) 39.

[63] Jose Garçon, "Comment l'armée a monté son coup," *Liberation*, 27 January 1992.

[64] See Rémy Leveau, *Le Sabre Et Le Turban*, (Paris: Editions François Bourin, 1993) 139-140; Rémy Leveau, "Les Mouvements Islamiques," *Pouvoirs-Revue Française d'Ètudes Constitutionnelles et Politiques*, Vol. 62 (1992): 51-52; Michael Willis, *The Islamist Challenge in Algeria*, (New York: New York University Press, 1996) 121, 126-132.

to defect and establish their own parties to further split the vote (Willis 1996: 121). Additionally, the FIS was thought to be a potential legislative ally with regard to the President's liberal economic policies (Zoubir 1995: 119-120; Willis 1996: 140, 200-201). In short, legalizing the FIS would aid the President's drive to remove his conservative rivals and press ahead with economic reforms.

VII. A Sinking Ship

The municipal and provincial elections held on June 12, 1990, added to the turmoil within the FLN. In the year leading up to these local elections, Bendjedid permitted anti-government rhetoric by the FIS in mosques and even allowed fundamentalists to preach Friday sermons on state television.[65] On the day of the local elections, Bendjedid was reportedly calm when questioned about the prospect of an FIS victory, after which a journalist bluntly asked whether the President was planning "to rid himself of a party which has never been very keen on him."[66] When the final results showed the FIS handily defeating the FLN, conservative party members openly laid blame on Bendjedid.[67] During an FLN Central Committee meeting, the President became the object of "virulent attacks."[68] Former foreign minister Taleb Ibrahimi charged that Bendjedid should bear "full responsibility…for the FLN's internal crisis" while former Prime Minister Kasdi Merbah called for the

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[65] Jean De La Gueriviere, "Partie serrée entre le pouvoir et les islamistes," *Le Monde*, 25 January 1990.
[66] Roberts, "From Radical Mission to Equivocal Ambition," 465.
[67] During the local elections, state officials left polling stations unattended, allowing FIS militants to supervise and intimidate voters. Roberts, "From Radical Mission to Equivocal Ambition," 462.
[68] "Algeria FLN Central Committee Session Pledges To Introduce Changes In Party," *Radio France Internationale (in French)*, 10 July 1990, in *BBC SWB*, Part 4, A. The Middle East, ME/0814/A/1, 12 July 1990.

President's resignation.[69] In response, the President chose to accelerate the political reforms by moving up the date of the parliamentary elections and by meeting with opposition leaders.[70] Some speculated the meetings led to unofficial collusion between Bendjedid and the FIS against the FLN (Willis 1996: 128-129). The FIS had become a "hidden ally" of the President.[71]

By this time, the President's agenda was clear and conservatives realized that fighting within the party's existing institutional structure was fruitless. With Bendjedid and Mehri at the helm and the FLN formally separated from the state, many prominent conservatives began to leave the party, further wrecking the electoral fortunes of the FLN.[72]

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[69] "Algeria FLN Central Committee Session Pledges To Introduce Changes In Party," *Radio France Internationale (in French)*, 10 July 1990, in *BBC SWB*, Part 4, A. The Middle East, ME/0814/A/1, 12 July 1990. Eventually five cabinet members sitting on the politburo resigned over the uproar, but they were replaced with reformists. See "Algeria FLN Central Committee Session Ends, Prime Minister On Reshuffle," *Algerian TV (in Arabic)*, 11 July 1990, in *BBC SWB*, Part 4, A. The Middle East, ME/0815/A/1, 13 July 1990.

[70] Bendjedid consulted with FIS leaders prior to moving up the elections. See "Algeria Opposition Parties On Decision To Hold General Elections In Early 1991," *Republic of Algeria Radio (Algiers, in Arabic)*, 30 July 1990, in *BBC SWB*, Part 4, A. The Middle East, ME/0831/A/1, 1 August 1990. "North Africa In Brief; Algeria President Bendjedid Meets Opposition Leaders," *Republic of Algeria Radio (Algiers, in Arabic)*, 18 September 1990, in *BBC SWB*, Part 4, A. The Middle East, ME/0876/A/1, 22 September 1990; "Algeria Islamic Salvation Front Leader Interviewed After Meeting With President Bendjedid," *Algerian TV (in Arabic)*, 8 January 1990, in *BBC SWB*, Part 4, A. The Middle East, ME/0658/A/1, 10 January 1990.

[71] Rémy Leveau, "Algeria: Adversaries in Search of Uncertain Compromises," *EU-ISS Chaillot*: Paper 4, September 1992, <http://aei.pitt.edu/448/01/chai04e.html> (18 August 2008).

[72] "Their defection, though, could break up what remains of the ruling party machine, and wreck the electoral chances of the rump they leave behind them." See "Algeria: As Islam Looms," *The Economist (International Edition)*, 3 November 1990: 49. "Mehri also dwelt upon adverse consequences following the decision of a number of the party's activists to put forward their candidatures with the lists of independents, a matter which would result in breaking up the vote of the electorate." See "Algeria In Brief: FLN discusses strategy for forthcoming elections," *Republic of Algeria Radio (Algiers, in Arabic)*, 21 November 1991, in *BBC SWB*, Part 4, A, The Middle East, ME/1238/A/1, 25 November 1991.

On October 4, 1990, former Prime Minister Kasdi Merbah resigned from the FLN Central Committee to found a party of his own.[73] Merbah complained Mehri's leadership had irrevocably damaged the party in the previous two years.[74] He described the latest measures to "modernize" the FLN as a calculated attempt "to recruit new members, purge the ranks and elect new members at the levels of the cells, districts and federations…to sort out and to impose [reformist] leadership views."[75] Mindful of where the real power lay, Merbah instead called for early presidential elections and reminded reporters that Bendjedid was elected within the old system.[76] The executive did not seem especially distressed about Merbah's resignation, with Prime Minister Hamrouche predicting that Merbah's departure would "help the rejuvenation" of the party.[77]

Other prominent conservatives joined Merbah. Rabah Bitat, a founding member of the FLN and speaker of parliament, also left the party and began to attack government policies.[78] Bitat's resignation was described as "a startling step for a man who for 25 years had faithfully followed and supported every twist and turn of

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[73] "Algeria Former Prime Minister Resigns From FLN Central Committee," in *BBC SWB*, Part 4, 4(A), The Middle East, ME/0889/i, 8 October 1990; "Algeria; As Islam Looms," *The Economist (International Edition)*, 3 November 1990: 49.
[74] "Algeria Former Prime Minister Resigns From FLN Central Committee," in *BBC SWB*, Part 4, 4(A), The Middle East, ME/0889/i, 8 October 1990.
[75] "Algeria Former Premier on His Resignation from FLN Body," *Republic of Algeria Radio (Algiers, in Arabic)*, 6 October 1990, in *BBC SWB*, Part 4, E, Special Supplement, ME/0892/E1/1, 11 October 1990.
[76] "Algeria Former Premier on His Resignation from FLN Body," *Republic of Algeria Radio (Algiers, in Arabic)*, 6 October 1990, in *BBC SWB*, Part 4, E, Special Supplement, ME/0892/E1/1, 11 October 1990.
[77] "North Africa In Brief: Algeria Prime Minister On Reform Moves; Special FLN CC Meeting Refused," *Republic of Algeria Radio (Algiers, in Arabic)*, 8 October 1990, in *BBC SWB*, Part 4, A, The Middle East, ME/0893/A/1, 12 October 1990.
[78] "Algeria: As Islam Looms," *The Economist (International Edition)*, 3 November 1990: 49.

government policy."[79] A number of senior conservatives within the Central Committee also threatened to split the party, calling the reformist course "savage liberalism," and accusing the government of claiming to be a friend of the FLN while violating the party's basic principles.[80] Some members of parliament became independent while others defected to other parties.[81] The Economist declared the FLN "a sinking ship" with "dissidents…taking to the lifeboats." [82]

VIII. The National Assembly and the Electoral Law

While prominent members were leaving the party, FLN deputies within the National Assembly were desperate to pass an electoral law to stem their losses. They eventually agreed on a two-round majoritarian voting system in single-member districts, where if no candidate won a majority in the first round of voting, a second round run-off would ensue between the top two candidates. The system was designed to narrow the field down between the FIS and FLN, and to scare voters in the second round to vote against the FIS.[83] The intention behind the new law was not lost on anyone. Merbah recognized the law was intended so that "only two poles remain…[creating] fear among the people, who would, in consequence, vote for the

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[79] Peter Hiett, "Algeria ruling party faces formal split," *The Guardian (London)*, 8 October 1990.
[80] "North Africa In Brief: Algeria FLN Old Guard Demand Emergency Meeting Of Central Committee," *Republic of Algeria Radio (Algiers, in Arabic)*, 6 October 1990, in *BBC SWB*, Part 4, A, The Middle East, ME/0893/A/1, 12 October 1990.
[81] "Algeria: As Islam Looms," *The Economist (International Edition)*, 3 November 1990: 49.
[82] "Algeria: As Islam Looms," *The Economist (International Edition)*, 3 November 1990: 49.
[83] Political parties field one candidate per electoral constituency. If the candidate wins an absolute majority, he is elected. Otherwise, there is a run-off between the top two candidates from the first round. This system favors the most popular party, discourages small parties, and also tends to encourage bipolarization. The system is based off of the French electoral system, which itself was designed to overcome the parliamentary fragmentation that characterized the French Fourth Republic. Peter Hiett, "Islamic party bears brunt of poll reform," *The Guardian (London)*, 25 March 1991.

FLN."[84] A Spanish newspaper observed, "The FLN is playing the card of consensus, presenting itself as the guarantor of economic and social renewal in the face of the Islamic fundamentalist menace."[85]

In addition to the two-round vote, the new law also increased the number of Assembly seats from 295 to 542, with a disproportionate share of districts going toward the sparsely populated south.[86] Conservatives clearly apportioned the districts to favor the rural FLN strongholds and weaken the urban FIS areas.[87] The overall increase in seats was also a hedge, so that if the FLN failed to win a majority they could at least cobble together a coalition of independents and secular parties to retain control. The law also banned campaigning in schools and mosques, denying the FIS its principal political network.[88] And, proxy voting (which many fundamentalists used in the local elections to vote for their wives) was now limited to active duty soldiers (benefiting the FLN).[89] The Assembly also forced independent candidates to register with a judge in the presence of 500 witnesses.[90] And given that urban youth would likely vote heavily against the FLN, the parliament fought to keep the voting age minimum at 30. Opposition parties denounced the proposed electoral laws,

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[84] "Algeria Majd Leader Accuses Government Of Bi-Polarisation Of Party Politics," *Republic of Algeria Radio (Algiers, in Arabic)*, 11 July 1991, in *BBC SWB*, Part 4, A, The Middle East, ME/1123/A/1, 13 July 1991.
[85] John Phillips, "Algiers radicals expect poll win," *The Times*, 27 December 1991.
[86] Howard LaFranchi, "Algeria Gears Up for National Vote," *Christian Science Monitor (Boston, Massachusetts)*, 15 May 1991, The World, 3.
[87] LaFranchi, "Algeria Gears Up for National Vote," *Christian Science Monitor*, 3.
[88] Peter Hiett, "Islamic party bears brunt of poll reform," *The Guardian (London)*, 25 March 1991.
[89] or other extenuating circumstances. Peter Hiett, "Islamic party bears brunt of poll reform," *The Guardian (London)*, 25 March 1991.
[90] "Ghozali on Government-Parliament Relations," *Radio Algiers Network (Algiers, in Arabic)* (hereafter Radio Algiers), 8 October 1991, *FBIS-NES*-91-196, 9 October 1991, 11.

including the FIS who rightly interpreted the new law as being drafted to exclusively hurt them.[91]

IX. FIS Demonstrations

To protest parliament's new electoral laws, the Islamic Salvation Front called for an indefinite strike beginning on May 25, 1991.[92] Bendjedid agreed to tolerate the strikes, and executive officials, including Prime Minister Hamrouche, were in frequent contact with FIS leaders at the time and publicly stressed the need to keep a channel of dialogue open.[93] The first week of strikes was mostly peaceful, with mainly young people from the poorest neighborhoods demonstrating in the city's main squares.[94] But by the tenth day, the army had lost patience. Riot police armed with batons, shields, and teargas scattered demonstrators in the capital's main squares.[95] The clashes soon turned violent, as police officers and protestors were killed.[96] At the conclusion of the unrest, an estimated 55 Algerians had died and the army had arrested

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[91] "Electoral law passed," *The Globe and Mail (Canada)*, 2 April 1991. "North Africa In Brief: Algeria Islamic Salvation Front Spokesman Rejects Draft Elections Law," *Republic of Algeria Radio (Algiers, in Arabic)*, 28 March 1991, in *BBC SWB*, Part 4, A, The Middle East, ME/1034/A/1, 1 April 1991.

[92] Reports also speculated the FIS called for strikes to tip the public's favor to their side, since the party had lost popularity due to the 1991 Gulf War (which had caused a surge of Arab nationalism and an up-tick in the still oil-dependent economy). "Algeria's Brush with Freedom," *The Economist (International Edition)*, 15 June 1991: 39; John Hooper, "Several Die As Police Clash With Algerian Militants," *The Guardian (London)*, 5 June 1991. "Moslem Fundamentalists Call for General Strike," *AFP*, 23 May 1991.

[93] Quandt, *Between Ballots and Bullets*, 57; "Hamrouche, FIS Leaders Meet," *Radio Algiers*, 29 May 1991, in *FBIS-NES*-91-104, 30 May 1991, 5.

[94] "Police Crack Down on Fundamentalist Protest," *AFP*, 29 May 1991.

[95] Hassen Zenati, "Police Crack Down on Islamic Protesters," *AFP*, 4 June 1991. "Algeria Steps off the Road to Peaceful Change," *The Economist* (International Edition), 8 June 1991: 43; John Hooper, "Several die as police clash with Algerian militants," *The Guardian (London)*, 5 June 1991.

[96] John Hooper, "Several Die As Police Clash with Algerian Militants," *The Guardian (London)*, 5 June 1991.

the top two FIS leaders, Abassi Madani and his deputy Ali Belhadj, as well as six members of the FIS executive body.[97]

Bendjedid had at this time an opportunity to declare the FIS a threat to the state and ban the party per Article 40 of the Constitution. Instead, he continued to cooperate and maintain contact with the FIS. Bendjedid was determined to open the parliamentary elections. He replaced Prime Minister Hamrouche with Sid Ahmed Ghozali, a former foreign minister with few ties to the FLN.[98] Ghozali held "marathon-like" talks with the FIS leaders to end the violence, and on June 7 reached a deal that promised a revision of the electoral laws and parliamentary elections by the end of the year.[99] Three days later, Bendjedid resigned from the chairmanship of the FLN, furthering the de facto separation between party and state.[100]

X. The Government-Parties Conference

In addition to accommodating the FIS, the new Ghozali-led cabinet went out of its way to empower the rest of the FLN's rivals.[101] The government set up and

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[97] The number killed was less than the total from the October riots and an indicator that the Algeria armed forces had learned the downsides to excessive lethal force. Figure from Tom Porteous, "Algerian Strikes Called Off," *The Independent (London)*, 8 June 1991: Foreign News Page, 10; Patrick Martin, "Algerians Facing Crucial Vote Today; First-Ever Multiparty Election Could Also Be Country's Last," *The Globe and Mail (Canada)*, 26 December 1991; "Fundamentalist Leader Arrested by Police," *AFP*, 8 July 1991.

[98] Howard LaFranchi, "Algeria Walks Fine Political Line," *Christian Science Monitor (Boston, Massachusetts)*, 10 June 1991: The World, 4.

[99] Official accounts at the time indicated the deal included presidential elections within six months as well, but the requirement for presidential elections was soon dropped. John Hooper, "Militants back down to avoid civil war in Algeria," *The Guardian (London)*, 8 June 1991; John Hooper, "Timing of poll threatens Algerian pact," *The Guardian (London)*, 10 June 1991; "Algeria FIS Calls Off Strike Following 'Guarantees' And After Further Violence," in *BBC SWB*, Part 4, 4(A), The Middle East, ME/1093/i, 8 June 1991.

[100] "Algeria President Chadli Bendjedid Resigns as FLN Chairman," *Arab Press Services (Algiers, in Arabic)*, 29 June 1991, in *BBC SWB*, Part 4; A. The Middle East, ME/1112/A/1, 1 July 1991.

[101] "Ghozali Stresses Dialogue with Parties," *Radio Algiers*, 2 July 1991, in *FBIS-NES*-91-128, 3 July 1991, 7.

organized a national conference at the end of July 1991 to allow opposition parties to air their grievances and determine the framework of the legislative elections.[102] Throughout the conference, Ghozali used language that praised the newly formed parties and slighted the FLN. Ghozali declared the era of the single party had finished and that the government desired "dialogue and consultation with you [the parties], to arrive finally at an electoral arrangement that will…not [be] marred by any defect."[103] Ghozali made sympathetic overtures to the FIS (who had chosen to skip the conference), emphasizing the conference was "just a starting point" and reiterating the government was "prepared to have further meetings with all the parties that did not attend, irrespective of the reasons."[104] (Ghozali's overtures coincide with reports that he was secretly sponsoring independent candidates against the FLN.)[105] The nearly fifty parties that did attend the conference found a forum where they could freely attack the FLN.[106] And the debates were covered live on television, giving many parties their first opportunity to speak directly to the Algerian people.[107]

More damaging to the FLN than the rhetoric at the conference were measures taken by the conference participants. On the third day of meetings, a 25-party

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[102] "Agenda Detailed," *Radio Algiers*, 30 July 1991, in *FBIS-NES*-91-146, 30 July 1991, 7.
[103] "Algeria Conference Ends: Calls For Elections; Further Meeting Scheduled," in *BBC SWB*, Part 4, 4(A). The Middle East, ME/1141/i, 3 August 1991.
[104] "FIS Official Explains Absence," *Radio Algiers*, 1 August 1991, in *FBIS-NES*-91-149, 2 August 1991, 8; "Algeria Conference Ends; Calls For Elections; Further Meeting Scheduled," in *BBC SWB*, Part 4, 4(A), The Middle East, ME/1141/i, 3 August 1991; "Ghozali Interviewed on Political Issues," *Radio Algiers*, 1 August 1991, in *FBIS-NES*-91-149, 2 August 1991, 12; "Ghozali Views Domestic, Regional Issues," *Al-Hayat (London, in Arabic)*, 12 August 1991, p. 5, *FBIS-NES*-91-158, 15 August 1991, 9.
[105] Roberts, "From Radical Mission to Equivocal Ambition," 473; Tahi, "The Arduous Democratisation Process in Algeria," 404-405, 418.
[106] Genevieve Delaunoy, "Algeria: National Conference Will Reconvene On August 22," *IPS-Inter Press Service*, 2 August 1991.
[107] Delaunoy, "Algeria: National Conference Will Reconvene," *IPS-Inter Press Service*.

coordination committee was created that had on its agenda a number of recommendations that directly undercut the FLN.[108] The committee argued that the apportionment of electoral districts was biased in favor of the FLN, and that a revision of the electoral system was in order.[109] In addition, the committee called on the state to return assets held by the FLN (such as its real estate and printing works) and for a fair distribution of money and resources to all parties.[110] The FLN naturally objected to the adoption of these agenda items by the coordination committee and withdrew from the negotiations in protest.[111]

Instead of ignoring the committee recommendations (which by themselves had no legal weight) the Prime Minister agreed that the electoral laws were "unbalanced" and promised that the executive would work to change them; Ghozali planned to propose the amendments to the National Assembly as suggested by the delegates at the conference.[112] (It is likely that Ghozali had foreseen this confrontation with the National Assembly, since he announced weeks prior the creation of a ministerial post that would work as liaison between the Assembly and the executive to work through any disagreements between the two institutions.)[113]

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[108] "Coordination Committee Formed," *Radio Algiers*, 1 August 1991, *FBIS-NES*-91-149, 2 August 1991, 8-9.
[109] "FLN Withdraws From Government-Opposition Conference," *AFP*, 2 August 1991. Genevieve Delaunoy, "Algeria: Reform of Electoral Process Ruled Out," *IPS-Inter Press Service*, 7 August 1991.
[110] "FLN Withdraws From Government-Opposition Conference," *AFP*, 2 August 1991. "Coordination Committee Formed," *Radio Algiers*, 1 August 1991, *FBIS-NES*-91-149, 2 August 1991, 8-9.
[111] "Algeria Conference Ends; Calls For Elections; Further Meeting Scheduled," *BBC SWB*, Part 4, 4(A). The Middle East, ME/1141/i, 3 August 1991.
[112] "Ghozali Confirms State of Siege to Be Lifted," *Radio Algiers*, 12 August 1991, in *FBIS-NES*-91-156, 13 August 1991, 8; "Ghozali Interviewed on Political Issues," *Radio Algiers*, 1 August 1991, in *FBIS-NES*-91-149, 2 August 1991, 11.
[113] "Ghozali Addresses National Assembly 4 July," *ENTV Television Network (Algiers, in Arabic)*, 4 July 1991, in *FBIS-NES*-91-130, 8 July 1991, 8.

