



Brandeis University

Crown Center
for Middle East Studies

Mailstop 010
Waltham, Massachusetts
02454-9110

781-736-5320
781-736-5324 Fax
www.brandeis.edu/crown

Middle East Brief

*Judith and Sidney Swartz Director
and Professor of Politics*
Shai Feldman

Associate Director
Kristina Cherniahivsky

*Charles (Corky) Goodman Professor
of Middle East History and
Associate Director for Research*
Naghmeh Sohrabi

Senior Fellow
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Junior Research Fellows
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Asher Orkaby, PhD
David Siddhartha Patel, PhD
Jean-Louis Romanet Perroux

The Road to Rule of Law in the Arab World: Comparative Insights

Eva Bellin

The uprisings that swept the Arab world in 2011–12 were driven by many different catalysts. Not least among them was the desire to put an end to arbitrary rule. The hunger to abolish cruel and capricious treatment at the hands of unaccountable regimes—the desire for “human dignity,” in the language of the protesters—was as powerful a motivator for popular mobilization as was the desire for “bread” and “freedom.” People yearned for what political analysts call “the rule of law.” The question is, how can people in the Arab world achieve this objective?

For failed or failing states in the region, such as Libya, Syria, and Iraq, the goal of building accountable governance may seem a luxury of secondary priority. But in many other countries where the integrity of the state is not in doubt, establishing the rule of law is a reasonable ambition.

Many factors—societal, cultural, and institutional—contribute to the establishment of the rule of law. This Brief will focus on the development of four of its institutional building blocks: the judiciary, the police, the military, and regulatory agencies. It will seek to draw on the experience of other regions that have wrestled with this goal to engage several analytic questions:

- What might be a standard set of practices advisable for each institution that will enable it to foster rule of law?
- What are some of the key obstacles, political and otherwise, that might subvert the implementation of these reforms?
- What would be the ideal timing and sequencing of these measures?

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and

- Is there an intrinsic relationship between building the rule of law and democratization, such that the two must be pursued simultaneously? Or should one project in practice precede the other?

Our subsequent analysis will be anchored in the experience of several Arab countries at the forefront of the change in the Arab world—with the objective of highlighting the specific challenges facing different Arab countries in establishing the rule of law while constructing an empirical and analytic foundation for future research in this area.¹

Defining Rule of Law

Rule of law is conventionally defined as “restricting the arbitrary exercise of power by subordinating it to well-defined and established laws.”² Typically, rule of law is associated with such values and ideals as fairness, equal treatment, predictability, and transparency. Most illuminating is the definition put forward by the Secretary General of the United Nations, who defines rule of law as:

a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, . . . , legal certainty, avoidance of arbitrariness and procedural and legal transparency.³

Toolkit for the Rule of Law

Four institutions located within the state are especially critical to establishing rule of law: the judiciary, the police, the military, and regulatory agencies. Each enables a different aspect of rule of law, and each requires distinct institutional conditions in order to achieve this objective.

For the judiciary, the contribution made to the rule of law consists of the provision of impartial and consistent arbitration of conflicts as well as impartial and consistent application of the law.⁴ To achieve these objectives, the judiciary must be independent from the control of government officials as well as from that of other powerful actors in society. Such independence is essential if the law is to be respected by rulers and ruled alike.

For judicial independence to be achieved, a number of conditions must be met. First and foremost, the judicial corps must not be beholden to the state for its professional well-being. More specifically, issues such as judicial appointment, promotion, tenure, and salary—as well as the judiciary budget—must be beyond the discretion of the executive branch. Ideally, such terms will be anchored in constitutional guarantees and implemented by judicial councils that are separate from the executive. In addition, as judicial scholar Lisa Hilbink recommends, a variety of measures should be adopted to boost the professionalism of the judicial corps, including enhanced professional training (though the creation

Eva Bellin is the Myra and Robert Kraft Professor of Arab Politics at the Crown Center and the Department of Politics at Brandeis University.