XI. Clash between the Executive and National Assembly

Ironically, the institutional severing of party and state by the 1989 constitution also likely led to the National Assembly's increased intransigence vis-à-vis the executive.[114] Prior to 1989, the FLN acted as a link between the executive and the FLN-dominated Assembly; President Bendjedid and his reformist allies in the executive could use their position in the FLN leadership to sway Assembly deputies through the party infrastructure. But with the institutional separation between party and state, and with the presidentially-appointed FLN leadership seen as conspiring with Bendjedid to undermine FLN electoral prospects, conservative FLN Assembly members had little incentive to adhere to party directives anymore. Conservative FLN Assembly members would not rationally go along with proposals that would relieve them of their seats.

The FLN conservatives' vocal hostility to a revision of the electoral law openly revealed the split within the regime. Many FLN members insisted there would be no change in the electoral laws.[115] The speaker of the Assembly said his deputies would be unwilling to amend the law and justified the existing electoral boundaries, saying that "equality is not always numerical."[116] Other Assembly members stated that

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[114] The Assembly had rejected the first draft of a budget law, stopped a proposal to cut subsidies to consumer goods, and prevented increased foreign participation in the oil industry. See "Algeria: Islam and The Price Of Beer," *The Economist (International Edition)*, 12 October 1991: 43; Qusayy Salih al-Darwish, "Partial Government Reshuffle Reported," *Al-Sharq al-awsat (London, in Arabic)*, 20 September 1991: 1,4.

[115] Genevieve Delaunoy, "Algeria: Reform of Electoral Process Ruled Out," *IPS-Inter Press Service*, 7 August 1991.

[116] "Algerian Parliamentary Speaker Comments on Economic Moves; Elections," *Radiodiffusion Television Algerienne (Algiers, in French)*, 12 August 1991, in *BBC SWB*, Part 4; A. The Middle East; ME/1150/A/1, 14 August 1991.

replacing the law would be a big mistake and politically explosive.[117] A senior leader in the FLN derided the opposition parties at the conference who called for the revision and emphasized the National Assembly's position as the final arbiter over new electoral laws.[118] When a second government-parties meeting took place on August 22, the FLN stressed again that a revision of the electoral laws was unnecessary.[119] An *Economist* article bluntly stated that "the FLN's older chieftains are intent on blocking changes that might loosen their control."[120]

The National Assembly's deliberation on the bill was repeatedly postponed due to the "deep problems" between the executive and the Assembly.[121] The FLN Political Bureau issued a communiqué that requested that parliamentary deputies ratify the draft electoral law as proposed by the executive, but this did not result in Assembly acquiescence.[122] Ghozali threatened to reintroduce the bill a second time and warned that a second rejection would lead to a "legal and political problem."[123] But some 90 Assembly members including the speaker of the parliament called

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[117] "Deputies' Stances on Government Program Noted," *Radio Algiers*, 9 July 1991, in FBIS-NES-91-132, 10 July 1991, 5.
[118] Genevieve Delaunoy, "Algeria: Reform of Electoral Process Ruled Out," *IPS-Inter Press Service*, 7 August 1991.
[119] "Government, Parties Issue Final Communiqué," *Arab Press Services (Algiers, in English)*, 24 August 1991, in *FBIS-NES*-91-165, 26 Aug 1991, 10.
[120] "Algeria: Islam and the Price of Beer," *The Economist (International Edition)*, 12 October 1991: 43.
[121] "Ghozali on Government-Parliament Relations," *Radio Algiers*, 8 October 1991, in *FBIS-NES*-91-196, 9 October 1991, 11.
[122] "FLN Political Bureau Supports Government's Proposed Electoral Law," *BBC SWB*, Part 4, 4(A). The Middle East, ME/1188/I, 27 September 1991. "North Africa In Brief: Algeria Differences between Government and Deputies Over Electoral Amendments," *Republic of Algeria Radio (Algiers, in Arabic),* 30 September 1991, in *BBC SWB*, Part 4, A, The Middle East, ME/1194/A/1, 4 October 1991.
[123] To have had a second rejection would have led to elections within the then-current law, which was the law that provoked the FIS riots. "Ghozali Denies Reports of Intention to Resign," *Radio Algiers*, 10 October 1991, *FBIS-NES*-91-198, 11 October 1991, 4; "Ghozali Dissatisfied with Vote," *Radio Algiers*, 14 October 1991, in *FBIS-NES*-91-199, 15 Oct 1991, 8.

Ghozali's bluff and openly invited a dissolution of the Assembly.[124] Ghozali accused conservatives of hampering government activity by using the Assembly as a tool.[125] Others also characterized "the government as a victim between the jaws of parliamentary pincers."[126] The debate showed the FLN was "determined to hang on, if not to a monopoly of power, at least to its hegemony."[127]

The Assembly eventually adopted a new electoral law on October 13 that was little better than the original.[128] Instead of accepting the proposals by Ghozali's government, Assembly members agreed to the recommendations by the FLN-controlled Legislative Committee. For example, the increased number of seats remained, with most of the new seats still going to the FLN rural strongholds.[129] The new law also excluded most of Ghozali's recommendations to ease the path for independent candidates to run.[130]

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[124] "Ghozali Dissatisfied with Vote," *Radio Algiers*, 14 October 1991, in *FBIS-NES*-91-199, 15 Oct 1991, 8; "Ghozali on Government-Parliament Relations," *Radio Algiers*, 8 October 1991, in *FBIS-NES*-91-196, 9 October 1991, 11.
[125] "Ghozali Dissatisfied with Vote," *Radio Algiers*, 14 October 1991, in *FBIS-NES*-91-199, 15 Oct 1991, 8.
[126] "Deputies Urged to Work with Government," *Radio Algiers*, 13 October 1991, in *FBIS-NES*-91-199, 15 October 1991, 6.
[127] Said Hocine Ait Ahmed, leader of the Socialist Forces Front. Peter Ford, "Algeria's Tortuous Road to Democracy," *Christian Science Monitor (Boston, Massachusetts)*, 10 October 1991: The World, 5.
[128] "Algeria; Another Chance to Try the Vote," *The Economist (International Edition)*, 9 November 1991: 42. The Assembly did make small compromises on some issues, such as voter age and total seat number. This might be attributed to the decision by the National Commission of the FLN earlier in the year to deny over 100 sitting Assembly members the chance to run for election; only 70 sitting deputies were allowed to contest their seat, reducing the cohesiveness of Assembly opposition. For information about the renomination of FLN Assembly members, see "Algeria Report of Candidates and Parties Registered for General Election," *Radiodiffusion Television Algerienne (Algiers, in French)*, 13 May 1991, in *BBC SWB*, Part 4; A. The Middle East, ME/1072/A/1; 15 May 1991.
[129] "Algeria: Another Chance To Try The Vote," *The Economist (International Edition)*, 9 November 1991: 42; "Assembly Passes Draft Electoral Law," *Radio Algiers*, 13 October 1991, in *FBIS-NES*-91-199, 15 Oct 1991, 6.
[130] "Algeria: Another Chance To Try The Vote," *The Economist (International Edition)*, 9 November 1991: 42.

Ghozali was dissatisfied after the Assembly's vote and accused FLN Assembly members of not being prepared to accept the rotation of power.[131] An opposition party agreed that the "National Assembly [had] ignored the government bill and voted on its law."[132] But Bendjedid's options were limited. The President was determined to hold the elections by the end of the year, and he eventually agreed to accept the Assembly's law.

Weeks later, the Assembly passed a bill that banned public demonstrations, allowing security forces to impose crackdowns without a declaration of a state of emergency, and prohibiting candidates to publicly criticize any other candidate or party by name.[133] But the restrictions were not enforced by the Interior Ministry (over the protestations of the old-guard within the FLN), and the FIS ended its campaign with several rallies including one numbering over 100,000 on the eve of the election.[134]

XII. Cooperation from the Interior and Justice Ministries

While the FLN conservative majority in the National Assembly held firm, executive ministries continued to work in concert with opposition parties. Yet another

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[131] "More on Assembly Voting," *Radio Algiers*, 14 October 1991, in *FBIS-NES*-91-199, 15 Oct 1991, 6; "FLN Leader Holds News Conference," *Radio Algiers*, 14 October 1991, in *FBIS-NES*-91-199, 15 October 1991, 7. "Algeria; Another Chance to Try the Vote," *The Economist* (International Edition), 9 November 1991: 42.

[132] "Two Parties React to Assembly Decision," *Radio Algiers*, 14 October 1991, in *FBIS-NES*-91-199, 15 October 1991, 7.

[133] "Street Demonstrations Banned Before Elections," *ENTV Television Network (Algiers, in Arabic)*, 4 December 1991, in *FBIS-NES*-91-234, 5 December 1991, 13. "FIS Cancels Marches, Organizes Rallies Instead," *Radio Algiers*, 5 December 1991, in *FBIS-NES*-91-235, 6 December 1991, 14; Patrick Martin, "Algerians Facing Crucial Vote Today; First-Ever Multiparty Election Could Also Be Country's Last," *The Globe and Mail (Canada)*, 26 December 1991.

[134] "40,000 Attend FIS Rally," *Radio France International (Paris, in French)*, 6 December 1991, in *FBIS-NES*-91-236, 9 December 1991, 32. "Over 100,000 at FIS Election Rally in Algiers 23 December 1991," in *FBIS-NES*-91-247, 24 December 1991, 15; Steve Kirby, "Late surge of voting in Algeria," *The Independent (London)*, 27 December 1991: Foreign News Page, 10.

government-parties conference took place on October 28, 1991, this time organized by the Interior Ministry to discuss the financing, implementation, and legal arrangements concerning the elections. The state agreed to financially assist all parties, providing a generous amount of money for a central headquarters, provincial headquarters, and even cars. In addition, financial assistance was given to every independent candidate and every party candidate. A justice ministry representative worked with the parties on the legal arrangements and monitoring of the electoral operation. Administrative committees, supervised by judges in the 1,541 municipalities, relied on the parties for monitoring the elections. The discussions even mentioned ways opposition leaders could stay in direct contact with the Interior Ministry up until the elections.[135]

XIII. Election Results and the Military Coup

The first round of Algeria's first multiparty parliamentary elections took place on December 26, 1991. A total of 5,712 candidates from 49 different parties competed in the country's 430 electoral districts.[136] But with the majority runoff system in place, and with the FIS and the FLN as the only two parties contesting all 430 constituencies, all but the top contenders were eliminated in the first round. With a 59% turnout in the first round of voting, the FIS won 188 seats out of 232 outright, with the Berber party winning 25 seats.[137] The FLN finished third in the first round of

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[135] "Algeria Government and Parties Discuss Election Arrangements; Partial Boycott," *Republic of Algeria Radio (Algiers, in Arabic)*, 28 October 1991, in *BBC SWB*, Part 4, Madrid Conference, ME/1216/A/ 1; 30 October 1991. Also see "Opposition Leaders Explain Boycott Decision," *Radio Algiers*, 28 October 1991, in *FBIS-NES*-91-209, 29 October 1991, 19-20.

[136] Patrick Martin, "Algerians Facing Crucial Vote Today; First-Ever Multiparty Election Could Also Be Country's Last," *The Globe and Mail (Canada)*, 26 December 1991.

[137] The Socialist Forces Front (FFS) competed in the northern Berber-speaking region of Algeria. "Algeria Official Results of First Round of Elections," in *BBC SWB*, Part 4, A, The Middle East; ME/1267/i, 1 January 1992

voting, winning only 15 seats outright.[138] The second-round runoff between the two leading candidates was to be held three weeks later on January 16, 1992.[139] With 198 constituencies remaining, the FIS needed just 28 more seats to secure a majority in parliament.[140]

Bendjedid had promised to honor the poll, regardless of the result. And after the first round of elections, he indicated he was indeed ready to co-habit with an FIS parliament. Several reports even suggested that Bendjedid was willing to replace the heads of the military at the request of the FIS and abolish some of the privileges enjoyed by senior officers.[141] Algeria's military, however, would not give Bendjedid and the Islamists the chance to do so. On January 11, 1992, senior army officers forced the resignation of President Bendjedid and dissolved the National Assembly.[142] With the President and Parliament ousted, Algeria's military cancelled the parliamentary elections, imposed a state of emergency to restrict expected protests by

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[138] Independent candidates won three seats. "Algeria Official Results of First Round of Elections," in *BBC SWB*, Part 4, A, The Middle East; ME/1267/i, 1 January 1992

[139] Patrick Martin, "Algerians Facing Crucial Vote Today; First-Ever Multiparty Election Could Also Be Country's Last," *The Globe and Mail (Canada)*, 26 December 1991.

[140] "Algeria Official Results of First Round of Elections," in *BBC SWB*, Part 4, A, The Middle East; ME/1267/i, 1 January 1992; "North Africa; Ripple-effect," *The Economist (International Edition)*, 4 January 1992: 34.

[141] John Phillips, "Chadli resignation relieves Mediterranean neighbours," *The Times*, 13 January 1992; Michel Sailhan, "Ruling Council Rules Out Fresh Elections," *AFP*, 15 January 1992; Yahia H. Zoubir, "Stalled Democratization of an Authoritarian Regime: The Case of Algeria," *Democratization*, Vol. 2 (Summer 1995): 129.

[142] Wilbur G. Landrey, "Algeria Now Country of Contradictions," *St. Petersburg Times (Florida: City Edition)*, 14 January 1992: National, 1A; Wilbur G. Landrey, "Algerian Democrats on The Run," *St. Petersburg Times (Florida: City Edition)*, 12 January 1992: National, 1A; John Phillips, "Chadli resignation relieves Mediterranean neighbours," *The Times*, 13 January 1992; Alfred Hermida, "Acting Prime Minister Takes Algeria Reins," *The Times*, 13 January 1992.

the FIS, and created a High Security Council to run the country.[143] The High Security Council in turn created a five-man High Committee of State that would exercise power as a collective presidency.[144] The military government began censoring media reports about the FIS and began raids and arrests of FIS members, forcing many other members to go into hiding.[145]

The army also did what Bendjedid refused to do—ban the FIS. On February 9, the new Interior Ministry brought a legal suit for the dissolution of the party, claiming the FIS had been "pursuing, by subversive means, objectives that put public order and state institutions in danger."[146] An Algiers court complied, and dissolved the party on March 4.[147] The FIS local and provincial councils were also dissolved, replaced by military appointed executive managers.[148]

FLN Secretary General Mehri and the FLN Political Bureau initially criticized the actions of the new High Security Council and called its creation unconstitutional.[149] Mehri went so far as to hold talks with the FIS in an attempt to present a united front against the military government. But Mehri's stance infuriated

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[143] John Baggaley, "Algeria's security council scraps poll and takes power," *The Herald (Glasgow)*, 13 January 1992: 2; Tony Walker, "Algeria Scraps Poll to Thwart Muslim Group," *Sydney Morning Herald (Australia: Late Edition)*, 14 January 1992: News and Features, 6.
[144] Tony Walker, "Military Picks 5-Man Team to Rule In Algeria," *Sydney Morning Herald (Australia: Late Edition)*, 16 January 1992: News And Features, 8.
[145] Tony Walker, "Algerians Get Intifada Call," *Sydney Morning Herald (Australia: Late Edition)*, 15 January 1992: News and Features, 1.
[146] "Court Bans Islam Party," *Herald Sun*, 5 March 1992.
[147] "Algeria FIS to Appeal against Dissolution; New Islamic Political Body Set Up," in *BBC SWB*, Part 4, 4(A). The Middle East, ME/1322/i, 6 March 1992.
[148] "North Africa in Brief: Algeria Decree to Be Signed on Dissolution of Local Councils," *Republic of Algeria Radio (Algiers, in Arabic)*, 12 April 1992, in *BBC SWB*, Part 4, A. The Middle East, ME/1355/A/1, 14 April 1992.
[149] Howard LaFranchi, "Algeria's Leadership Chooses Head of Ruling Council," *Christian Science Monitor (Boston, Massachusetts)*, 16 January 1992: The World, 3; "Algeria FLN Leader Says Newly-Formed State Council Is Unconstitutional," *Republic of Algeria Radio (Algiers, in Arabic)*, 15 January 1992, in *BBC SWB*, Part 4, A, The Middle East, ME/1280/A/1, 17 January 1992.

the remaining members of the FLN.[150] Without Bendjedid as a patron and with no new elections in sight, FLN cadres recognized that an adversarial stand against the new military government was senseless. Soon Mehri resigned, the Political Bureau was reshuffled, and the FLN realigned itself with the new military government.[151] On his resignation, Mehri said he was unwilling to lead the FLN so long as the party was "a cover for the state and…received its orders from above"—an ironic statement since this was precisely the role that Mehri played for President Bendjedid.[152]

XIV. Theoretical Summary

Changes to Algeria's constitutional framework allowed President Bendjedid to swing the 1991 parliamentary elections against the FLN. Prior to these changes, the executive was accountable to the FLN, both through a formal vote of confidence from the FLN Congress and through a constitutional clause which limited high state positions to senior party members. In addition, prior to the constitutional changes, the FLN itself was responsible for administering elections (within the one-party structure). These institutional constraints prevented the reformist-controlled executive to offer any meaningful electoral opening. Conservatives, who dominated the party, the military, and the bureaucracies, had the institutional upper-hand.

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[150] "Algeria In Brief: FLN Secretary-General Clarifies His Statements And Stances Following Criticism," *Republic of Algeria Radio (Algiers, in Arabic)*, 18 January 1992, in *BBC SWB*, Part 4, A. The Middle East, ME/1283/A/1, 21 January 1992.

[151] "Algeria's FLN Chief Offers Resignation," *Christian Science Monitor (Boston, Massachusetts)*, 29 January 1992: The World, 4; "Algeria 'Semi-Confirmed Reports' of Resignation of FLN Political Bureau," *Republic of Algeria Radio (Algiers, in Arabic)*, 27 January 1992, in *BBC SWB*, Part 4, A. The Middle East, ME/1290/A/1, 29 January 1992; "Algeria Resignations And Other Issues To Be Put To FLN National Conference," *Republic of Algeria Radio (Algiers, in Arabic)*, 28 January 1992, in *BBC SWB*, Part 4, A, The Middle East, ME/1291/A/1, 30 January 1992.

[152] "Algeria Resignation of FLN leadership to be Decided upon by National Conference," in *BBC SWB*, Part 4, 4(A). The Middle East, ME/1290/i, 29 January 1992.

But with the new 1989 constitution, Bendjedid rewrote the rules of accountability and jurisdiction within the regime. The new rules empowered reformists within the executive and sidelined conservatives in the constitutionally inferior National Assembly. With these changes, reformists could carry out policies without answering to conservatives. The jurisdiction of the reformist Interior Ministry included the administration of the voting process, the qualification of parties, and the police. The reformist executive controlled state media and campaign finance. In contrast, the only consequential electoral power FLN conservatives could wield was modifying the electoral system through the National Assembly.

Figure 4.1 summarizes the actions by conservatives and the reformist response. As the figure indicates, the executive consistently overruled conservative objections and enacted policies to the detriment of FLN electoral prospects. The administration of elections no longer went to FLN party bosses but rather to the executive. Multiparty elections were introduced, and virtually all parties were legalized by the Interior Ministry, contrary to the wishes of conservatives within the new legislature. Bendjedid refused to ban the FIS, despite its religious leanings (which qualified it for exclusion under law on political parties) and despite the public disturbances and riots that the FIS instigated. In short, all the steps taken to prop up the FLN—the political parties law, the electoral law, the ban on demonstrations—were legislated by conservatives in the National Assembly, whereas executive actions—legalizing all parties, funding opposition parties, working with opposition groups to amend electoral laws, ignoring the ban on demonstrations, and cooperating with the FIS—indicate a

Year	Political Actor	Action	Executive Response
1988	FLN – Party	Traditionally in Charge of Administering the Vote	Usurped Administration of the Vote
1989	FLN – National Assembly	Ban On Religious And Ethnic Parties	Legalization of All Parties
1990	FLN – Party	Protests by Conservatives after Local Elections	Ignored Objections and Kept Reformist Leadership
1991	FIS – Party	Provoked Mid-Year Riots	Refused to Ban the FIS
1991	FLN – National Assembly	Electoral Law and Malapportionment	Month-long Fight with Assembly over Electoral Laws
1991	FLN – National Assembly	Ban on Public Demonstrations	Toleration of Rallies the Week Preceding the Election
1991	FIS – Party	Won Election	Willingness to Co-Habit

Figure 4.1: Major Actors and Critical Junctures in the Lead-up to the 1991 Algerian Parliamentary Elections

pattern of conscious effort by President Bendjedid to impair the FLN. Algeria's refusal to rig the 1991 elections is best explained by a struggle over the electoral process, with the executive eventually winning out.

XV. Alternative Explanations

The chapter narrative stands in contrast to two alternative explanations for electoral openings. One alternative suggests that Algeria's rulers were simply negligent; Bendjedid wanted an FLN win, but was careless when steering the FLN

towards its first multiparty competition. News reports did characterize Algeria's march to elections as "rushed" and "hasty."[153]

But the above case for negligence is weak. The FLN defeat in the 1990 local elections was a signal that the FIS was indeed competitive and that steps were needed to prop up the FLN for the parliamentary elections a year later. North African governments warned against Algeria's electoral course, with the Tunisian President suggesting Bendjedid was a fool for legalizing the FIS.[154] The decisions to legalize the FIS in 1989 and maintain its lawfulness after the 1991 demonstrations were deliberate choices made by Bendjedid. And Bendjedid's unpopular economic reforms were obviously alienating the urban poor, handing this constituency to the FIS (Roberts 1993: 461). The President may not have foreseen the military coup that followed. But ample evidence suggests he was not ignorant of FLN electoral prospects or the FIS threat.

A second alternative explains the electoral opening as a result of societal pressure. Electoral openings and upsets are sometimes explained as the result of "people power." Voters are expected to come out en masse against the ruler or ruling party, and so the regime is presumably cowed into allowing a fair vote. Electoral openings, according to this explanation, can be pinned on the strength of societal

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[153] Patrick Mcdowell, "Islamics in Algeria Dominate Arab Country's Rush to Democracy," *The Associated Press (AM cycle)*, 1 October 1990.
[154] Susan MacDonald, "Poll Victory of Islamic Party Alarms Algeria's Neighbours," *The Times*, 16 June 1990; Steve Kirby, "Monday Shadow of the Veil Falls on a Secular State: A Failure To Deliver The Western Dream Has Driven Algeria's Poor towards Islam," *The Independent (London)*, 30 December 1991: Foreign News Page, 9.

opposition. In the case of Algeria, the protests in 1988 and 1991 might have scared the regime into opening the electoral system to other political parties.

The evidence that "people power" instigated the electoral opening is weak. The drive for a fair vote was entirely a state-driven enterprise. The street protests did not scare the President into capitulating to the political opposition. If anything, the evidence suggests that President Bendjedid exploited the disturbances to further his ambition of opening the political system and ridding himself of the FLN. People power may explain why the FIS was able to exploit the electoral opening, but not why the electoral opening occurred.

XVI. Conclusion

This chapter examined the Algerian 1991 parliamentary elections, within the context of Algeria's (changing) constitutional structure. In 1989, President Bendjedid successfully amended Algeria's constitution, which in turn paved the way for the President and his reformist allies to remove many of the electoral advantages of the FLN. Though Algeria's conservatives enjoyed numerical supremacy in the bureaucracies and the newly created National Assembly, they were institutionally hamstrung in the new political system; conservatives could legislate electoral law, but were not in a position to administer or implement the law. In contrast, reformists in the executive controlled the administration of the vote, party legalization, campaign funding, the state media, and the police. Given the loose accountability of reformists in the executive to the conservatives within the FLN and Assembly, as well as the superior jurisdictional powers of the executive, I hypothesized in Chapter 2 a large

electoral opening to the opposition in the 1991 Algerian parliamentary elections. The chapter narrative confirms the predictions from Chapter 2.

As mentioned in Chapter 1, the historical similarities between Egypt and Algeria lessen the possibility that variables other than constitutional structure contributed to the electoral opening in Algeria. Prior to the parliamentary elections, both North African countries were ruled by secular, single-party regimes and had militaries that historically played a large role in state politics. In addition, both countries shared a similar level of economic development and were considered autocratic by popular political measures. Both countries were predominantly Muslim, with Islamist movements constituting the main source of societal opposition. And in both Algeria and Egypt, a split emerged within the regime between reformist and conservative factions over the management of the elections.

The key difference between the two countries in explaining electoral openings was the institutional framework governing the elections. In Egypt, the reformist judiciary was overwhelmed by the superior powers of President Mubarak. But in Algeria, the institutional position of reformists and conservatives was reversed; reformist President Bendjedid was able to push through amendments which severed his accountability to conservatives within the Assembly and FLN, thereby allowing him to engineer the electoral opening that allowed the FIS to win. Comparison of the chapter narratives demonstrates the significance of rules, norms, and accountability in non-democratic systems. Political actors within both systems were meaningfully

constrained by the state's constitutional structure. And differences in control over these constitutionally defined powers had profound consequences.

The Algerian and Egyptian cases also cast doubt on "people power" explanations. With regard to Egypt, "a historic court ruling forced the government to place the elections under full judicial supervision…[while] the opposition's struggle for the same objective yielded no such results."[155] A reformist faction within the Egyptian regime itself was responsible for the limited electoral opening. Similarly, as late as 1987 in Algeria, "the Islamist movement did not hold the political initiative," nor did "popular discontent…express itself in an Islamist idiom."[156] Political opposition within society was in its infancy and relatively disorganized at the time of Algeria's elections. It was Bendjedid's decision to amend the constitution and legalize opposition parties—and not any actions by the FIS—that forced Algeria's opening to the political opposition.

Finally, the Egyptian and Algerian narratives underline the significance of institutional control over the electoral process. In both cases, the executive exploited its constitutionally superior position by interpreting and implementing electoral laws to its own benefit. In Egypt, this meant conservative control over the electoral process, whereas in Algeria this meant reformist control over the electoral process. The next chapter examines a case of balanced and shifting control over the electoral process, by investigating Iran's 2000 and 2004 parliamentary elections.

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[155] Mona Makram-Ebeid, "Egypt's 2000 Parliamentary Elections," *Middle East Policy* 8.2 (June 2001).
[156] Roberts, "From Radical Mission to Equivocal Ambition," 430.

Chapter 5: An Institutional Explanation for Candidate-Vetting in Iran

I. Introduction

In February of 2000 the ruling clerics of Iran lost political control of parliament. Despite holding important levers of electoral law, the clerics failed to properly vet parliamentary candidates, allowing many reformists to filter through to the final candidate lists. Voters in Iran overwhelmingly threw their support behind the reformist camp, rejecting the conservatives allied with the Supreme Leader. In the end, reformists claimed 70% of the seats, routing the conservatives who had controlled parliament since the establishment of the Islamic Republic.[1] The election also marked the first time that two branches of government—the executive and the legislative—were out of the ruling clerics' political control. Not only did reformist president Mohammad Khatami hold the presidency, but his younger brother Reza Khatami, who received more votes than any another other candidate in the history of the Iranian parliament, led the new reformist Islamic Iran Participation Party to victory.[2]

Losing political control of the parliament was much more serious than a simple thorn in the side of Iran's religious rulers—it represented an open challenge to the regime.[3] The new legislature was committed to political change and democratic reforms. Reformists were openly criticizing the clerics' abuse of the rule of law. They spoke out against the lack of basic individual freedoms in the country and demanded fewer state-imposed restrictions on the private lives of citizens. The

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[1] PBS, Frontline page, Terror and Tehran, <http://www.pbs.org/wgbh/pages/frontline/shows/tehran/inside/elections.html> (16 January 2007).
[2] PBS, Terror and Tehran.
[3] David Hirst, "Iranian voters set for power showdown," *The Guardian*, 7 June 2001, <http://www.guardian.co.uk/international/story/0,3604,502842,00.html> (16 January 2007).

elections marked a "crisis of legitimacy" and the waning power of the ruling theocrats.[4] Enthusiasm for the reformist win led many to declare the elections of "historic proportions."[5] Other reports declared that the elections marked a "crossroads", that the power struggle between the reformists and the ruling hardliners was approaching a "climax", and that the decay of the Iranian regime was terminal.[6] The continued rule of the clerics in the Islamic state was thought to be in jeopardy.

The elections, however, did not initiate a transition but rather a reassertion of the ruling clerics. The rulers saw the challenge and ended the reformist push for political change by heavily intervening in the 2004 parliamentary elections. Whereas the clerics disqualified less than 10% of registrants in the year 2000, they prohibited nearly 44% of candidates from running in the February 2004 elections, including a ban on every member of the Islamic Iran Participation Front party and nearly every reformist-minded candidate. The vetting process was much more complete, leading to a conservative takeover of the parliament. The conservatives took 70% of the seats, a virtual reversal of the election results just four years prior. The prospects for democratic reform, which were so optimistic in 2000, are now regarded with a more

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[4] Eric Rouleau, "Iran's 'referendum' for democracy," *Le Monde diplomatique* English edition, June 2001 <http://mondediplo.com/2001/06/05iran> (16 January 2007).
[5] Statement by James P. Rubin on the Iranian Elections, U.S. Department of State: Office of the Spokesman, 21 February 2000, <http://www.usembassy-israel.org.il/publish/press/state/archive/2000/february/sd20223.htm> (17 January 2007).
[6] Tony Karon, "Talking Point: Iran at a Crossroads," Time, 5 May 2000, <http://www.time.com/time/arts/article/0,8599,44495,00.html> (17 January 2007). Also see John Grimond, "God's rule, or man's?" *The Economist*, 16 January 2003.

sober outlook. Experts now believe the grip on power by the ruling clerics, which has lasted over 25 years, is likely to extend into the foreseeable future.[7]

The reformist challenge to the Iranian regime and the rulers' ability to confront it poses some natural questions. How did the opening for reform begin in the midst of an otherwise robust autocracy? What changed so that Iran's leaders were later able to vet reformist candidates and thus rescue their rule?

Popular accounts of the reformist surge and fall emphasize Iranian society's demand for change and its subsequent disappointment with the lack of reform. However these accounts omit another element of the story—the within-state struggle for institutional control over candidate-vetting. I argue that Iran's schizophrenic institutional design was responsible for keeping election supervision largely outside the purview of the ruling clerics before 2003. Only later did institutional adjustments restore the ruling clerics' authority over election supervision, and thus ensure their political rule.

Though the Iranian constitution grants de jure power over election supervision to the Guardian Council (a powerful conservative body headed by the Supreme Leader), de facto power before 2003 actually rested with the Interior Ministry (headed by the President). A lack of institutional infrastructure forced the Guardian Council and its temporary election committees to rely heavily on the information passed to them from the Interior Ministry as well as other executive bodies. This dependency almost led to the political death of cleric-based rule when reformist Khatami was

[7] Mustafa El-Labbad, "Conservative finale?" *Al-Ahram* Weekly Online, Issue No. 678 (26 February - 3 March 2004) <http://weekly.ahram.org.eg/2004/679/re4.htm> (17 January 2007).

elected president in 1997. Under Khatami the Interior Ministry slackened vetting standards, ushering in a reformist win in the parliamentary elections of 2000. Seeing their grip over the state begin to slip, the clerics responded by enlarging their own bureaucracies, creating in 2003 a parallel system of permanent provincial supervisory offices and local bureaus that severed their dependency on the Interior Ministry for information on candidates. The Guardian Council has since been able to properly vet parliamentary candidates that pose a threat to the Supreme Leader and his supporters.

This chapter is organized as follows. The first section provides some background on the origins and details of Iran's institutional framework, especially with regard to election supervision. The second and third sections present a brief history of the political events that led to a slackening of vetting standards—namely Khatami's election and his reforms within the interior and intelligence ministries. The fourth section reviews the run-up to, and results of, the 2000 parliamentary elections. The fifth and sixth sections examine the expansion of the Guardian Council, its establishment of permanent supervisory offices in 2003, and its consequences for the 2004 parliamentary elections. I present evidence from Iranian newspaper editorials, statements by government officials (both reformist and conservative), foreign news reports, and Iranian experts, all of which point to the significance of the supervisory offices in countering the Interior Ministry's authority over candidate-vetting in the 2004 parliamentary elections. The seventh section presents a theoretical summary of the preceding political narrative.

The eighth section presents three alternative explanations regarding Iran's parliamentary elections. Unlike the primary narrative (which focuses on Iran's constitutional design), all three alternative explanations assume that an omnipotent Guardian Council simply made errors in candidate-vetting. According to the first, the Guardian Council became inattentive during the 2000 elections. A second alternative explanation claims the Guardian Council intentionally loosened vetting standards in 2000 to prevent public outcry and instability at the height of the reformist wave, but later decided to reverse itself in 2004 when the reformist movement was weaker. A third alternative explanation asserts that the Guardian Council made an incorrect strategic decision to flood the 2000 elections with liberal candidates to split the reformist coalition and minimize losses. I conclude by assessing the strengths and shortcomings of all the presented explanations.

II. Background of Election Laws

Iran's unique political structure stems from the ideological leanings of the assembly members that drafted the final version of the constitution in November of 1979. Though a myriad of societal groups were responsible for bringing down the government of Mohammad Reza Shah Pahlavi, political maneuvering by Ayatollah Ruhollah Khomeini and the Islamic Republican Party ensured that their vision of the future constitution of Iran would ultimately be triumphant. Khomeini and his allies initiated a public campaign to denounce advocates of a democratic Iran as enemies of Islam and the revolution. Khomeini then used his influence with the people and the provisional government to scrap plans for a large constitutional assembly made of

hundreds of representatives of the people. Instead, an election for a much smaller constitutional assembly was created. In addition to outright vote-rigging and fraud, malapportionment of electoral wards ensured the election of a disproportionate number of Khomeini-allied clerics to the constitutional assembly. Although the election met with boycotts and protests (with one organization comparing the electoral manipulation to those held under the Shah) in the end Khomeini-supporters were successful.[8] Fifty-five of the seventy-two delegates elected to the constitutional assembly were clerics, most of whom were Khomeini allies.[9] These assembly members dismissed a preliminary liberal draft of the constitution and instead pushed for an extreme form of *velayat-e faqih* (Guardianship of the Islamic Jurists—a system of direct clerical rule). These conservative members believed sovereignty lay not in the people but rather in the Islamic principles of God, which in turn could only be properly interpreted and administered by the religious establishment. Only a minority of republican-minded clergy members and leftists in the assembly advocated a political system that embraced popular participation, but they lacked the votes to create a modern state where the Iranian people would be the center of politics and where the religious establishment would play only a supervisory role.

The compromise that resulted was a complex cleric-dominated system that at the same time embraced a degree of popular participation. For example the president, the second most powerful figure in the Iranian state, is popularly elected, appoints

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[8] Asghar Schirazi, *The Constitution of Iran: Politics and the State in the Islamic Republic*, translated by John O'Kane (London: I.B. Tauris Publishers, 1997), 32.
[9] Schirazi, 32.

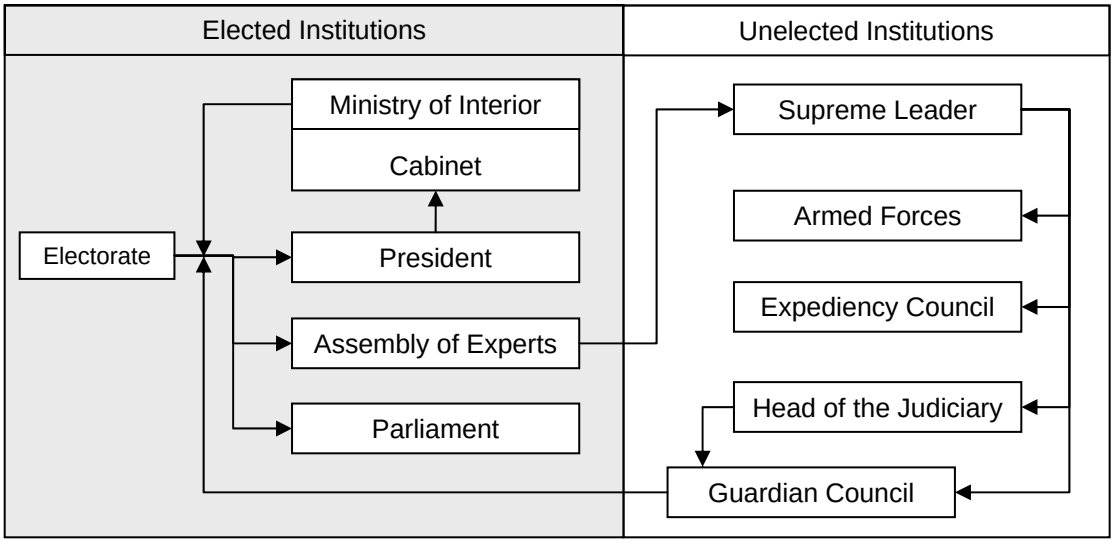


Figure 5.1: Iran's Constitutional Structure

cabinet members for the twenty-two ministries, and the governors of all provinces and counties. Yet the Supreme Leader, who is indirectly elected through a tightly regulated Assembly of Experts, is commander-in-chief of the armed forces, head of the Islamic Revolutionary Guard Corps (IRGC), and head of the Supreme National Security Council; he alone has the sole power to declare war.[10] In addition, the Supreme Leader also appoints the heads of the judiciary, state radio and television networks, and the commanders of the military forces. The minority of democratic-minded constitutional assembly members recognized the deliberate subordination of the president vis-à-vis the Supreme Leader, leading them to propose (unsuccessfully) a combining of the office of the leader with the presidency. They warned that not doing so would establish a power disparity and would lead to accusations of "dictatorship

[10] Candidates are limited to religious scholars, who must first pass a written examination demonstrating their qualifications and then an interview. As for the powers of the Supreme Leader, see Schirazi, 13.

and hostility to the sovereignty of the people."[11] The constitutional subordination of elected offices to the Supreme Leader is also manifested in the parliament. The Majlis is a popularly elected national parliament that is in charge of drafting legislation, ratifying international treaties, and approving the national budget. Yet, it is ultimately checked by the Guardian Council which exercises veto power over all legislation; the twelve-member Guardian Council, considered the most powerful body in Iranian politics, is headed by the Supreme Leader who directly appoints six members and indirectly appoints the remaining six through the head of the judiciary. In addition, the Expediency Council, which is entirely appointed by the Supreme Leader, can break any legislative stalemates between the Parliament and the Guardian Council by passing emergency laws. In this way, many of the "democratic" bodies of government are checked by constitutionally superior religious institutions.[12]

A particularly important institutional hinge upon which *velayat-e faqih* survives is the body of constitutional articles and electoral laws regarding the supervision of elections. According to Article 99 of the Constitution the "Guardian Council has the responsibility of supervising the elections of the Assembly of Experts for Leadership, the President of the Republic, the Islamic Consultative Assembly [Parliament], and the direct recourse to popular opinion and referenda."[13] In addition, electoral laws are fashioned to restrict the eligibility of political candidates through

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[11] Schirazi, 46.
[12] The subordination of "democratic" offices to superior unelected institutions in Iran is somewhat analogous to the monarchies of the 19th and early 20th century during their transition to modern parliamentarianism.
[13] A. William Samii, "Iran's 2000 Elections," *Middle East Review of International Affairs*, 4.1 (March 2000), <http://meria.idc.ac.il/journal/2000/issue1/jv4n1a1.html> (17 January 2008).

vaguely-worded statutes that are open to arbitrary interpretation by the Guardian Council. For example, Iranian political candidates must not be "suspected of dishonesty or moral depravity" and their "allegiance to the government of the Islamic Republic" must be beyond doubt.[14] A 1984 amendment requires candidates to show a "commitment to Islam."[15]

Despite Article 99 and the electoral laws, de facto power with regard to candidate-vetting prior to 2003 lay in the hands of the Interior Ministry. Responsible for the actual implementation of the elections, the Interior Ministry is in charge of registering the candidates, setting up polling places, creating executive committees that investigate a registrant's eligibility, and calculating final poll results. With all these responsibilities, and because the Interior Ministry personnel would be most familiar with the personalities in their localities, they were best suited to determine a candidate's eligibility. Indeed until 1991, the electoral laws that implemented Article 99 entrusted the examination of candidates to the Interior Ministry; the Guardian Council had the right to annul the ministry's decisions only after the fact.[16] Even after the Interior Ministry's legal power was somewhat reduced in 1991, when a bill passed giving "approbation supervisory" powers to the Guardian Council and thus active say in candidate selection, the candidate registration and vetting process in practice still required heavy cooperation with the Ministry of the Interior. A description of the vetting process follows.