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of judicial academies) and respectable judicial salaries. Both will raise the intellectual and professional caliber of individuals entering the judiciary while making judges “less vulnerable to improper influences.”⁵

The police’s contribution to the rule of law lies in the maintenance of public order—delivered consistently, fairly, predictably, and in accordance with the law.⁶ The primary mission of the police must be to guarantee popular safety (as opposed to protecting the regime). The police must “embrace a mission of service to the population” and abandon fear as a tool of enforcement.

To achieve this objective, Querine Hanlon argues, the police must espouse “oversight, transparency, and accountability.” This requires, she believes, the creation of various auxiliary institutions (e.g., oversight commissions located in Parliament as well as in civil society) in addition to the incentivizing of transparent communication between the police and these oversight bodies. New training regimens and recruitment criteria must inculcate a new “culture of service,” enhance professionalism, and reinforce respect for human rights. Adequate salaries must be paid so as to reduce the temptation of corruption. Finally, legal reform is necessary in order to specify limits on the use of force, clarify the public’s rights to assembly and speech, and delineate the regime’s commitment to human rights.

The military’s contribution to the rule of law involves providing public safety, security, and order in a manner that is depoliticized, accountable before the law, and subject to civilian control.⁷ To achieve this, the government must establish clear subordination of the military to civilians through a number of institutional measures. As Zoltan Barany suggests, a clear chain of command must be spelled out, with the civilian president designated as commander in chief and the top-ranking member of the military subordinated to a *civilian* defense minister. The military’s budget as well as its conduct must be subject to parliamentary as well as executive oversight. Members of the military must be depoliticized, meaning that they must relinquish any political role, Barany writes, “other than exercising their civic right to vote.”

Finally, with regard to regulatory agencies, their contribution to rule of law consists in ensuring that governments define and implement their policies and regulations in an impartial, rule-bound, and predictable fashion. These agencies are also tasked with preventing government officials from misusing public funds for private ends.⁸ To achieve these objectives, regulatory agencies such as audit agencies, ombudsmen, and anti-corruption commissions must be empowered to monitor government behavior and sanction wrongdoing.⁹

The Politics of Achieving Rule of Law

Given the extensive experience of so many countries with the challenge of building rule of law, the menu of recommended institutional reforms seems relatively clear-cut. But the process of implementing such reforms is anything but. Aside from the high cost (which can pose a substantial deterrent for many late-developing countries),¹⁰ the process of implementation is intensely political. Building autonomous judiciaries, accountable and transparent police forces, militaries subject to civilian control, and regulatory agencies with substantive power to monitor and sanction government officials is a process that “threatens the power and prerogatives” of important individuals and constituencies who have significant incentives to act as spoilers of the reform process.¹¹ The challenge is not simply to delineate the technical measures essential to building rule of law but to muster the political will and wherewithal to carry out these measures. To successfully build the institutional foundations of rule of law, reformers are advised to keep three things in mind.

First and foremost, reformers must pay conscious attention to fostering “buy in” to the program on the part of potential spoilers. Scholars such as Querine Hanlon, Zoltan Barany, and Tewfiq Aclimandos suggest a host of strategies. Most involve bundling institutional reform with improvements in salaries and working conditions—so as to lure potential spoilers located *within* these institutions—and then presenting the ensemble as a “package deal.”¹² Others suggest more “diversionary” tactics, such as providing the military with new missions and professional opportunities (international peacekeeping; disaster relief abroad) in order to compensate for the elimination of some of its prior prerogatives.¹³ No matter the diversity of these strategies, the underlying imperative is the same: To build rule of law, the sustained and concerted commitment of crucial stakeholders within these institutions must be cultivated. Technical reform of state institutions alone will not deliver rule of law.¹⁴