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[14] Schirazi, 86.
[15] Schirazi, 86.
[16] Schirazi, 89.

Some of the institutional steps for gathering information and vetting candidates are identical for both the Interior Ministry and the Guardian Council. Aspiring parliamentary candidates register with the Ministry of Interior, with registrant lists sent to the Guardian Council as well. After compiling these lists, the registrant names are sent to the Intelligence Ministry, the Bureau of Registry, the Bureau of Identity Verification, the Public Prosecutor, and the police. These agencies conduct a background check, and return the results of their investigation to the Ministry of Interior and the Guardian Council within five days. The Interior Ministry then establishes ad hoc executive committees at the local, provincial, and central level. The initial background information is sent to the local committees, who then commence their own investigation in the candidate's neighborhood and make a recommendation as to the candidate's eligibility. These findings are passed up the chain of committees to the central executive committee, which makes a final decision. Parallel committees are maintained by the Guardian Council, with a central supervisory committee overseeing provincial supervisory committees, which in turn oversee local supervisory committees. These local supervisory committees may conduct their own investigation (typically consisting of recommendations by Friday prayer leaders) and deliver the results to the central supervisory committee. In case there is a disagreement between the central executive committee and the central supervisory committee, the Guardian Council serves as the ultimate arbiter per its "approbatory supervisory" powers. See Figure 5.2.

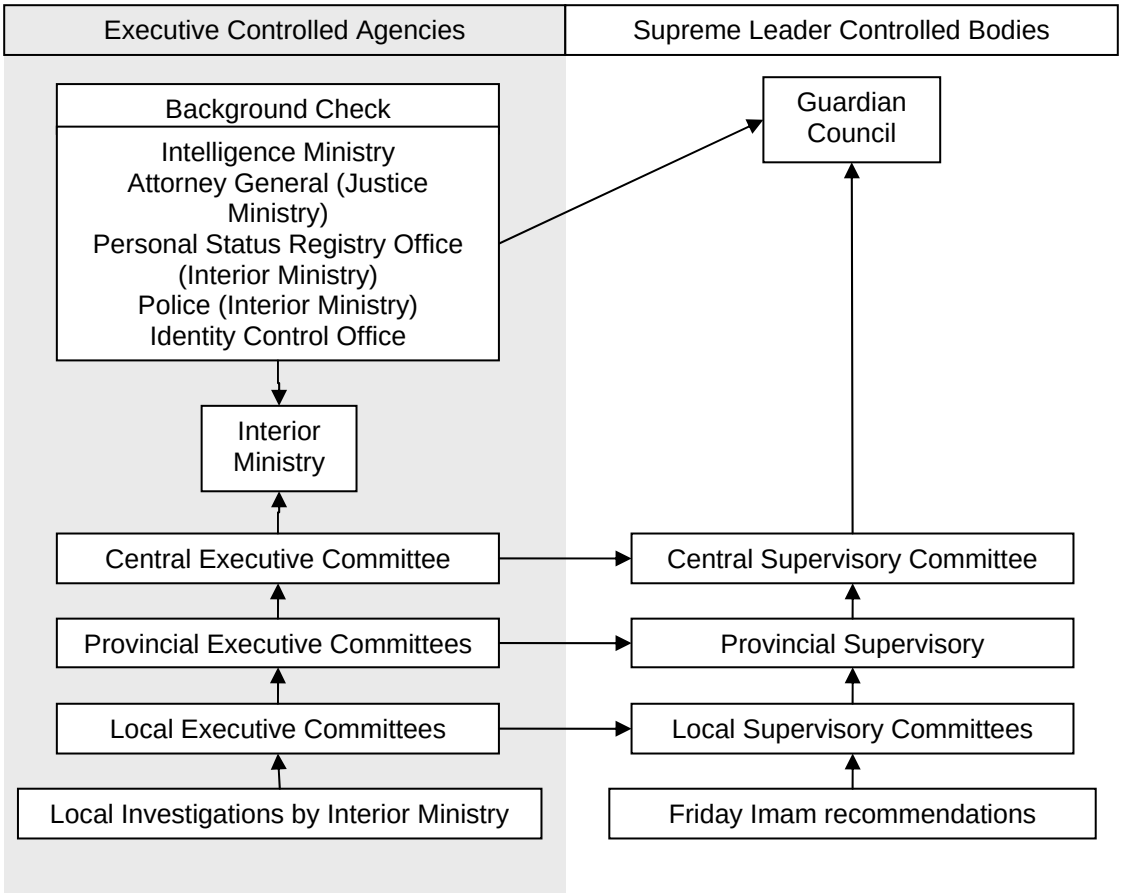


Figure 5.2: Information Flow of Iran's Candidate-Vetting Institutions

Though these procedures would seem to guarantee the Guardian Council's control over vetting, in practice the candidate investigations heavily relied on executive bodies. For example, the government agencies responsible for the initial background check of candidates are located within the cabinet ministries (i.e. the intelligence, justice, and interior ministries). Moreover, since the hierarchy of religious election boards is all ad hoc, investigations by the local supervisory committees under the Guardian Council must rely heavily on established, permanent local officials under the Interior Ministry. Article 50 of the 1999 Elections Act states: "The executive boards…shall study the eligibilities of the candidates through the

Ministry of the Interior and shall announce the outcome to the committees of supervision."[17] Thus, most of the candidate information at the local level was collected by the Interior Ministry and its executive committees. Finally, members of the supervisory committees were appointed by superior supervisory committees, whereas the executive committees drew many of their members directly from the electoral localities in question. This arrangement kept supervisory committees free of local influence but also left the Guardian Council vulnerable; the Council was at the mercy of the information provided by the Interior Ministry.

If the president and the Interior Ministry chose not to cooperate with the supervisory committees in the candidate-vetting process, the Supreme Leader and Guardian Council would have difficulty responding within the existing institutional setup. The first two presidents of Iran, conservative Ayatollah Ali Khamenei (1981-1989) and pragmatic moderate Akbar Hashemi Rafsanjani (1989-1997), did not wish to undermine *velayat-e faqih*. Both men had studied directly under Ayatollah Khomeini and their respective political bases did not push for confrontation with the Guardian Council.[18] Indeed, the presidents often praised the Guardian Council's vetting of anti-faqih leftist candidates and defended the mandate of the Supreme

[17] Iran: Elections Act of Islamic Consultative Assembly 1999, <aceproject.org/ero-en/regions/asia/IR/the-elections-act-of-islamic-consultative-assembly> (18 December 2007).
[18] After Ayatollah Khomeini's death in 1989, conservatives, lacking a charismatic replacement for Khomeini, were preoccupied with consolidating institutional power within the state. Presumably this explains the uptick in parliamentary disqualifications after 1992. For a discussion of the new Supreme Leader Khamenei, his reliance on conservative support, and the consolidation of rightist control of the state see Wilfried Buchta, *Who Rules Iran?: The Structure of Power in the Islamic Republic*, (Washington Institute for Near East Policy and the Konrad Adenauer Stiftung: Washington DC, 2000), 52-55.

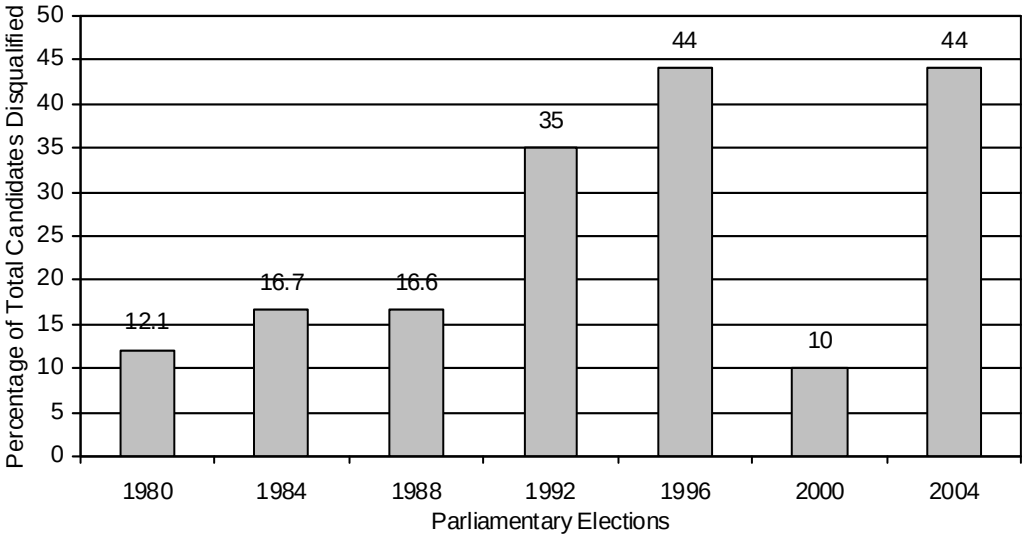


Figure 5.3: Disqualification Rates for Parliamentary Elections

Leader.[19] But in 1997 the underdog Seyyid Mohammad Khatami rode a wave of ambitious reformist hopes to capture the presidency. Under his watch, the Interior Ministry greatly relaxed vetting standards prior to the elections in 2000, dramatically reversing a trend of increased disqualifications since the founding of the Islamic state (see Figure 5.3).[20] Only by creating its own set of permanent supervisory offices in 2003 was the Guardian Council able to reestablish its authority over vetting and thus confidently retake parliament. The section that follows reviews the presidential

[19] Mehdi Moslem, *Factional Politics in Post-Khomeini Iran*, (New York: Syracuse University Press, 2002), 181-183.

[20] For vetting rates between 1980-1988 see Farshad Malekahmadi, "The Sociological Intersection of Religion, Law and Politics in Iran: Judicial Review and Political Control in the Islamic Republic of Iran," PhD dissertation, Department of Sociology, State University of New York at Stony Brook, 1999, p 146. For 1992 vetting rates see Mehdi Moslem, *Factional Politics in Post-Khomeini Iran*, (New York: Syracuse University Press, 2002), 182. Also see Schirazi, 88. For 1996 vetting rates and thereafter see Morad Saghafi, "The Reform Nobody Wants Anymore," *ISIM Review* vol. 15 (Spring 2005): 42-43, <www.isim.nl/files/Review_15/Review_15-42.pdf> (19 January 2008). Also Schirazi, 88. Morad Saghafi, "The New Landscape of Iranian Politics," translated by Kaveh Ehsani, *Middle East Report* 233 (Winter 2004), <http://www.merip.org/mer/mer233/saghafi.html> (19 January 2008).

election of 1997, briefly discussing why the ruling clerics allowed Khatami to participate and detailing the political preferences of Khatami and his supporters. The section afterwards explores Khatami's actions as president, focusing on his reforms within the institutions responsible for candidate-vetting.

III. Khatami and the 1997 Presidential Elections

With the incumbent President Rafsanjani stepping down (given the Iranian constitution's two-term limit on the presidency), the Supreme Leader and the Guardian Council were faced with selecting the candidates who would run in the 1997 presidential election. Of the four contestants they settled on, the rulers backed conservative speaker of the parliament Ali Akbar Nateq-Nuri. At the same time however, the Guardian Council wished to enhance the regime's legitimacy and increase voter turnout from the previous presidential contest, which had hit a low of near 50% in Rafsanjani's reelection of 1993.[21] Supreme Leader Khamenei wanted a vote of 30 million, and to get this turnout he needed at least one believable candidate to run against Nateq-Nuri to stimulate interest without actually threatening Nateq-Nuri.[22] Khamenei encouraged a leftist group that had boycotted previous elections to field a candidate, and after rejecting their first choice Khamenei accepted their nomination of Mohammad Khatami.[23] Khatami was seen by the ruling clerics as a political lightweight, and some leftist groups shared this sentiment and hesitated to

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[21] Schirazi, 106.
[22] Shaul Bakhash, "Iran's Remarkable Election," *Journal of Democracy* 9.1 (1998): 80-94, <http://muse.jhu.edu/journals/journal_of_democracy/v009/9.1bakhash.html> (19 January 2008). Also Wilfried Buchta, *Who Rules Iran?: The Structure of Power in the Islamic Republic*, (Washington Institute for Near East Policy and the Konrad Adenauer Stiftung: Washington DC, 2000), 32.
[23] Shaul Bakhash, "Iran's Remarkable Election."

endorse him at first.[24] Khatami himself admitted that if his candidacy increased turnout by 10%, he would have fulfilled his duty.[25]

Khatami's campaign became more than a token gesture to contestation however. His candidacy benefited from a number of things. Khatami's appointment at the head of the National Library (1992-1997) ensured that he stayed largely on the sidelines of the Rafsanjani presidency (1989-1997), insulating him from the corruption and failed economic reforms of Rafsanjani. Also the campaign style of Khatami was novel. Whereas Nateq-Nuri's campaign staged marches down the streets like military processions, spending billions of rials on publicity, Khatami rode around in a modest bus. Khatami's amateur campaign made him seem like a man of the people (which influenced Ahmadinajad's campaign years later).[26] Nateq-Nuri behaved as though he had already won the election, visiting Moscow, meeting with Yeltsin, and addressing the Duma as the next president of Iran. Khatami did not take popular support for granted nor did he dumb down his message. Rather, he strove to present an interesting and relevant campaign for the people.

Khatami's most effective campaign tool was his message of political emancipation. Earlier as Minister of Culture and Islamic Guidance (1982-92), he acquired a liberal reputation regarding freedom of speech and the press, lifting many

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[24] Ali M. Ansari, *Iran, Islam, and Democracy: The Politics of Managing Change* (London: Chatham House, 2006), 110. Also see Shaul Bakhash, "Iran's Remarkable Election," *Journal of Democracy* 9.1 (1998): 80-94, <http://muse.jhu.edu/journals/journal_of_democracy/v009/9.1bakhash.html> (19 January 2008).
[25] Ansari, 94.
[26] Ansari, 110.

restrictions on magazine and book publishing, cinema, theater, and the arts.[27] His views eventually drew the ire of the conservative speaker of parliament Nateq-Nuri, who forced Khatami to resign (a move that would put Khatami in good stead with the liberal segments of society).[28] Khatami openly admired Western ideals of liberty and freedom and the West's fight against oppression and authoritarian rule.[29] He was also critical of the Iranian religious establishment, calling their interpretations of Islam "regressive visions of dogmatic believers", and making it clear that religious laws should be open to revision according to the needs of the people.[30] Khatami did not want a violent collapse of the Islamic Republic, but he did advocate within-state reforms to make it more democratic, tolerant, and progressive.[31]

The voters who ultimately backed Khatami were even more liberal in their politics. The student movement played a central role mobilizing societal support for the reformist movement. His initial successes with students gave him the momentum to start capturing other societal groups. Artists and film-makers endorsed Khatami, and helped him create a Western-style election broadcast.[32] Khatami's campaigning on the rule of law, political emancipation, freedom of opinion, human rights, and pluralism and democracy attracted a broad segment of the electorate. Sunnis and Kurds backed Khatami in hopes that increased freedoms would translate into greater

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[27] Shaul Bakhash, "Iran's Remarkable Election."
[28] Shaul Bakhash, "Iran's Remarkable Election."
[29] Ahmad Siddiqi, "Khatami and the Search for Reform in Iran," *Stanford Journal of International Relations* 6.1 (Winter 2005), <http://www.stanford.edu/group/sjir/6.1.04_siddiqi.html> (19 January 2008).
[30] Ahmad Siddiqi, "Khatami and the Search for Reform in Iran."
[31] Ahmad Siddiqi, "Khatami and the Search for Reform in Iran."
[32] Ansari, 110.

rights and autonomy for ethnic minorities. Women backed Khatami in hopes of greater rights regarding issues such as dress code, divorce, and inheritance laws. When conservatives attacked Khatami and questioned his support for *velayat-e-faqih* and promoted Nateq-Nuri's closeness to the Supreme Leader, it raised interest in the election and convinced liberal-minded voters that Khatami should be taken seriously.

On May 23, 1997 close to 90 percent of eligible voters came to the polls, with nearly 70 percent of those voters casting their ballot for Khatami.[33] The landslide victory was dramatic, even surprising many Khatami supporters. With a leader in favor of political liberalization and a political base that was even more fervent about reform, Khatami's administration attempted a steady transformation of the state that included two key ministries that were central to candidate-vetting—the Interior and the Intelligence ministries.

IV. Reforms within the Interior and Intelligence Ministries

Khatami's first interior minister, Hojatoleslam Abdullah Nouri, was a favorite target of conservatives. He enraged hardliners by granting greater freedoms to political parties and allowing rallies in support of the President.[34] He appointed reform-minded governors in the provinces and counties who challenged the religious establishment. He spoke out against conservative attempts to slow reforms initiated

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[33] Voter percentage for Khatami from Ali M. Ansari, *Iran, Islam, and Democracy: The Politics of Managing Change* (London: Chatham House, 2006), 108. Voter turnout from Samii, "Iran's 2000 Elections."

[34] Ramin Jahanbegloo, "A Quest for Change: Khatami and Democracy within Islam," *World Affairs - The Journal for International Issues*, vol. 5 (April-June 2001), <http://www.weltpolitik.net/Regionen/Naher%20u.%20Mittlerer%20Osten/Iran/Analysen/A%20Quest%20for%20Change.html> (19 January 2008).

by Khatami.[35] Most importantly, he initiated a radical change in the political composition of the Interior Ministry by appointing reformists in key ministry posts.[36] Former conservative elements of the Interior Ministry were forced to eventually migrate to the judiciary, the Revolutionary Guard, and the Guardian Council, staffing new security and intelligence institutions under the clerics' authority.[37] Nouri's actions alarmed the religious establishment to such an extent that in June of 1998 he was dismissed by the conservative parliament who accused him of "creating tension in the society, giving provocative interviews and speeches in different provinces and appointing inexperienced people to managerial posts at the Ministry."[38] (In defiance, Khatami appointed Nouri to a vice-presidential post with many of the same responsibilities within an hour of parliament's decision.)[39] Khatami eventually chose Abdolvahed Mousavi-Lari as Interior Minister who, though less openly confrontational than Nouri, nonetheless continued the liberalization that Nouri had started. Mousavi-Lari would himself face calls for impeachment less than a year later for his role in the reformist wins in the 1999 municipal elections. In addition to key appointments, the liberalization of the Interior Ministry was bolstered after July of 1998, when conservative elements within the ministry bungled a raid on a student dormitory; the subsequent investigations by the executive uncovered old-guard

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[35] Ramin Jahanbegloo, "A Quest for Change: Khatami and Democracy within Islam."
[36] Scott Macleod, "Old Iran...vs. New" *Time* on the Web, 6 July 1998 <http://www.time.com /time/magazine/article/0,9171,988666,00.html> (19 January 2008).
[37] Farideh Farhi, "Political Paralysis: Iran's 2001 Election and the Future of Reform," *Asia Society* (May 2001), <http://www.asiasociety.org/publications/update_iran.html> (19 January 2008).
[38] Ramin Jahanbegloo, "A Quest for Change: Khatami and Democracy within Islam."
[39] Ansari, 152. Also, Robin Wright, "Iran President Bucks Conservatives, Reappoints Sacked Minister; Mideast: Khatami, signaling he won't yield to pressure, makes impeached official a vice president," *Los Angeles Times* 22 June 1998, 10.

factions within the Interior Ministry, accelerating the remaking of the Interior Ministry.

Khatami also overhauled the Ministry of Intelligence and National Security (MOIS), changing its staff and missions.[40] Just as in the case of the Interior Ministry, reform was spurred by a scandal involving conservative factions within the ministry. The assassinations of Iranian dissidents, writers, and intellectuals in 1998 (known as the "serial killings") and the ensuing investigations helped uncover rogue elements within the intelligence ministry.[41] The negative publicity over the murders ensured that such activities were condemned not only by society but also within the MOIS itself. Khatami's initial minister of intelligence, Dori Najaf-abadi was instrumental in leading the investigation, and, though he was forced to resign under conservative pressure, his replacement, Ali Yunesi, continued the work of rooting out rogue elements in the ministry.[42] An Iranian expert described the ministry under Yunesi as "purged," while an Associated Press release reported that, with Yunesi in charge, Khatami had greater sway over the workings of the ministry compared to its previous history with hardliners.[43]

The ability and foresight to reform the Intelligence and Interior ministries can partially be traced to the founding of the reformist movement. During the 1980s, angry at the mismanagement of the Iran-Iraq war, the country's economic decline, and

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[40] Hossein Derakhsan, "The Courage to Change" *Iranian.com* 7 September 2006, <http://www.iranian.com/Derakhshan/2006/September/Jahanbegloo/index.html> (19 January 2008).
[41] A. William Samii, "Factionalism in Iran's Domestic Security Forces," *Middle East Intelligence Bulletin* 4.2 (Feb 2002), <http://www.meib.org/articles/0202_me2.htm> (19 January 2008).
[42] Ansari, 181.
[43] Ansari, 181. And the Associated Press Report, "Iran OKs New Intelligence Minister" *FarsiNet.com*, 24 February 1999 <http://www.farsinet.com/news/feb99.html> (19 January 2008).

the moves by Rafsanjani and Khamenei to sideline them, members of the MOIS left the government to join think-tanks and become journalists and editors of daily newspapers. These members were central in advancing Khatami's reforms. For example, Akbar Ganji, a former Revolutionary Guard intelligence officer, later became an investigative journalist who tirelessly followed up on the "serial killings", identifying the rogue elements within MOIS as well as their spiritual mentors. Said Hajjarian, a former high-ranking counter-intelligence officer in MOIS, was credited with founding the central reformist party (the Iran Participation Party) and was also later called the "the architect" of the 2000 reformist parliamentary victory.[44] He made it clear his goal was to diminish *velayat-e-faqih*. If politically inexperienced newcomers without adequate knowledge regarding the intelligence and security apparatus had taken control of the presidency, changes in these key ministries may not have occurred. But Khatami's presidency was allied with powerful players from these institutions who could properly direct reforms to weaken clerical hegemony in Iran.

V. The 2000 Parliamentary Elections

Given the aims and inroads made in the early years of Khatami's presidency, conservatives did their best to stifle reformist plans. The judiciary shut down prominent newspapers. Abdullah Nouri, vice-president and former interior chief, was found guilty of attacking Islam and the foundations of the Islamic Republic and was handed a five-year prison term.[45] And the parliament used its powers to slow

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[44] See Ansari, 219. And Mahan Abedin, "The Origins of Iran's Reformist Elite," *Middle East Intelligence Bulletin* Vol. 5 No. 4 (April 2003), <http://www.meib.org/articles/0304_iran.htm> (19 January 2008).

[45] For the Nouri trial, see Ansari, 198. For commitment to Islam see Samii, "Iran's 2000 Elections."

Khatami's reforms by screening his ministers, scrutinizing their actions, and refusing to pass legislation that empowered press freedoms.

Given the above, the capture of the parliament in the upcoming 2000 elections was of particular consequence for Khatami and the reformists. Not only would it confirm and consolidate the movement, but it would enable Khatami's reformist allies to control the legislative agenda. Press freedoms and other reforms would be easier to pass, and Khatami could nominate cabinet ministers without the threat of removal by a conservative parliament.

Conservatives also recognized the stakes of the elections, and thus passed a parliamentary elections law in 1999 that seemed tailored to prevent a reformist win. Sections of the law listed over 30 governmental (mostly executive) positions that were barred from running for parliament unless the candidates resigned from their position two months prior to the vote.[46] This would prevent many members of Khatami's administration from running while in office. The law also raised the voting age from 16 to 17, depriving millions of young (likely reformist voters) from participating. Some of the law's articles were even interpreted to give the Guardian Council a post facto right to disqualify candidates.[47] Conservative parliamentarian Ahmad Rasoolinejad predicted candidate qualifications would be stricter than in the past.[48]

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[46] Iran: Elections Act of Islamic Consultative Assembly 1999, <aceproject.org/ero-en/regions/asia/IR/the-elections-act-of-islamic-consultative-assembly> (18 December 2007).
[47] A. William Samii, "Iran's Guardians Council as an Obstacle to Democracy," *Middle East Journal* 53.4 (Autumn 2001), <www.regionalanalysis.org/aboutus/articles/samguard.pdf> (19 January 2008).
[48] Agence France Presse, "Iranian Conservative Calls for Impeachment of Interior Minister" *Iranian.com* 11 March 1999 <http://www.iranian.com/News/March99/impeach.html> (19 January 2008).

The law prompted some appeals for a cancellation of the parliamentary elections or a postponement of the law until 2004 but neither call was heeded.[49]

The reformists, however, had their own strategy for the parliamentary elections: they would flood the contest with so many candidates that the Guardian Council would only be able to vet the most prominent names, allowing replacements to take their place.[50] Much of this coordination was achieved through the press which printed lists of the reformist candidates. Encouraged by President Khatami's calls for greater political participation, a record 6,860 candidates registered for the elections, a 30 percent increase over previous elections.[51] And the Interior Ministry ultimately cleared more than 95% of them.[52] The Ministry of Intelligence and Security was also restrained in vetting candidates; MOIS rejected only about 4 percent of the parliamentary applicants, while in the past the percentage had been 12 percent.[53] The Minister of Intelligence, Hojatoleslam Ali Yunesi, even justified the lower rejection rate by saying the issue of voter apathy was more important than inappropriate people being elected.[54] Reformist Ahmed Bourghani, former deputy minister of culture, concurred saying the intelligence ministry, which was under greater control of Khatami, was instrumental in the 2000 reformist win.[55]

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[49] "Guardians of the Ballot Box" *The Economist* 9 October 1999.
[50] Ansari, 197.
[51] Ansari, 205.
[52] "Khatami allies barred from election" *BBC News on the web* 9 January 2000, <http://news.bbc.co.uk/2/hi/middle_east/596523.stm> (19 January 2008).
[53] A. William Samii, "Candidates Rejected And Guardians Criticized," *Radio Free Europe / Radio Liberty Reports*, vol. 3 no. 3, 17 January 2000, <http://www.globalsecurity.org/wmd/library/news/iran/2000/3-170100.html> (17 January 2008).
[54] A. William Samii, "Candidates Rejected And Guardians Criticized."
[55] Guy Dinmore, "Iran's Reformists Prepare Candidate List" *Financial Times* 18 Jan 2000, <http://iskran.iip.net/review/january/2ft.html> (19 January 2008).

The reformist strategy of flooding the elections with candidates and overwhelming the clerics' vetting institutions succeeded, with reformists taking 189 out of 290 seats.[56] The Guardian Council rejected only 576 candidates, most of whom were the most well-known of the reformist front such as the Islamic Iran Participation Party's founders Abbas Abdi and Ali Reza Farzad as well as Abdullah Nouri (Khatami's first interior minister).[57] (The Guardian Council attempted to reject additional candidates after the February disqualification deadline, but was unsuccessful.)[58] For conservatives, the victory was "humiliating" and "a failure in the politics of managing change."[59] Reformists took control of every major city, such as Tehran, Mashhad, and Isfahan, as well as the countryside, the traditional location of conservative power. The new parliamentarians were "zealous idealists," intent on exposing the corruption of the political system.[60] Conservatives feared a new regime of accountability and the possible end of the Islamic Republic.[61]

The failure of the parliamentary elections law impressed upon the Guardian Council that ambiguously-worded statutes and election restrictions did not affect the fact that control over candidate-vetting had shifted into Khatami's hands through the Interior Ministry. Having learned that more candidate restrictions would only affect election results on the margins, the Guardian Council realized they would need to match Khatami's reforms with some institutional changes of their own.

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[56] Ansari, 207.
[57] Samii, "Iran's 2000 Elections."
[58] Samii, "Iran's 2000 Elections."
[59] Ansari, 207.
[60] Ansari, 208.
[61] Ansari, 209.

VI. The Guardian Council Strikes Back

With the 2004 parliamentary elections approaching and the ruling clerics determined to retake the Majlis, the Guardian Council began in late 2002 to establish permanent supervisory offices across the country to monitor the statements and records of potential candidates.[62] In March of 2003 the Expediency Council (another cleric-controlled body) quadrupled the budget for the Guardian Council, and with the enhanced budget the Guardian Council appointed over 200,000 personnel to these new inspection offices, inventing posts such as "liaison officer, cultural director, and election overseer."[63] A provincial deputy governor-general for security affairs acknowledged the inspection offices were preparing dossiers on potential candidates.[64] And when time came for the creation of the supervisory election committees, many members of the permanent offices were chosen as committee members, indicating the Guardian Council's intent on using individuals and information from the new

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[62] Charles Recknagel and Azam Gorgin, "Iran: Hard-Liners Strike Down Bill To Loosen Election Restrictions," *Radio Free Europe / Radio Liberty Reports*, 15 August 2003, <http://www.globalsecurity.org/wmd/library/news/iran/2003/iran-030815-rferl-155107.htm> (17 January 2008).

[63] On the newly created supervisory offices, see A. William Samii, "The Iraq War And Iranian Politics," *Radio Free Europe / Radio Liberty Reports*, vol. 6 no. 14, 31 March 2003, <http://www.globalsecurity.org/wmd/library/news/iran/2003/14-310303.htm> (21 January 2008). Also "Entekhab Reports Increase in Disagreements between Interior Ministry and Guardian Council: 'Where Will This Confrontation End?'" *Entekhab (Tehran, Internet Version-WWW, in Persian)*, 26 August 2003, in *Foreign Broadcast Information Service Translated Text – Near East and South Asia* (hereafter referred to as *FBIS-NES*) 2003-0903. Also A. William Samii, "...As Guardians Council Spreads Its Wings," *Radio Free Europe / Radio Liberty Reports*, vol. 6 no. 31, 28 July 2003, <http://www.globalsecurity.org/wmd/library/news/iran/2003/31-280703.htm> (17 January 2008). And Said Amir Arjomand, "The Rise and Fall of President Khatami and the Reform Movement in Iran," *Constellations* vol. 12 no. 4 (December 2005): 515, <http://www.blackwell-synergy.com/doi/pdf/10.1111/j.1351-0487.2005.00430.x> (21 January 2008).

[64] A. William Samii, "...As Guardians Council Spreads Its Wings," *Radio Free Europe / Radio Liberty Reports*, vol. 6 no. 31, 28 July 2003, <http://www.globalsecurity.org/wmd/library/news/iran/2003/31-280703.htm> (17 January 2008).

offices.[65] The supervisory powers of the Guardian Council, which in 1991 had changed to "approbatory supervision," had now transformed to "continuous supervision," allowing the ruling clerics to assess a candidate's eligibility at any time.[66]

The purpose of creating the new permanent supervisory offices was clear. The Guardian Council in a statement conceded "the Interior Ministry has permanent organizations and positions…[while] the oversight offices of the Council of the Guardians are with the least resources and manpower…and cannot be in place only once every four years during elections."[67] A parliamentary representative said the offices would make the Guardians Council's task of supervising elections easier.[68] A member of the conservative Combat Clergy Association concurred, saying "it is illogical to expect the Guardian Council to continue to obtain its information only through currently available channels without creating its own facilities" adding "the establishment of these offices will bring success for the Guardian Council…[and] our religious system."[69] Commentary in a moderate conservative newspaper also concluded that by creating permanent supervisory offices the Guardian Council could bypass the usual official sources and investigate candidates to come to their own

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[65] Javad Daliri, "How the Process of Electing the Supervisors Created a Sensation," *Iran (Tehran, Internet Version-WWW, in Persian)*, 6 October 2003, FBIS-NES-2003-1007.
[66] Said Amir Arjomand, "The Rise and Fall of President Khatami and the Reform Movement in Iran," *Constellations* vol. 12 no. 4 (December 2005): 502–520, <http://www.blackwell-synergy.com/doi/pdf/10.1111/j.1351-0487.2005.00430.x> (21 January 2008).
[67] "Election Executives Started the Election Campaign; The Council of Guardians: The Overseer Oversees to Prevent the Implementer from Replacing Anyone's Vote," *Shoma (Tehran, in Persian), 13* August 2003, FBIS-NES-2003-0827.
[68] A. William Samii, "...As Guardians Council Spreads Its Wings."
[69] A. William Samii, "...As Guardians Council Spreads Its Wings."

conclusion about qualifications.[70] An editorial in a conservative Tehran daily justified the supervisory offices, stating that since the Interior Ministry is part of the executive, it is "an interested party…in terms of holding on to the reins of power" and that it should be expected that the ministry will only endorse parliamentary candidates who are proponents of the president and his policies.[71] The editorial suggested that entrusting the vetting of candidates to an "independent" institution was best.[72] Seyyed-Reza Zavare`i of the Guardian Council accused critics of the permanent offices of wanting the Guardian Council's eyes to be closed.[73] And in a hint as to the ultimate aim of the offices, a spokesman for the Guardian Council invoked the "bitter memory" of the 2000 parliamentary elections.[74]

The permanent supervisory offices prompted a sharp reaction from the executive. Abdolvahed Mousavi-Lari, Khatami's interior minister, declared the new supervisory offices illegal and instructed the governors-general (who are directly appointed by the Interior Ministry and in charge of the executive vetting committees) not to cooperate with the new offices.[75] Seyyed Mahmud Mirlowhi, deputy Interior Minister for Legal and Parliamentary Affairs, cited a number of electoral laws to

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[70] Ali Shokouhi, "The Election's 'Softening Bombings'!" in the "Third Choice" column, *Entekhab (Tehran, in Persian),* 14 August 2003, p. 2, FBIS-NES-2003-0814.
[71] Mojtaba Heydari, "Why Should the Interior Ministry Hold Elections?!" *Resalat (Tehran, Internet Version-WWW, in Persian)*, 11 August 2003, FBIS-NES-2003-0818.
[72] Mojtaba Heydari, "Why Should the Interior Ministry Hold Elections?!"
[73] Jawad Delary, "Attention in Election is More Important than Participation," *Iran (Tehran, Internet Version-WWW in Persian)*, 8 November 2003, FBIS-NES-2003-1110.
[74] "Election Executives Started the Election Campaign; The Council of Guardians: The Overseer Oversees to Prevent the Implementer from Replacing Anyone's Vote," *Shoma (Tehran, in Persian), 13* August 2003, FBIS-NES-2003-0827.
[75] "Entekhab Reports Increase in Disagreements between Interior Ministry and Guardian Council: 'Where Will This Confrontation End?'" *Entekhab (Tehran, Internet Version-WWW, in Persian)*, 26 August 2003, FBIS-NES-2003-0903.

affirm the right of the Interior Ministry to arrange and carry out candidate investigations, and asserted that these new offices were not granted this right.[76] Provincial governors-general wrote letters to their subordinate offices, ordering them to avoid any cooperation with the Guardian Council's new inspection offices.[77]

Reformists resorted to a variety of legal and financial appeals to protest the institutional power grab. The permanence of the supervisory offices, as opposed to the temporary nature of election committees, was a common source of protest. The Management and Planning Organization (MPO), a budget arm of the president's office, stressed that Iran's election laws allow supervisory missions "only at the time of the elections."[78] The legal office of the Interior Ministry agreed, stating any supervisory organizations should be "temporary and specific to the time of the elections" and that since electoral laws make no mention on the permanence of supervisory organizations, the new offices have no authority.[79] The MPO and others also used budgetary concerns to denounce the new offices, declaring they imposed a financial burden at a time when the government was trying to improve efficiency and reduce the size of bureaucracies.[80] Officials also complained that the Guardian

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[76] "The Presence of Inspectors in the Executive Boards Is Not against the Law," *Sharq (Tehran, Internet Version-WWW, in Persian)*, 28 December 2003, p. 2, FBIS-NES-2003-1230.
[77] "Entekhab Reports Increase in Disagreements between Interior Ministry and Guardian Council: 'Where Will This Confrontation End?'" *Entekhab (Tehran, Internet Version-WWW, in Persian)*, 26 August 2003, FBIS-NES-2003-0903.
[78] "Iran: MPO says Guardian Council's Local Supervision Bureaus 'Unconstitutional'" *Payvand News of Iran* on the web, 16 July 2003, <http://www.payvand.com/news/03/jul/1111.html> (22 January 2008).
[79] "Election Executives Started the Election Campaign; The Council of Guardians: The Overseer Oversees to Prevent the Implementer from Replacing Anyone's Vote," *Shoma (Tehran, in Persian), 13* August 2003, FBIS-NES-2003-0827.
[80] "Iran: MPO says Guardian Council's Local Supervision Bureaus 'Unconstitutional'" *Payvand News of Iran* on the web, 16 July 2003, <http://www.payvand.com/news/03/jul/1111.html> (22 January

Council did not obtain the proper permits in establishing the new offices. One argument even went so far as to state the supervisory offices ran in contravention to Paragraph 10 of Article 3 of the Constitution, which states the government "must make steps towards the elimination of unnecessary organizations rather than creating them."[81]

Despite all these protestations, the Guardian Council continued the operation of the supervisory offices, knowing that Iran's conservative-dominated court system would strike down any formal legal challenges against the new offices. On the legality of the offices, the Guardian Council emphatically answered, "Yes, they are legal, and for that matter, in accordance with a superior law, that is, the Constitution."[82] Dr. Ali Kadkhoda'i, a lawyer for the Guardian Council, declared that the legal hierarchy and place of the two institutions was clear, and thus the Interior Ministry "has no authority in the elections."[83] Seyyed Mohammad Jahromi, an official at the elections office of the Guardian Council also cited the constitution to affirm the legal authority of the supervisory offices and to criticize the Interior Ministry for interfering in the Guardian Council's affairs.[84] Sadeq Zibakalam, a professor at Tehran University, said the division of powers in Iran would make it difficult for

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2008). And A. William Samii, "...As Guardians Council Spreads Its Wings," *Radio Free Europe / Radio Liberty Reports*, vol. 6 no. 31, 28 July 2003, <http://www.globalsecurity.org/wmd/library/news/iran/2003/31-280703.htm> (17 January 2008).