Second, harnessing the interest of stakeholders *outside* state institutions is also essential to fostering rule of law. This is the essence of the analysis put forward by Michael Johnston, who argues that it is necessary “to harness self-interested contention to build the rule of law.”¹⁵ The study of countless cases of anti-corruption campaigns around the world has persuaded him that institutional fixes and formal legal changes alone are ineffective with respect to delivering good governance. More important is what he calls “deep democratization”—that is, the opening up of political space in a safe and secure way so that citizens may advocate for, and defend, their own interests. Without

such empowerment, he argues, institutional and legal reform packages may not only be ineffective at delivering rule of law; they may actually make matters worse.¹⁶

Third, the experience of countless cases around the world suggests that building rule of law is a long and arduous process that may take many years to bear fruit. Institutional reform that is overly accelerated and/or too comprehensive is likely to antagonize and unify opponents and thereby sabotage the process. The lesson seems to be: Accept a long time frame, embrace gradualism, and recognize that persistence is the key to success.

Timing and Sequencing

The last two observations raise the issue of the optimal timing and sequencing of reforms to the political system. Should activists pursue democratization before they attempt to build rule of law? Or is establishing the institutional foundations of rule of law necessary to the effective pursuit of democratization and should it therefore logically precede it?

There are at least two good reasons to favor prioritizing building the institutional foundations of rule of law. First, democracy is robbed of much of its meaning without rule of law. And second, order is to some degree necessary in order to achieve freedom.

With regard to the first: The distinctive quality that defines democracy is its promised capacity to make government accountable to the people. This is the essence of what Guillermo O'Donnell calls (notwithstanding the title of his chapter) “vertical accountability.”¹⁷ The classic institutional mechanism that delivers vertical accountability is free and fair elections, which empower citizens to reward or punish politicians by voting them into or out of office.¹⁸ The problem is that elections are insufficient mechanisms to guarantee accountability that is closely attuned to popular preferences, because elections are intermittent, the behavior of officials is often opaque, and voting is a blunt instrument that cannot target many specific issues. To compensate for these gaps, O'Donnell advocates the development of institutions of “horizontal accountability”—that is, agencies within the state that are empowered to investigate, expose, and sanction governmental wrongdoing.¹⁹ These include many of the institutions that constitute the foundational core of rule of law: independent judiciaries, effective regulatory agencies, and the like. In the absence of mechanisms of horizontal accountability, governmental malfeasance can skyrocket, and accountability to the public is robbed of its meaning, no matter how free and fair the elections that are held.

The second reason one might argue that building rule of law should precede the pursuit of democracy is that, psychologically, order is to some degree a necessary prerequisite of freedom. Without some modicum of safety and stability, it is impossible to exercise (and enjoy) freedom and choice in any meaningful way. While this may not indicate that all the institutions associated with rule of law must be established prior to the pursuit of democracy, it does suggest that at least some of the foundational elements of rule of law (a military with a monopoly on the means of coercion, a police force that is effective and reliable) must be in place prior to any meaningful democratization.

But before sequential precedence is given to building rule of law, two contrary observations should be made. First, building the institutional foundations of rule of law without the attendant benefits of democracy is likely to leave those institutions impotent. Experience around the world suggests that many of the conditions that are associated with democracy are indispensable to making the institutional foundations of rule of law effective. Freedom of speech, freedom of information, a robust media, engaged and autonomous associations in civil society—all are necessary to facilitate exposure of and oversight over official behavior.

And in any case, building rule of law in the absence of democracy is politically improbable. This is the cardinal insight of Thomas Carothers in his pioneering reflections on the question of sequencing.²⁰ As Carothers shows, non-democratic regimes are unlikely to set their sights on building rule of law, because there is an inherent contradiction between the logic of rule of law and the logic of autocratic rule. Impartial application of the law, an independent judiciary, and guaranteed rights for all citizens “restrict or remove the tools that autocrats typically employ to control political life and stay in power.”²¹

What this suggests is a chicken-and-egg conundrum: Which comes first? Rule of Law or democracy? In the end, Carothers argues, it is best to abandon a sequential approach and instead recognize that the two processes are mutually reinforcing; neither one is complete without the other. Consequently, both rule of law and democratization should be pursued simultaneously.