[81] "Election Executives Started the Election Campaign," *Shoma*.
[82] "Election Executives Started the Election Campaign," *Shoma*.
[83] "Election Executives Started the Election Campaign," *Shoma*.
[84] "Election Executives Started the Election Campaign," *Shoma*.

reformists to use the executive branch to close the new provincial election-monitoring offices or to put other practical limits on the Guardians Council's operations.[85]

The dispute over the permanent supervisory offices during the run-up to the 2004 parliamentary elections was best summarized by a moderate-conservative daily newspaper:

> Attention must be paid to the political connections of each of the institutions involved with the elections and even attribute the lion's share to that issue. If the government and those in charge of the elections have the same taste as the Guardian Council, no problems will occur. The Guardian Council will do its work, and no one will oppose it. The Interior Ministry will even do its work for it. But when the Interior Ministry opposes the political opinion of the Guardian Council, exactly what is happening today will take place, like the Interior Minister's order to shut the Guardian Council's supervisory offices, the Guardian Council's opposition to this action, the Judiciary entering the fray, the threats of initiating legal cases against the governors general, and so forth.[86]

VII. The 2004 Parliamentary Elections

With the permanent supervisory offices in place, the outcome of the 2004 parliamentary elections was set. Six months before the elections a Tehran journalist predicted conservatives would retake the Majlis adding that "if people are willing to go to the polls, they must realize that they have to vote for the candidates chosen by the Guardian Council. The next parliament…will be run by totalitarians."[87] Three

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[85] Charles Recknagel and Azam Gorgin, "Iran: Hard-Liners Strike Down Bill To Loosen Election Restrictions," *Radio Free Europe / Radio Liberty Reports*, 15 August 2003, <http://www.globalsecurity.org/wmd/library/news/iran/2003/iran-030815-rferl-155107.htm> (17 January 2008).

[86] Ali Shokouhi, "The Election's 'Softening Bombings'!" in the "Third Choice" column, *Entekhab (Tehran, in Persian),* 14 August 2003, p. 2, FBIS-NES-2003-0814.

[87] Charles Recknagel and Azam Gorgin, "Iran: Hard-Liners Strike Down Bill To Loosen Election Restrictions," *Radio Free Europe / Radio Liberty Reports*, 15 August 2003, <http://www.globalsecurity.org/wmd/library/news/iran/2003/iran-030815-rferl-155107.htm> (17 January 2008).

months before the elections the interior minister conceded "We believe we will encounter problems in reviewing qualifications.[88] These political predictions proved correct in January of 2004. While executive committees rejected only 5.4 percent of applications, the Guardian Council's supervisory committees eliminated 44 percent of potential candidates. Not only were 3533 candidates out of 8145 denied the right to run for office, but 80 of them included incumbent parliamentary reformists who had survived the screening process just four years prior.[89] The rejected candidates included all sitting Majlis members who belonged to the two most popular reformist parties, the Participation Front, led by the president's brother Mohammad Reza Khatami, and the Organization of the Mojahedin of the Islamic Revolution, headed by Behzad Nabavi.[90] The disqualifications were described by one legislator as a "non-military coup d'etat."[91]

Given the discrepancy in vetting percentages between the two bodies, Mohammad Jahromi, in charge of election affairs at the Guardian Council, accused the Interior Ministry's executive committees of "shunning their responsibilities."[92] He suggested important qualifications such as a "commitment to Islam, to the Islamic Republic, to the Constitution, and to the Supreme Leader" may not have been recorded

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[88] Javad Daliri, "How the Process of Electing the Supervisors Created a Sensation," *Iran (Tehran, Internet Version-WWW, in Persian)*, 6 October 2003, FBIS-NES-2003-1007.
[89] Morad Saghafi, "The Reform Nobody Wants Anymore," *ISIM Review* vol. 15 (Spring 2005): 42-43, <www.isim.nl/files/Review_15/Review_15-42.pdf> (19 January 2008)
[90] Morad Saghafi, "The New Landscape of Iranian Politics," translated by Kaveh Ehsani, *Middle East Report* 233 (Winter 2004), <http://www.merip.org/mer/mer233/saghafi.html> (19 January 2008)
[91] A. William Samii, "Guardians Council Vetting Sets Off Storm Of Protest," *Radio Free Europe / Radio Liberty Reports*, vol. 7 no. 2, 12 January 2004, <http://www.globalsecurity.org/wmd/library/news/iran/2004/2-120104.htm> (17 January 2008).
[92] "Judiciary Sends Files of 120 Majles Deputies to Council of Guardians," *Iran (Tehran, Internet Version-WWW, in Persian)*, 28 December 2003, p. 2, FBIS-NES-2003-1230.

by the justice, intelligence, and interior ministries, but that local supervisory investigations exposed these details.[93] The supervisory committees accused executive committees of ignoring documentation, suggesting they had failed to disqualify drug addicts and individuals of ill-repute.[94] One rejected candidate said he was falsely accused of being a part of an illegal group, while another was rejected for not believing in *velayat-e-faqih*. "Lack of respect for Islam" was the reason most consistently cited by the Guardians for these controversial decisions.[95]

The mass disqualifications touched off a showdown between elected officials and the Guardian Council. The candidate lists were announced on January 11, and the following day the rejected parliamentarians along with fifty of their colleagues staged a sit-in at the parliament and called for a boycott of the elections.[96] President Khatami and the speaker of parliament met with the Supreme Leader to solve the political deadlock and a compromise was thought to have been reached. An order was sent to the Intelligence Ministry to review 600 rejected candidates but when all 600 were reapproved by the ministry, the Guardian Council permitted only 51 of the 600 to run for office.[97] Though the Supreme Leader publicly recommended incumbent parliamentarians be reinstated, the Guardian Council claimed Ayatollah Khamenei had

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[93] "Judiciary Sends Files of 120 Majles Deputies to Council of Guardians," *Iran*.
[94] A. William Samii, "Guardians Council Vetting Sets Off Storm Of Protest," *Radio Free Europe / Radio Liberty Reports*, vol. 7 no. 2, 12 January 2004, <http://www.globalsecurity.org/wmd/library/news/iran/2004/2-120104.htm> (17 January 2008).
[95] Morad Saghafi, "The New Landscape of Iranian Politics," translated by Kaveh Ehsani, *Middle East Report* 233 (Winter 2004), <http://www.merip.org/mer/mer233/saghafi.html> (19 January 2008).
[96] Morad Saghafi, "The New Landscape of Iranian Politics."
[97] Ali Akbar Dareini (Associated Press), "Compromise over Iran Election Candidates Fails," 6 February 2004, <http://www.arabnews.com/?page=4&section=0&article=39103&d=6&m=2&y=2004&pix=world.jpg&category=World> (22 January 2008).

in fact urged them to be vigilant in safeguarding the revolution.[98] Rejected parliamentarians also suggested Khamenei himself had privately insisted on the disqualifications.[99] In the end, the candidacy of 1160 previously disqualified applicants was restored, but most of these individuals had only a weak affiliation to the reformist front.[100] And the candidacies of only three of the disqualified incumbent parliamentarians were reinstated.[101] With 2530 candidates still barred from running, including almost all incumbent reformists, over 130 seats were guaranteed to go to conservatives due to a lack of serious political contestation.[102]

Striking Majlis members called on the Interior Ministry and the President to postpone the elections. Provincial governors threatened not to carry out the elections if the Guardian Council did not reverse itself. A cabinet spokesman announced the government would refuse to organize an election in which there would be no competition. Khatami, along with his minister of interior, proposed to delay the elections in order to gain further time for negotiations but Khamenei rejected the

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[98] Morad Saghafi, "The New Landscape of Iranian Politics."
[99] Morad Saghafi, "The Reform Nobody Wants Anymore," *ISIM Review* vol. 15 (Spring 2005): 42-43, <www.isim.nl/files/Review_15/Review_15-42.pdf> (19 January 2008). Though the author of this article believes that the Supreme Leader would not publicly "ridicule" himself by saying one thing and doing another, the Supreme Leader and the Guardian Council have had a history of in fact doing so. For example, in the same article Ayatollah Jannati, the chair of the Guardian Council, said Khatami and the Speaker of Parliament agreed to the appropriateness of the disqualifications, a claim which Khatami and the reformists immediately denied. Six months earlier, the Guardian Council had lied about the MPO agreeing to the constitutionality of the supervisory offices, when in fact the organization had said the opposite; see "Iran: MPO says Guardian Council's Local Supervision Bureaus 'Unconstitutional'" *Payvand News of Iran* on the web, 16 July 2003, <http://www.payvand.com/news/03/jul/1111.html> (22 January 2008).
[100] Badr-ol-Saddat Mofidi, "Successful Supervision," *Tehran Sharq (Tehran, Internet Version-WWW, in Persian)*, 5 August 2004, FBIS-NES-2004-0810.
[101] Morad Saghafi, "The Reform Nobody Wants Anymore."
[102] Ahmad Siddiqi, "Khatami and the Search for Reform in Iran," *Stanford Journal of International Relations*, vol. 6 issue 1 (Winter 2005), <http://www.stanford.edu/group/sjir/6.1.04_siddiqi.html> (19 January 2008).

proposal to postpone the elections, making it clear where the Supreme Leader stood. Eventually 124 parliamentarians resigned and refused to take part in the elections, ending the 26-day occupation of the Majlis. Elections were held on February 20, amid widespread boycotts by most reformist groups.

The conservatives won the elections handily, taking roughly 70% of the parliamentary seats.[103] Voter turnout was around 50% — a record low.[104] Many analyses argued that the reformists would have lost the parliamentary elections even without the disqualifications, as the public had grown disillusioned with Khatami's unfulfilled promises. Even so, the vetting process was necessary to ensure conservative control of parliament. Following the elections, a hard-line Iranian newspaper summed up the political contest with an apt headline: "Checkmate!"[105]

Shortly after the final round of the 2004 parliamentary vote, Ahmad Jannati, secretary of the Guardian Council, declared that "the Guardian Council's supervision over the Seventh Majlis elections was more successful than that of any previous term."[106] He also reiterated the importance of the permanent supervision offices, announcing they were "necessary to apply precise supervision over elections."[107]

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[103] Mark Gasiorowski, "Iranian Politics After the 2004 Parliamentary Election," *Strategic Insights* vol. 3 issue 6 (June 2004), <http://www.ccc.nps.navy.mil/si/2004/jun/gasiorowskiJun04.asp> (22 January 2008).
[104] Kasra Naji and Matthew Chance, "Iranian Hardliners Claim Victory," *CNN.com* 23 February 2004, <http://www.cnn.com/2004/WORLD/meast/02/23/iran.elections.results/> (22 January 2008).
[105] Mahan Abedin, "Iran after the Elections," *Middle East Intelligence Bulletin* vol. 6 no. 2/3 (February-March 2004) <http://www.meib.org/articles/0402_iran1.htm> (21 January 2008).
[106] Badr-ol-Saddat Mofidi, "Successful Supervision," *Tehran Sharq (Tehran, Internet Version-WWW, in Persian)*, 5 August 2004, FBIS-NES-2004-0810.
[107] Badr-ol-Saddat Mofidi, "Successful Supervision."

VIII. Theoretical Summary

Iran's constitutional framework created a system where political power was shared between the Supreme Leader and the President. This dual power structure extended down the regime, such that institutional responsibilities between the two offices often overlapped. The electoral process was a particularly salient example of dual responsibility; the Interior Ministry (accountable to the President) administered the electoral system while the Guardian Council (accountable to the Supreme Leader) supervised this. Additionally, Iran's constitutional rules and norms prescribed shared jurisdiction over candidate-vetting; legislative acts and historical norms empowered the Interior Ministry to carry out candidate evaluations and disqualifications, and the written constitution empowered the Guardian Council to have final say over the electoral process. With a reformist President and a conservative Supreme Leader, Iran's constitutional framework inevitably led to a clash over the electoral process in 2000 and 2004.

The constitutionally-specified accountability relationships and jurisdictional powers over the electoral powers complicated efforts to control elections. Once cleared for candidacy, presidential aspirants were no longer accountable to the Supreme Leader; voters ultimately elevated a candidate to the presidency, and a sitting President could only be removed by a vote by Iran's Parliament. By extension, the executive-controlled Interior Ministry was not constitutionally accountable to the Supreme Leader. Given attenuated (loose) accountability to the Supreme Leader, reformist President Khatami and the Interior Ministry were able to screen

parliamentary candidates without regard to conservative reprisal. Also, as mentioned earlier, parliamentary legislation and norms prescribed that the Interior Ministry administer the vote. But the written constitution specified the Guardian Council as the ultimate authority over elections. These overlapping jurisdictional powers led to an institutional fight between the two bodies.

With overlapping powers and split accountability, the difference between the 2000 and 2004 vetting rates can be traced to the private information held by reformists in 2000, and the availability of that information to the Guardian Council in 2004. The Interior Ministry, a large bureaucracy with local offices across the country, was intimately familiar with the personalities that had chosen to run in the parliamentary elections. Additionally, this familiarity gave them insight into the burgeoning voter movement that yearned for political change. This private information about voter preferences and candidate background was not passed to the Guardian Council, whose undersized bureaucracy did not reach as deeply into society. Only after quadrupling its budget and adding hundreds of thousands of government workers in 2003 could the Guardian Council compete with the information gathering capabilities of the Interior Ministry, and confidently ban reformist-leaning candidates in the 2004 elections.

The chapter narrative demonstrates the importance of accountability, jurisdictional powers, and private information by focusing on both the electoral game played by reformists and conservatives in 2000, as well as the higher-order constitutional game played in 2003 and 2004. In the run-up to the 2000 elections, both factions exploited their given positions and powers. Conservatives passed a new

electoral law, closed opposition newspapers, and took advantage of state media. Reformists, meanwhile, exploited their position in the Interior Ministry to fairly administer the elections and qualify reformist-leaning candidates. Given the existing set of relationships and powers within the regime, conservatives lost control over candidate-vetting.

However, in 2003, a change in the constitutional framework occurred, when conservatives increased the Guardian Council's administrative capacity and jurisdictional powers over candidate-vetting. Reformists were unable to block the Council's growth, as the move was enabled and protected by constitutionally superior, conservative-controlled institutions; the Expediency Council increased the Guardian Council's budget and the judiciary was ready to strike down any legal challenges against the Guardian Council's power grab. Given this change in electoral jurisdiction, the Guardian Council now had the ability to gather candidate-information, and confidently overrule candidate evaluations by the Interior Ministry. Iran's constitutional framework explains the electoral opening to reformists in 2000, and the change in electoral jurisdiction and powers explains the electoral closing in 2004.

IX. Alternate Explanations

The chapter narrative describes a strategic Guardian Council that lacked the necessary information in 2000 to properly vet candidates for parliamentary elections. Only in 2004, when the information gap was closed, was the Guardian Council able to disqualify reformist-leaning candidates.

This chapter narrative stands in contrast with three alternative explanations. The first alternative assumes the Guardian Council was not a strategic actor. Rather, this explanation describes a negligent and short-sighted Guardian Council that simply blundered in 2000 and reversed course in 2004. The second alternative explanation assumes that an omniscient Guardian Council had the necessary candidate information for the 2000 elections but "sensed" that 2000 was not an opportune time to disqualify reformist candidates, and so instead waited until 2004 to ban reformists. This second explanation assumes the Guardian Council had complete information about the preferences and perfect information about the actions of state reformists and voters. As will be discussed below, these two explanations are theoretically unpersuasive and lack empirical support; it is improbable that the Guardian Council lacked strategic thinking, or that it had full information about the preferences and actions of all relevant political actors. Additionally, empirical evidence does not support these claims.

A third alternative explanation assumes a strategic Guardian Council badly miscalculated in 2000. According to this explanation, the Guardian Council intentionally chose to qualify candidates in hopes of diluting the reformist vote. This third explanation is theoretically more persuasive than the first two explanations, as it assumes (similar to the chapter narrative) that the Guardian Council was a strategic actor that did its best given limited information. However, several important pieces of empirical evidence contradict the explanation of a dilution strategy by the Guardian

Council. Below I detail the three alternative explanations for the discrepancy in parliamentary vetting rates between 2000 and 2004.

A. The Negligent Guardian Council

One alternative explanation attributes the lax vetting in 2000 to the character flaws of the Iranian rulers. Unlike other accounts, this explanation does not assume that the Supreme Leader and Guardian Council were making purposeful, strategic decisions when deciding disqualification rates. Instead, the rulers are assumed to be neglectful, complacent, or dismissive of the reformist movement until it had actually captured parliament. Under this view, the rulers were caught off guard due to their own personal failings. One article pins the loss of the Majlis on neglecting state institutions, stating the clerics had failed to maintain ruling parties.[108] Another account speculates that conservative rulers believed the reformist movement was a "transient phenomenon" and that only after the 2000 parliamentary elections was the political challenge recognized.[109]

Making the above case for carelessness or inattention, however, is difficult. The municipal elections of 1999 served as a clue as to the political currents within society, and the conservatives responded with a parliamentary legislative law in late 1999 to renew and strengthen supervisory powers. In addition, conservatives shut down reformist newspapers in the run-up to the 2000 elections, and belatedly (and unsuccessfully) attempted to disqualify reformist candidates after a February deadline

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[108] Jason Brownlee, "Ruling Parties and Durable Authoritarianism," Working Paper for the Center on Democracy, Development and the Rule of Law (CDDRL), 2004, <http://iis-db.stanford.edu/pubs/20761/brownlee.working_paper.pdf> (17 January 2007).
[109] Ansari 200, 206.

in 2000. Therefore it is puzzling to accept that Iranian leaders were on one hand aware enough to pass an electoral law in an attempt to keep control of parliament, and on the other hand claim leaders were inattentive when it came to vetting. Rulers in authoritarian systems are frequently assumed to be preoccupied with maintaining power, and the chapter narrative regarding the political moves by the Guardian Council made before, during, and after the reformist wave seem to support that.

B. The Omniscient Guardian Council

A second alternative account of the vetting process focuses on the perceived strength of the reformist wave. According to this explanation, the Supreme Leader and the Guardian Council "sensed" that disqualifying reformist candidates en masse in 2000 would create a public outcry and galvanize liberal elements within the state and society, leading to protests, instability, and possibly the fall of the Islamic Republic. Four years later, the ruling clerics sensed the reformist wave was at its ebb, since voters had grown disillusioned and frustrated with the lack of political progress. Therefore, in 2004 the Guardian Council could confidently disqualify the candidates as they wished, knowing any ensuing societal backlash would be minimal. As one Iranian expert put it: "With a weakened reform movement…the moment was opportune to strike a fatal blow."[110]

While it is true that the reformist public support base had eroded by 2004, it is not clear whether this had entered into the Guardian Council's calculations when vetting candidates. There is little empirical evidence to support the claim that the

[110] Morad Saghafi, "The Reform Nobody Wants Anymore."

rulers had gauged reformist support among the people in 2000 and chose appeasement through relaxed vetting standards. No government officials, political candidates, or Iranian pundits at the time suggested the Guardian Council permitted reformists to stand in the elections out of fear of instability. Also, if the low disqualification rate in 2000 was an attempt to placate societal demands, it is at odds with the hostile stance the rulers took before and during the 2000 elections and the legislative impasse that followed. Nor are there any statements to confirm that the Guardian Council in 2004 recognized a shift in public sentiment that encouraged them to disqualify the bulk of reformists. If anything, the newspaper accounts discussed in the narrative suggest that ruling clerics were determined to proceed with the disqualifications and retake parliament in 2004 no matter the objections and protests. Also, any commentary and analysis that declared the clerics had made a politically shrewd move in disqualifying reformists in 2004 made such conclusions well after the 2004 elections; the timing of the 2004 disqualifications and the opportunity to crush a weakened reformist movement were only seen in hindsight. Finally, this alternative explanation cannot explain the Guardian Council's need to expand its bureaucracies in 2003 to create a new vetting process; the Guardian Council could presumably just order the Interior Ministry to vet more stringently.

C. The Dilution Strategy

A third and slightly more persuasive alternative is that the 2000 vetting rate was a (mistaken) tactical attempt to split the reformist coalition and minimize conservative losses. Given the reformist strategy of flooding the election with

candidates, the Guardian Council, resigned to losing the parliament, decided to qualify most candidates in the 2000 vetting process in an attempt to "dilute" the reformist vote. The clerics were hoping that reformist-leaning voters would be confused with the array of reformist choices and not center on the main contenders, leaving the door open for conservative voters to elect their representatives and thus give conservatives a large minority (and perhaps even a slim majority) in parliament.

The above argument originates from a short article in a British-based Iranian monthly newsletter and rests on a few pieces of indirect evidence. First, conservative government officials immediately prior to the 2000 elections succeeded in lowering the minimum winning threshold in the first round of voting from 33% to 25%, which the report argues was accomplished to dilute the reformist vote.[111] Second, the unity of the reformist coalition was a topic of concern for much of the run-up to the 2000 elections. In particular, pundits reported an emerging split between the leftist segments headed by Khatami and the moderate-conservatives headed by Rafsanjani. In the meantime, reports also suggested greater unity in the candidate lists fielded by conservative factions. Third, the voluntary withdrawal of nearly 900 candidates just prior to the 2000 election has been cited to show that reformists were aware of the

[111] The Iranian parliamentary elections are carried out in two phases. Districts are allotted a certain number of seats, and candidates are elected in the first round only if they secure at least one-quarter of the votes cast (or one-third prior to 2000; or one-half prior to 1992). If more than the required number of candidates achieve this threshold, candidates with the highest number of votes are elected. If less than the required number achieve this threshold, a second round of elections months later are held, with a field of candidates equivalent to twice the number of the remaining unfilled seats. Candidates chosen to participate in the second round of elections are based on the remaining candidates of the first round with the highest number of votes. See "The Election System" *IranMania.com* <http://www.iranmania.com/news/currentaffairs/features/elections2000/system/> (22 January 2008). Also, for the proposal to change the two-phase election system see "Cutting Losses: The Right's Election Strategy," *Iran Focus (Iran Strategic Focus)* 13.1 (January 2000).

problem of spreading the vote.[112] A moderate ayatollah declared at the time that, "candidates should consider the expediency of Islam, the country and their constituency and, if necessary, withdraw in order to create unity and to allow the best person to win."[113]

The above alternative explanation, however, reveals major weaknesses. First, identifying questions of unity does not necessarily explain the lowered disqualification rate in 2000. Questions of coalitional unity are brought up by the Iranian press before every election. These same concerns surfaced prior to the 2004 and 2008 parliamentary elections. A clear and coherent connection between reformist coalitional unity and the 2000 disqualification rate would require statements by conservative and reformist candidates, the Guardian Council, or other government officials suggesting that the lowered vetting in 2000 was determined by a perceived lack of unity among reformist candidates. Without these statements, the unity argument is not empirically linked to the vetting process and thus only speculative. Citing candidate withdrawals in the 2000 election as evidence of an intentional dilution strategy is also circumstantial and I argue unrelated to the vetting process. Hundreds of candidates pull out in every parliamentary election, making the observation of 900 withdrawals in 2000 hardly unique. (Nearly 1300 withdrew in the 2004 election.)

Other aspects of this alternative explanation are also weak. Lowering the electoral threshold from 33% to 25% in the first round of parliamentary voting

[112] Samii, "Iran's 2000 Elections."
[113] Samii, "Iran's 2000 Elections."

probably was instituted to ensure that at least some conservative candidates could slip in (since conservatives can usually count on a 20-30% minority of voter support). Yet, the change in rules cannot necessarily be traced to a motivation to dilute the reformist vote. For example, a similar move was made in the run-up to the 1992 parliamentary elections, when the threshold was reduced from 50% to 33% by the previous leftist parliament, in what was probably an attempt by the leftists to retain a minority of seats.[114] Furthermore, a "dilution" argument is at odds with the Guardian Council's attempt to reject additional candidates after the disqualification deadline; after announcing its list of 576 rejected candidates on February 7, 2000, the Guardian Council tried to reject more candidates a week later.[115] If anything, this suggests the Guardian Council had belatedly recognized (due to a lack of information) the need to be more stringent with qualifications. Finally, the newsletter also contends the Guardian Council was handicapped in disqualifying candidates in 2000 since it had to provide all rejected candidates with written explanations stating the reason for the rejection, supposedly limiting the ability of the clerics to engage in massive disqualifications. Yet, the same stipulation calling for written explanations was kept in place during the 2004 elections, and the Guardian Council that year had no problem providing explanations for thousands of rejected candidates.

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[114] For the 1992 lowered threshold, see "History of Parliaments in Iran," <www.farhang.gov.ir/iran-media/psir2.htm> (21 January 2008). The motivation behind the reduction is unclear, but what is known is the disqualification rate during the parliamentary elections in 1992 was high. The rightist factions that controlled the presidency and Guardian Council were determined to eject the leftists from parliament. Therefore it is improbable that the 1992 reduction in the threshold had anything to do with a "dilution" strategy. For the rightist rejection of leftist candidates in 1992, see Mehdi Moslem, *Factional Politics in Post-Khomeini Iran*, (New York: Syracuse University Press, 2002), 181-183.
[115] Samii, "Iran's 2000 Elections."

Most of the pieces of circumstantial evidence purportedly supporting the "diluting" argument (e.g. candidate withdrawals, coalitional unity, written explanations) were present in 2004 as well, when disqualifications rebounded to their usual levels. And a reduction in the parliamentary electoral threshold occurred not only in 2000 but also in 1992 (when candidate disqualifications were high), casting doubt on its connection to a dilution strategy. In contrast, the primary narrative presented at the outset of this paper focuses on the variation between 2000 and 2004: it traces a change in the dependent variable (the parliamentary vetting rate) to a related change in a proposed explanatory variable (the creation of permanent supervisory offices). And whereas the dilution argument lacks a direct connection between its proposed evidence and the supposed reasoning behind the vetting, newspaper accounts suggest that both conservatives and reformists agreed the Guardian Council's new supervisory offices made the difference in the disqualifications of 2004.

The three explanations offer alternative ways of understanding the fluctuation in parliamentary vetting rates but all suffer from flaws. If a case of inattention is to be made regarding the Guardian Council, it needs to explain the (ineffective) moves made by the Guardian Council to alter the 2000 results (e.g. the 1999 parliamentary law, the belated attempt to increase the number of disqualified candidates, and the shutting down of reformist newspapers). If a case of appeasement in 2000 and dismissal in 2004 is to be made, it too must establish a more direct empirical connection. With regard to the dilution explanation, official statements linked to the vetting rate would lend stronger credence to the argument rather than unrelated events

that occur during every election cycle. As for the primary narrative presented in this chapter, any criticisms need to address the budget and bureaucratic increase in 2003 as well as the numerous accounts in the Iranian media at the time regarding the institutional battle over candidate-vetting.[116]

X. Conclusion

This chapter examined Iran's electoral process within the context of Iran's constitutional framework. Specifically, Iran's split accountability structure (between the President and Supreme Leader) as well as overlapping jurisdictional powers (between the Interior Ministry and the Guardian Council) led to a contentious political struggle over parliamentary elections. I hypothesized in Chapter 2 that given the authority to administer the vote, information on potential candidates, and incentives aligned with President Khatami, the Interior Ministry would provide a genuine electoral opening for the reformist opposition. I also hypothesized that an empowered Guardian Council (through an expansion of its bureaucracies and usurpation of electoral powers from the Interior Ministry) would lead to a smaller offering of

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[116] Ali Shokouhi, "The Election's 'Softening Bombings'!" in the "Third Choice" column, *Entekhab (Tehran, in Persian),* 14 August 2003, p. 2, FBIS-NES-2003-0814. Rasul Montajabnia, "Need for Cooperation between Executive and Oversight Committees," *Nasim-e Saba (Tehran, Internet Version-WWW, in Persian)*, 15 December 2003, FBIS-NES-2003-1216. Editorial, "An Act That Is Not for God," *Jomhuri-ye Eslami (Tehran, in Persian)*, 4 January 2003, p. 1-2, FBIS-NES-2004-0104. Javad Daliri, "How the Process of Electing the Supervisors Created a Sensation," *Iran (Tehran, Internet Version-WWW, in Persian)*, 6 October 2003, FBIS-NES-2003-1007. Charles Recknagel and Azam Gorgin, "Iran: Hard-Liners Strike Down Bill To Loosen Election Restrictions," *Radio Free Europe / Radio Liberty Reports*, 15 August 2003, <http://www.globalsecurity.org/wmd/library/news/iran/2003/iran-030815-rferl-155107.htm> (17 January 2008). Badr-ol-Saddat Mofidi, "Successful Supervision," *Tehran Sharq (Tehran, Internet Version-WWW, in Persian)*, 5 August 2004, FBIS-NES-2004-0810. A. William Samii, "Guardians Council Vetting Sets Off Storm Of Protest," *Radio Free Europe / Radio Liberty Reports*, vol. 7 no. 2, 12 January 2004, <http://www.globalsecurity.org/wmd/library/news/iran/2004/2-120104.htm> (17 January 2008). A. William Samii, "...As Guardians Council Spreads Its Wings," *Radio Free Europe / Radio Liberty Reports*, vol. 6 no. 31, 28 July 2003, <http://www.globalsecurity.org/wmd/library/news/iran/2003/31-280703.htm> (17 January 2008).

reformist candidates and an electoral closing. The chapter narrative confirms these hypotheses.

The results of the chapter analysis have important political implications. The narrative demonstrates the role of rules, norms, and accountability in non-democracies. Decision-making rules and norms meaningfully constrain authoritarian politicians and shape policy outcomes. A misaligned incentive structure can lead to a division of purpose within the regime. More specifically, the narrative suggests that the presence of electoral openings and stunning upsets can also be traced to private information held by actors within a regime. From this analysis, I contend that any future electoral victories by Iranian reformists will depend on both a reformist President and also a sympathetic Guardian Council and Supreme Leader. The disqualification of reformist candidates in the 2008 parliamentary elections as well as the controversial presidential elections of 2009 confirms that a conservative-controlled Interior Ministry cooperating with a conservative-controlled Guardian Council will not allow a genuine electoral opening for Iranian reformists.

Chapter 6: Conclusion

I. Introduction

Most authoritarian governments successfully manipulate elections in favor of regime-backed incumbents. However, on rare occasions, an unexpected election outcome occurs. What explains these rare occurrences? Why would an authoritarian regime provide a genuine electoral opening to the political opposition, when an opening could mean the ousting of current rulers and the possible death of the regime?

This dissertation argued that unexpected electoral openings in authoritarian systems stem from a country's constitutional framework. If reformists within the regime enjoy attenuated accountability under conservatives, and if these reformists head the institutions that govern the electoral process, they will be able to provide a genuine opening to the political opposition and swing elections against conservatives. To test this argument, I presented three country case studies. I traced the electoral openings (whether limited or substantial) to the internal politics and constitutional structure of the regimes.

In this concluding chapter, I review the main argument of the dissertation and the findings from each of the case study chapters. I then examine more recent elections in Egypt, Algeria, and Iran to evaluate whether the findings hold. I then discuss the dissertation's policy implications for those who advocate for fairer elections in authoritarian systems. Finally, I place the dissertation's argument and findings in the context of the existing political science literature and conclude.

II. Review of Theory and Findings

Chapter 2 presents a detailed theory of unexpected electoral openings in authoritarian systems. Factions within regimes are grouped into reformist and conservative camps. Conservatives prefer the status quo power arrangement, and thus use their electoral powers to help regime-backed incumbents keep their seats. Reformists, however, prefer a change in the status quo, and thus use their powers to open the system and oust conservatives. The principal cause of an unexpected electoral opening is the ability of reformists to follow through on their preferences. The ability to follow through on their preferences is traced to the constitutional structure under which reformists operate. If reformists enjoy attenuated accountability under conservative leaders, they have the political freedom to legislate or implement change in the electoral process to the benefit of opposition candidates. And if reformists enjoy jurisdiction over the electoral process, they have the authority to change rules and procedures to benefit opposition candidates. Additionally, private information (held by either faction regarding the electoral process or voter preferences) can also play a role in successfully manipulating an election. Unexpected election upsets in authoritarian systems are not simply the result of bad luck or incompetence. Rather, the constitutional rules and procedures which govern the behavior of regime actors determine the ability of calculating actors to bend the election to their favor.

Chapter 3 examines the 2000 parliamentary elections in Egypt, where the ruling National Democratic Party (NDP) has won every election with a comfortable

supermajority. Egypt's 2000 parliamentary elections were no different, and serve as a case of a limited and ultimately unsuccessful electoral opening for opposition candidates. The conduct of the 2000 elections can be traced to an institutional conflict between Egypt's executive and judicial branches. Reformist judges within Egypt's judiciary enjoyed a fair amount of institutional autonomy. These judges attempted to exploit this autonomy by ruling in favor of judicial supervision of the elections—an advancement that allowed for a slightly fairer counting of the vote. The court ruling prevented loyal executive civil servants from their usual manipulation of the vote inside the polling stations. Egypt's judiciary intended to empower the political opposition and undermine conservatives within the regime by changing the electoral rules of the game.

Yet, Egypt's executive dominated most aspects of the electoral process in 2000. President Mubarak controlled campaign funding, campaign coverage in the state media, and the administration of the vote. Through his emergency powers, Mubarak also detained opposition supporters, obstructed opposition political activities, and conducted the elections under a security siege. Given the President's enormous powers in Egypt, judicial supervision of the vote was inadequate to level the electoral playing field. The fairer ballot processing within the polling stations could not offset executive actions outside the polling stations. The NDP won 85% of parliamentary seats in 2000.

The 2000 Egyptian elections serve as a control case to compare instances when reformists are more successful in providing an electoral opening to the opposition. An

instance of the latter, occurred in Algeria's 1991 parliamentary elections, when Islamists routed the ruling National Liberation Front (FLN). Unlike Egypt, where reformists were relegated to an important but constitutionally inferior body, Algeria's reformists occupied the apex of constitutional power—the presidency. In addition, Algeria's reformists, headed by President Chadli Bendjedid, were able to push through a new constitution that ended the institutional relationship between party and state, and so limited any FLN constraints on the President and the executive. Within this new constitutional structure, Algeria's reformists were able to outmaneuver their conservative rivals. Bendjedid legalized the FLN's main challengers, financed and cooperated with opposition parties, and administered the vote. Conservatives were relegated to a constitutionally inferior National Assembly, where they could offer little more than blunt vetoes on a handful of electoral laws.

Chapter 5 examines the cases of the 2000 and 2004 Iranian parliamentary elections. Iran's constitution creates a system where political power is shared between the Supreme Leader and the President. This dual power structure extends to shared jurisdiction over candidate-vetting; legislative acts and historical norms empower the Interior Ministry (accountable to the President) to carry out candidate evaluations and disqualifications, and the written constitution empowers the Guardian Council (accountable to the Supreme Leader) to have final say over the electoral process. With a reformist President and a conservative Supreme Leader, Iran's constitutional framework led to an unavoidable institutional conflict over the electoral process in 2000 and 2004.

In 2000, President Khatami's Interior Ministry slackened vetting standards, allowing thousands of reformist-minded candidates to compete in the parliamentary elections. Private information obtained by Khatami's Interior Ministry about voter preferences and candidate background was not passed to the Guardian Council, whose undersized bureaucracy did not reach as deeply into society as the Interior Ministry. However in 2003, the conservatives increased the Guardian Council's administrative capacity to gather information for candidate-vetting. Given this change, the Guardian Council could confidently ban reformist-leaning candidates in the 2004 elections. The electoral opening for reformists in 2000 and the subsequent electoral closing in 2004 is best explained by Iran's constitutional framework over the electoral process.

In all three country cases, regime actors maximized their institutional powers to swing the elections to their favor. These powers were in turn defined by the state's constitutional structure, which determined the actors' level of accountability and jurisdiction within the system. Ultimately, the state bodies which reformists occupied determined their capacity to provide a genuine electoral opening to opposition candidates.

III. Subsequent Elections in Egypt, Algeria and Iran

` From the theory and case studies, it is possible to speculate about the future of electoral politics in Egypt, Algeria, and Iran. Indeed, recent elections in all three countries are in keeping with the findings from the dissertation as discussed below.

A. Egyptian Electoral Laws and Outcomes since 2000

With no major changes to the electoral laws, the 2005 Egyptian parliamentary elections unfolded in a similar fashion to the 2000 elections. The Muslim Brotherhood scored some victories in the initial stage of voting. But then the government clamped down with a tight security siege in the second and third stages to prevent the NDP from losing its grip over the National Assembly.[1] Around 400 Brotherhood members were arrested by the morning of the second round, and thousands of Brotherhood agents were arrested by the end of the final round of elections. The police cordoned off polling stations and violently dispersed opposition supporters through official security forces and hired gangs. In the end, the NDP held on to its majority, winning 69% of the Assembly seats. But the Brotherhood won nearly 20% of parliamentary seats.

The 2000 and 2005 Egyptian parliamentary elections demonstrated that judicial monitoring made a small contribution to a fairer vote. President Mubarak decided that this small opening was too risky for the regime. (If the NDP had lost its two-thirds supermajority, the opposition could conceivably block parliamentary ratification of executive-proposed constitutional amendments.)[2]

Therefore in 2007, Mubarak proposed constitutional amendments designed to limit the political activity and electoral chances of the opposition. The new amendments ended judicial supervision of the vote and underlined the illegality of the

[1] Many analysts speculate that the regime intentionally held off on clamping down on the first round in order to demonstrate to Western governments that a fair contest would lead to a Brotherhood-controlled parliament. See Louay Abdulbaki, "Democracy and the re-consolidation of Authoritarian Rule in Egypt," *Contemporary Arab Affairs* 1.3 (July 2008): 454.
[2] Abdulbaki: 452.

Muslim Brotherhood. Additionally, the amendments modified the electoral system to benefit political parties at the expense of independent candidates; the new system relied mainly on party lists and multimember districts, while allotting a very low percentage of seats for single-member districts. This new, mixed system increased the regime's corporatist control of opposition parties and hurt the electoral chances of the "independent" Brotherhood candidates. Since these changes were written in the constitution, future court rulings would be forced to abide by the new amendments. Finally, as mentioned at the end of Chapter 3, Mubarak started to replace the justices of the SCC with conservatives who were loyal to the executive, reestablishing presidential accountability over the judiciary and thus accountability over the electoral process. In the institutional battle between Egypt's executive and judiciary, the executive's constitutionally superior position ensured that electoral politics would, for the foreseeable future, be rigged in favor of the National Democratic Party.

B. Algerian Electoral Laws and Outcomes since 1992

The first-round win by the Islamic Salvation Front (FIS) in the 1991 Algerian parliamentary elections and the resulting civil war impressed upon Algeria's leaders the importance of a constitutional and electoral framework that would safeguard the regime's interests. Consequently, several constitutional changes were made to prevent a repeat of the 1991 elections. However, as will be discussed later, presidential control over the electoral process did not appreciably diminish vis-à-vis the military, and, as a result, conflict between Algeria's military and the President over elections continued.