Taking Stock in the Arab World

Building the institutional foundations of the rule of law is a goal formally embraced by many in the Arab world, but progress thus far has been limited. Empirical evidence from

Egypt, Tunisia, and other Arab states suggests that the challenges identified in other regions are applicable to the Arab world as well.

The Judiciary

With regard to the judiciary, Mohamed Salah Ben Aissa confirms that in Tunisia, one of the key obstacles to the development of judicial independence in the first post-revolution years was the failure to shield judges' appointment, compensation, advancement, and discipline from executive discretion.²² The Tunisian constitution that was ratified in 1959 had adopted a conception of the justice system that designated the judiciary as merely a tool in the service of the state. More specifically, the regime had created a High Judicial Council (responsible for supervising the professional lives of the judges) that was entirely dominated by the executive branch.

In the first two years following the overthrow of Ben Ali, a reform-minded group in Parliament attempted to get a majority to vote for the creation of an independent judicial council. The group did not succeed, owing to the opposition of MPs from Ennahda (the leading Islamist party). Without reform of this basic institution, Ben Aissa argues, judicial independence was impossible. After persistent negotiation, however, new articles for the constitution were cobbled together that significantly improved the autonomy of the judiciary. These included provisions establishing a judicial council and specifying that two-thirds of its members would be judges, the majority of them elected by their peers. The ratification of this new constitution in early 2014 set the judiciary on a positive course toward building rule of law.

In the case of Egypt, Natalie Bernard-Maugiron likewise argues that a key obstacle to the development of an independent judiciary has long been the oversized role played by the executive in the process of judicial appointment.²³ This is evident in the full discretion granted to the President of the Republic in the appointment of the Chief of the Supreme Constitutional Court and the Chief of the Court of Cassation (Egypt's highest court of appeal), among other top posts. It is also apparent in the power the executive branch commands in staffing the key institutions that oversee judicial nominations, promotions, salaries, and discipline, such as the Supreme Judicial Council and the Judicial Inspection Department. All of these prerogatives, along with the executive branch's maintenance of a special court system to try cases it deems "sensitive" and its inconsistency in implementing rulings delivered by the judiciary, compromise the judiciary's capacity to deliver rule of law.

Beyond these institutional deficiencies, the development of rule of law in Egypt has also been compromised by

the extraordinary politicization of relations between the executive and the judiciary in the years following Mubarak's fall. Many of the judiciary's rulings have reflected significant political overreach. For example, in 2011–13, the judiciary declared two constitutions invalid and dissolved Parliament on technical grounds. These rulings compromised the judiciary's reputation for being above politics. On the executive side, the Morsi regime undertook a host of retaliatory measures against the judiciary, aimed at "unpacking" the Supreme Constitutional Court,²⁴ purging the judiciary of its most senior members, and declaring the executive branch (temporarily) beyond judicial review. The conflict between the executive and the judiciary evident in the Egyptian case suggests just how difficult it is to carve out space for an impartial, autonomous judiciary at a time of enormous political flux.

The Police

With regard to the police, the Tunisian case illustrates the difficulty of transforming an institution that previously had been primarily committed to regime defense into an institution devoted to securing public safety in accordance with the law. Querine Hanlon's research has found that opaque and complex organizational structures in Tunisia undermine police accountability; that poor training and low pay discourage professionalism; and that ambiguity in the laws governing the use of force and citizens' rights undermines the building of rule of law. The Tunisian case also illustrates the political challenges that new regimes face as they attempt to reform the police. In 2012, insiders in the security sector engaged in physical resistance to regime elites attempting to punish one of their own for past misconduct. In the face of this resistance, the regime was forced to back down. Thus, even when the institutional recipe for reform is straightforward, the process is difficult to implement.