One major constitutional change after 1991 was the creation of an upper chamber of Parliament called the Council of the Nation. One-third of the members are directly appointed by the President, while the other two-thirds are chosen by local and provincial councils. The upper chamber exercises considerable veto power, since bills passed by the National Assembly also require a three-quarters approval in the Council of the Nation to become law.[3] And in cases of a stalemate between the two chambers, an ad-hoc commission composed of equal numbers from both houses is created to put forward a revised bill, which is then reintroduced for approval to both chambers.[4] If the two houses are still in disagreement, laws can be approved by presidential decree (Quandt 1998: 129). Thus, the second chamber acts as a check on the National Assembly; with such a high bar to pass legislation, the President can block legislation by relying solely on his appointments in the Council of the Nation. If the political opposition were to ever take control of the National Assembly, the President would not necessarily lose control of legislation.

Second, the regime dropped the electoral system employed in the 1991 parliamentary elections and instead adopted proportional representation. The majoritarian system in 1991 (which encouraged voters to cast their ballots for the top two parties) and the malapportionment of seats to the ultimate winner (which gave the plurality winner an overwhelming majority of seats) produced a distorted outcome in 1991. Had proportional representation been employed, the FLN in 1991 still could

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[3] Article 120, Section 3 of the Constitution. See the Permanent Mission of Algeria to the UN. <http://www.algeria-un.org/default.asp?doc=-const> (20 January 2010).
[4] European Institute for Research on Mediterranean and Euro-Arab Cooperation, "Algeria, State Institutions" <http://www.medea.be/index.html?page=2&lang=en&doc=12> (20 January 2010).

have managed to cobble together a majority with other opposition parties. Understanding this, the new regime instituted proportional representation with a 5% threshold for Assembly seats.

Third, a stricter political parties law was passed. The new law explicitly prohibits the existence of political parties based on just one or two of the three components of Algerian identity—Arab, Berber, and Islam. Parties need to pledge their respect for the Algerian constitution and its laws. New parties are subject to a probationary period of one year. The new law also has more extensive and specific guidelines for the Interior Ministry to follow when qualifying parties, as well as new guidelines on the regulation of party finances (Bouandel and Zoubir 1998: 181-182). The regime has used the new parties law to uphold the ban on the FIS, as well as to ban other parties that pose a credible challenge to the regime, such as the Movement for Fidelity and Justice (an Islamist-nationalist party) and the secular Democratic Front. These parties are unable to compete in elections and even have difficulty opening bank accounts, renting space, and recruiting staff.

Fourth, the new constitution ends the previous arrangements where Presidents served for life, and calls for presidential elections every five years.[5] Though some pundits claim this introduced a greater degree of "democracy", a more accurate interpretation of regular presidential elections is that these give the military greater control over the President. The five year term assures the military that it can back a different nominee every 5 years if it is unhappy with the direction of the country. This

[5] The 1996 amendment initially called for a two-term limit for the President, but this was eliminated in 2008.

scenario occurred during the 1999 Algerian presidential elections, when the military withdrew its support for incumbent Liamine Zeroual and instead backed former foreign minister Abdelaziz Bouteflika for President. In 1998, a press campaign against Zeroual steadily mounted—a campaign that many thought was sanctioned by the army's top brass who wished to undermine the incumbent.[6] Zeroual eventually decided not to compete in the elections. And less than 24 hours before the election, six of the other seven presidential candidates (some of whom had ties to previous Algerian governments) withdrew claiming the election would not be fair.[7] The candidates charged that electoral fraud would ensure that Bouteflika would win the election.

And it has been this last strategy—fraud—that has proven to be the most reliable way to exert control over recent elections in Algeria. During presidential, parliamentary, and local elections, Algerian security services participate in the vote, but their balloting is not open to international or domestic observers; army, navy, police, firemen, and customs officials all vote in their respective barracks and stations. And when votes are tallied at the governate level (by the Interior Ministry), no observers are present to verify the count. Analysts believe most of the recent vote-rigging has occurred during these unsupervised moments of the electoral process.

Given the changes described in the above paragraphs, it is apparent that though Algeria's military has increased its influence over the electoral process since 1991

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[6] "World: Middle East: Algeria president springs surprise," *BBC News* (Online - Middle East), 11 September 1998 <http://news.bbc.co.uk/2/hi/middle_east/169582.stm> (24 January 2010).
[7] Gina Doggett, "Algeria in Political Crisis as Six Presidential Contenders Withdraw," *Agence France Presse* (English), 14 April 1999.

(through regular presidential elections and through the set of elections overseen solely by Algeria's security services), institutional control over the electoral process still rests largely with the President (through the Interior Ministry). Therefore, conflict between the military and the President over elections has not been eliminated. For example, in the first parliamentary elections since 1991, President Zeroual's newly-formed party, the National Rally for Democracy (RND), won the June 1997 parliamentary elections. After the elections, an opposition party spokesman suggested "the election results were prepared in a laboratory [by the Ministry of Interior]."[8] An Algeria analyst went so far as to say a predetermined result had been secured (Roberts 1998: 22). Many observers wondered how a party which had been founded by the President just a few months prior (in February of 1997) could have captured the most votes (nearly 32 percent)."[9] More allegations of fraud were leveled against Zeroual's administration in October 1997 during the local and provincial elections. The RND not only won again, but recorded a massive increase in their percentage of the vote compared to the elections just four months prior (from 32% in the parliamentary elections to 55% in the local elections).[10] Every party except the RND protested the results, including the FLN.

As mentioned previously, the military withdrew its support for Zeroual in 1999 and backed Bouteflika (a longtime member of the FLN). Given that Algeria's executive manages the electoral process, and given that the RND was largely a creation of Zeroual to support his administration's policies, the change in presidential

[8] Youcef Bouandel and Yahia H Zoubir: 186.
[9] Quandt, 76.
[10] Quandt, 142.

leadership meant a change in the electoral fortunes of the political parties. In May of 2002, with Bouteflika as President, the FLN won a majority of seats in parliament, while the RND fell to only 9.7% of the vote. Most major opposition parties boycotted the elections, claiming fraud. And with Bouteflika again at the helm in 2007, the FLN won once again, amid accusations of stuffed ballot boxes and harassed poll observers.

In sum, the institutional changes and recent elections in Algeria returned the country to a pre-1989 state, albeit with "pluralist trimmings."[11] The five-year presidential term, as well as the special elections conducted by Algerian security forces, gives the military greater opportunity to have their say in the electoral arena. However, the Interior Ministry's continued control over the administration of the elections, indicates that the President still manages the electoral process. The constitutional amendments, electoral changes, and elections since 1991 are best seen as a process of re-institutionalizing Algeria's presidential-authoritarian system after its long civil war.

C. Iran's 2008 Parliamentary Elections and 2009 Presidential Elections

Iran's recent parliamentary elections underline the continued importance of the role the Interior Ministry and Guardian Council play in candidate-vetting. With Mahmoud Ahmadinejad as President, the Interior Ministry disqualified a comparatively high number of candidates for the 2008 parliamentary elections. Whereas 2004 saw Khatami's Interior Ministry ban only 5.4 percent of candidates, the 2008 elections saw Ahmadinejad's Interior Ministry disqualify nearly forty percent of

[11] Hugh Roberts, "Algeria's Contested Elections," in Middle East Report, No. 209, "Behind the Ballot Box: Authoritarian Elections and Oppositional Strategies in the Middle East," (Winter 1998): 23.

prospective candidates (about 3,000 out of a total of 7,500 registrants).[12] Most of those who were initially disqualified by Ahmadinejad's administration were reformist and centrist candidates, including many then-current parliamentarians, previous cabinet officials, and other high-ranking officials.[13] Many of the reformist candidates who managed to make it to the final list dropped out citing the unfair electoral environment.[14] Thus, just as Khatami used the Interior Ministry's vetting institutions to attempt to swing the 2000 and 2004 parliamentary elections to his favor, so did Ahmadinejad use the Interior Ministry to eliminate his political opponents in 2008.

Interestingly, a group of conservatives at odds with Ahmadinejad (led by Ali Larijani) lobbied the Guardian Council and its supervisory committees to reverse the Interior Ministry's decisions in 2008.[15] The Guardian Council somewhat complied, reversing about 1,000 of the disqualifications, though most of the reversals pertained to conservative (and not reformist) candidates. The reversals by the Guardian Council are illustrative of the larger conservative split that defined the politics of that year (between Larijani and Ahmadinejad), as well as the continuing tension between the offices of the President and the Supreme Leader.

The controversial reelection of Ahmadinejad in June 2009 also comports with the findings from the dissertation. As Chapter 5 indicates, Iran's Interior Ministry not

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[12] Raz Zimmt, "Iran's 2008 Parliamentary Elections: A Triumph of The System," *The Middle East Review of International Affairs*, Vol. 12, No. 2 (June 2008) <http://www.meriajournal.com/en/asp/journal/2008/june/zimmt/index.asp> (24 January 2010).

[13] Raz Zimmt, "Iran's 2008 Parliamentary Elections."

[14] Ali Alfoneh, "Iran's Parliamentary Elections and the Revolutionary Guards' Creeping Coup d'Etat," *American Enterprise Institute for Public Policy Research*, February 2008, No. 2 <http://www.aei.org/outlook/27549> (24 January 2010).

[15] Farideh Farhi, "Iran's Parliamentary Elections Near: Can We See the Lists Please?" *Informed Comment: Global Affairs*, 15 February 2008 <http://icga.blogspot.com/2008/02/irans-parliamentary-elections-near-can.html> (24 January 2010).

only has say over candidate-vetting, but also conducts the on-the-ground administration of elections. Most analysts believe that when it became clear that Ahmadinejad was going to lose the 2009 presidential election to Mir-Hossein Mousavi, Ahmadinejad (with the permission of the Supreme Leader and Guardian Council) used the Interior Ministry to simply report a victory for himself. And a significant amount of evidence does point to fraud committed by Ahmadinejad's Interior Ministry in that election. An Interior Ministry employee claimed "the government had been preparing its fraud for weeks, purging anyone of doubtful loyalty and importing pliable staff members from around the country."[16] Dissident employees of the Interior Ministry reportedly wrote letters to senior leaders, including the Supreme Leader, claiming that, prior to the vote, the number of eligible voters had been deliberately understated to allow the ministry to later print tens of millions of additional ballot papers.[17] Phony statistics were then fed into a software program to generate results for all the country's polling stations and to mark up the ballots.[18] This corresponds to a number of other sources that cite vote totals exceeding the number of registered voters in dozens of cities.[19] According to an Interior Ministry employee,

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[16] Bill Keller, "Wide Reverberations as Door Slams on Hope of Change," *The New York Times* (Sunday Late Edition—Final), 14 June 2009, Section A, Column 0, Foreign Desk, p 1.
[17] Robert Tait and Julian Borger, "Front: Iran in Turmoil: The Vote: Rumours and Numbers: The Unofficial Statistics That Claim Mousavi Won the Day," *The Guardian* (London—Final Edition), 16 June 2009, p. 2. Also see Laura Secor, "The Iranian Vote," *The New Yorker*, 13 June 2009 < http://www.newyorker.com/online/blogs/newsdesk/2009/06/laura-secor-irans-stolen-election.html> (23 January 2010).
[18] Robert Tait and Julian Borger, "Front: Iran in Turmoil: The Vote: Rumours and Numbers: The Unofficial Statistics That Claim Mousavi Won the Day," *The Guardian* (London—Final Edition), 16 June 2009, p. 2.
[19] See Robert Tait "Iran election turnouts exceeded 100% in 30 towns, website reports" *guardian.co.uk*, 17 June 2009 < http://www.guardian.co.uk/global/2009/jun/17/iran-election-rigging> (25 January 2010). Also see Michael Slackman, "Amid Crackdown, Iran Admits Voting Errors," *New York Times*

"They didn't even look at the vote. They just wrote the name and put the number in front of it."[20] This is seconded by Farideh Farhi, an Iranian expert and professor at University of Hawaii, who said the result was "pulled out of a hat."[21] Immediately after the election results were reported, the main Interior Ministry building was closed and police were given orders to shoot anyone who protested outside the ministry.[22] The theory and findings in this dissertation suggest that any electoral fraud in Iranian elections would most likely occur within the Interior Ministry (as it is in charge of the administration of the voting process). And the available evidence from the 2009 contest indeed suggests misconduct by Ahmadinejad's Interior Ministry.

IV. Policy Implications

Beyond the country specific predictions, the findings from the dissertation also touch on some policy implications. First, all three case studies suggest that administrative control over elections in authoritarian systems matters most when rigging results. In Egypt, Algeria, and Iran, the Interior Ministry conducts the on-the-ground vote, counts the ballots, and reports the results. Thus, international pressure for fairer elections would be most effective if it could wrestle administrative control from conservative officials, or at least provide transparency in the various administrative stages of the election. This must extend to the registration of voters,

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(Online), 22 June 2009, <http://www.nytimes.com/2009/06/23/world/middleeast/23iran.html?_r=1>. Also see Ali Ansari, Daniel Berman and Thomas Rintoul, "Preliminary Analysis of the Voting Figures in Iran's 2009 Presidential Election," Chatham House and the Institute of Iranian Studies, University of St Andrews, 21 June 2009.

[20] Bill Keller, "Wide Reverberations as Door Slams on Hope of Change," *The New York Times* (Sunday Late Edition—Final), 14 June 2009, Section A, Column 0, Foreign Desk, p 1.

[21] "Ahmadinejad's Win Pulled Out of a Hat, Not Ballot Box: Expert," *Hindustan Times* (Wednesday), 17 June 2009.

[22] Laura Secor, "The Iranian Vote," *The New Yorker*, 13 June 2009 < http://www.newyorker.com/online/blogs/newsdesk/2009/06/laura-secor-irans-stolen-election.html> (23 January 2010).

balloting, and counting. The Zimbabwean elections in March of 2008 demonstrate the value of transparency during the administration of the voting process. In Zimbabwe, new laws stipulated that the reporting of election results was to be posted outside each polling station, as opposed to centralized government counting centers as in previous years. This allowed independent observers to record the results and call in the numbers to their own organizations, who could then tally the results across the nation. Additionally, the ballot boxes were required to be translucent, which reduced the risks of ballot stuffing. And domestic and international observers were present to monitor the balloting. These changes significantly enhanced the transparency of the most crucial aspects of the election (e.g. the balloting and counting of the vote) allowing an upset victory for the opposition Movement for Democratic Change (MDC).

At the same time, the dissertation's findings suggest that international pressure can at best be an indirect cause of fairer elections, since regime actors themselves must choose to directly undo the rules and procedures that guarantee the ruler's (or ruling party's) reelection. For example, the upset of the Zimbabwe African National Union Patriotic Front (ZANU-PF) in the 2008 elections should, in addition to international pressure, be attributed to the serious discord within the party and the regime. Prior to the elections, the Zimbabwean economy was in collapse, experiencing six-digit inflation with an unemployment rate estimated at 80-90%.[23] This caused a split within the ZANU-PF, into pro- and anti-Mugabe factions. Many of Mugabe's former allies were calling for his dismissal. It is doubtful that the electoral reforms that led to the

[23] "Zimbabwe inflation nears 1,600%," *BBC News* (Online), 12 February 2007 <http://news.bbc.co.uk/2/hi/6354783.stm> (25 January 2010).

MDC win would have passed without the support of regime actors who wished to see a new direction for the country.

Finally, some policymakers advocate promoting rule of law institutions in the hopes that they will eventually lead to fairer elections. Autonomous central banks, independent judiciaries, and individual liberties are seen by some as a path to meaningful electoral reforms. A strong and independent judiciary in Egypt shows that such institutions can play a positive role in political liberalization. But whether these institutions can provide genuine electoral openings ultimately depends on their place within the larger constitutional and electoral structure of the regime.

V. Placing Theory and Findings in Context of the Literature on Authoritarianism

Studies on authoritarian regimes fall largely into one of two categories. The first approach focuses on classifying regimes into different types. Scholars look at either the most powerful state institutions, or the manner in which the regime exercises its power, and then develops a typology accordingly. Authoritarian regimes have been characterized as totalitarian, post-totalitarian, sultanistic, neopatrimonial, bureaucratic-authoritarian, military, personalist, and party. Classifying regimes lends itself well to large-N studies and qualitative generalizations. A second approach examines the specific rules within a regime. These studies usually focus on political accountability to explain behavior and stability. Concepts such as the selectorate, winning coalitions, and reciprocal accountability take their cue from principal-agent models to explain regime behavior. Given that the rules and norms are specific to that regime, studies using this second approach typically focus on a particular regime within a given time

period, and usually involve detailed case studies. And yet by comparison of carefully selected cases, this approach can highlight the variation identified by the theory. This dissertation falls into this second approach.

The theory and findings from the dissertation also closely mirror recent literature on regime transitions and breakdowns. Contemporary studies on transitions base their explanations on the choices made at the top of the regime. The strategic calculations and behaviors of authoritarian elites are used to determine whether or not openings for transitions occur. For example, O'Donnell & Schmitter (1986) describe actors within transitioning regimes as hardliners and softliners, depending on whether they are reticent or open to liberalizing the system. These two categories of actors behind the choice to begin a transition are similar to the reformist and conservative camps described in this dissertation.

Finally, the dissertation takes a new institutionalist approach to authoritarian politics. In democracies, institutional rules and reforms are often seen as the product of compromises between rulers and ruled to lower transaction costs and promote efficient exchange. However, in authoritarian systems, institutions are often imposed from the top down. And rulers may initiate changes if and when their political power is threatened. Nonetheless, the imposition of institutional rules within authoritarian systems does not mean these rules are inconsequential. Rules in long-standing authoritarian regimes do matter. And as seen in this dissertation, over time, a well-institutionalized system can create incentives and opportunities for state officials to begin an electoral opening that challenges the authoritarian regime.

VI. Conclusion

Unexpected electoral openings occur when a regime faction has the institutional incentive and electoral jurisdiction to swing the election in favor of the opposition. The incentive and jurisdiction to do so in turn depend on the authoritarian system's constitutional structure. In a system with strict accountability, where jurisdiction over electoral matters resides mainly with conservative officials, reformist factions will not have the opportunity or authority to change the rules and procedures to the opposition's benefit. However, in a system where reformists exercise wide jurisdiction over the electoral process, and where reformists enjoy attenuated accountability vis-à-vis their conservative superiors, reformists can swing the election against regime incumbents.

While this dissertation focuses on the specific question of unexpected electoral openings, several related questions regarding electoral authoritarianism still remain. One additional avenue to explore is why controlled elections lengthen the life of authoritarian regimes. As mentioned in Chapter 1, legitimacy has been the traditional answer to this question. But recent research points to how elections assign shares of representation, arbitrate conflicts, and provide a vehicle for state patronage. Elections may also provide information about old constituencies and help identify new ones. Future work could also focus on why certain types of electoral set-ups (e.g. one-party versus multi-party systems) are chosen by autocrats, and which set-ups lengthen regime survival.

Future work may also include when unexpected election results are sustainable. The dissertation argues that rules matter, and that having the right rules can mean the difference between a regime-sanctioned win or an unexpected opposition victory. But the aftermath of the elections (whether the results are abided by the regime or nullified by the regime) seems to hinge more on the underlying structural distribution of power within the country. More specifically, when the security services have allied themselves with a reformist attempt to open the system, an opposition victory seems to lead to a transfer of power. Conversely, when the security services are opposed to the opening in the first place (e.g. 1991 Algeria and 1990 Myanmar), the results are annulled. What this all suggests is that the institutional changes that create stunning election results are only sustainable if they are sanctioned by the security apparatus, or if the security apparatus lacks the means to annul the opening (e.g. the failed 1991 coup against Gorbachev).

Lastly, this study hopes to inspire more analyses on authoritarian states. As mentioned in the introductory chapter, authoritarian systems make up nearly half of the world's states. Yet most institutional analyses of regimes are restricted to democratic states. This tendency is understandable, as the actors, rules, and dynamics within authoritarian states are less transparent than their democratic counterparts. Still, in countries where civil society has not developed, and where the authoritarian regime is politically stable, the political institutions of the state serve as an instructive guide for understanding policy. Examining an authoritarian regime's constitutional structure, political history, formal rules, and informal norms not only explains the

decisionmaking process behind electoral reforms, but also provides greater insight into grander questions of economic and foreign policy.

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