In Egypt, the process of police reform faces similar obstacles. Research by Tewfiq Aclimandos shows that, as in Tunisia, a major shift in police culture is necessary, requiring the police both to embrace a mission of "service in the name of the rule of law" and to abandon a long history of corruption, cronyism, and human rights abuses.²⁵ Also as in Tunisia, the abusive disregard of human rights by the police was motivated by the definition of their mission as primarily one of regime protection, and their efforts were focused, first and foremost, on eradicating what the regime perceived as "the Islamic threat." And as in Tunisia, the primary question is whether there is sufficient political will and wherewithal to carry out police reform. Police insiders, of course, resist reform. Furthermore, the process post-Morsi is additionally complicated by the hostility of the Sisi regime to all things Islamist and its intent to use whatever means are necessary to eliminate this perceived

threat. Again, the politics involved may make police reform a reform postponed.

The Military

Subordinating the military to civilian control and eliminating its political autonomy is the defining marker of a military in service to the rule of law. In the Egyptian case, as research by Robert Springborg shows, this goal proved elusive in the first years following the ouster of Mubarak.²⁶ The military and the Muslim Brotherhood (MB) engaged in constant jabs and counterjabs to determine who would prevail. A moment of military failure in the Sinai in 2011 seemed to create an opportunity for the MB-led government to exploit generational discontent in the military, retire some of its leadership, and promote more amicable insiders. But this moment soon passed and the military quickly reasserted its autonomy, parrying precisely the sorts of reforms that Barany argues are necessary to subordinate it. Instead, the military forced through constitutional provisions that assigned control of the Ministry of Defense to an active duty officer (not a civilian) and denied Parliament any oversight over its operations or budget. In addition, the military retained its hold on an enormous array of economic ventures that provided it with substantial financial independence. This created the institutional foundation for the army to reassert itself as the supreme authority less than three years after Mubarak had been deposed.

Meeting the challenge of building a military capable of contributing to the development of rule of law depends not only on subordinating the military to civilian control but also on rising to the challenge of building an institution that lives up to the Weberian ideal: that is, one that exercises a *legitimate* monopoly on the means of coercion. This objective is especially challenging in countries that are deeply divided ethnically (e.g., Iraq, Syria, and Yemen) and that face the dilemma of how to build a military that is perceived as committed to the defense of the entire society and not as partial to specific communities within it. The challenge is to cultivate a sense of ownership with respect to the military among all communities in society.

Extensive study of the case of Lebanon, carried out by Oren Barak, suggests that in divided societies, there is an inevitable trade-off between legitimacy and effectiveness.²⁷ In order to cultivate legitimacy, the military must prioritize both inclusiveness in its recruitment and modesty in its missions. (The best evidence of the latter can be found in the Lebanese military's unwillingness to arbitrate the conflict between the March 14 and March 8 alliances in 2007.) Barak argues that the tension between the military's dual goals of effectiveness and legitimacy can be reduced by reframing the role of the military, recognizing that it contributes to national security not only by imposing

order by force but also by its deliberately inclusive make-up, which mitigates inter-communal tensions and thereby contributes to civil peace.

Reform and Fighting Corruption

Finally, with regard to the goal of fighting corruption, evidence collected by World Bank experts Guenter Heidenhof and Lida Bteddini shows that the Arab world as a whole lags behind most other regions on a variety of governance measures. The problem lies less in deficiencies in the legal framework necessary to address corruption and poor governance and more in the absence of the political will to implement the necessary reforms. The World Bank advocates “transparency, accountability, and participation” (TAP) as the foundation of successful governance reform, but in the absence of civil liberties, freedom of information, and political freedom, it is difficult to achieve any of these.²⁸ The legacy of pervasive authoritarianism in the region, which persists even in the wake of the uprisings of 2011, throws a wrench in the “deep democratization” that analysts like Michael Johnston argue is essential to anchoring good governance. This aspect of rule of law is, accordingly, the most distant prospect of all of the four facets explored here.

Challenges to Building the Rule of Law in the Arab World

Comparative analysis suggests a fair degree of parallelism in the factors that subvert the establishment of rule of law in the Arab world and elsewhere. It likewise suggests parallelism with respect to the likely remedies. At the same time, there are a number of conditions that make building rule of law exceptionally difficult in the Arab world and that merit special attention and brainstorming.

First, the Arab world is notorious for its exceptionally long and deep experience with authoritarian rule, and this has created a number of especially formidable obstacles to building rule of law. For example, many of the authoritarian regimes in the region embraced elaborate “coup-proofing” strategies. This led to replication, fragmentation, and opaqueness in the coercive apparatus, making building a rule-governed, professionalized, transparent, and service-oriented police and military especially challenging: It requires an overhaul of the coercive apparatus, which is extremely costly politically. In addition, one of the legacies of long-standing authoritarianism is the relative underdevelopment of civil society, the inexperience of the media in investigative work, and the lack of experience with—and cultural expectation of—freedom of information. These are all crucial assets for bolstering the rule of law, and without

them the struggle to establish it is considerably more challenging. In short, countries that are faced with the dual challenge of simultaneously transitioning to democracy and building rule of law face much more serious challenges with respect to achieving rule of law than do democratic countries whose ambition is focused solely on building rule of law alone.

Second, many countries in the Arab world are deeply divided on the basis of identity, whether this be along ethnic lines (as in Syria, Yemen, Iraq, Lebanon, Bahrain, and Libya) or ideological ones (notably, Islamist vs. secular, as witnessed in Egypt and Tunisia). In many cases, these divisions have resulted in blood and violence—sometimes even full-fledged civil war—and this has scarred these societies and undermined trust across their respective divides. In such contentious contexts, it is especially difficult to build institutions that can be perceived as impartial—which is central to building rule of law. Every appointment, every institutional innovation, is closely scrutinized with regard to whether it favors one group or another. Close attention to balanced inclusion and representation of all groups may alleviate some of this distrust, though as Barak shows in the case of Lebanon, that may compromise the effectiveness of some of these institutions.

Third, many Arab countries faced with the challenge of building rule of law today are situated in extremely challenging security conditions. The proximity of failed and failing states (for example, Libya and Syria) and the reality of porous borders shared with those states leads to the proliferation of weapons, along with extensive drug running and crime. This makes it more challenging to build rule of law—not least because in this context, society and state tend to prioritize the establishment of order, even if it comes at the expense of law. This has certainly been an obstacle to reform of the coercive apparatus in Egypt. In addition, extra-state forces, be they international franchises like al-Qaeda or conventional states with regional ambitions (such as Iran, Qatar, and Saudi Arabia), often intervene in domestic power struggles and tip the balance in ways that do not advance the rule of law.

Identifying the distinctive conditions faced by the Arab world in building rule of law further highlights the utility of cross-regional comparison. Comparing the Arab cases with others that share some or none of these conditions will generate further insight as to what may impede or foster development of rule of law.

Concluding Remarks

As this Brief has shown, the reform measures necessary to build sound institutional foundations for the rule of law are relatively clear. The challenge rests in mobilizing the political wherewithal to carry out these reforms. Arab countries face some exceptional difficulties in meeting these challenges, but the challenges themselves are in no way unique. Further comparative analysis of the dynamics behind successful reforms in other regions will no doubt further illuminate the path to building rule of law in the Arab world in the post-uprising era.

Endnotes

- 1 This Brief synthesizes the collective wisdom of over a dozen scholars—Tewfiq Aclimandos, Oren Barak, Zoltan Barany, Mohamed Salah Ben Aissa, Natalie Bernard-Maugiron, Lina Bteddini, Diane Davis, Querine Hanlon, Guenter Heidenhof, Lisa Hilbink, Michael Johnston, Heidi Lane, and Robert Springborg, as well as the author—all of whom participated in a conference on “Building Rule of Law in the Arab World,” held at the Naval War College in November 2012 and organized by the author and Heidi Lane. A book-length version of this conference’s findings will be published under the same title in 2015.
- 2 Dictionary definition.
- 3 [United Nations Security Council, “The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies” \(Report of the Secretary-General, August 23, 2004\).](#)* The Secretary-General also included a reference to “participation in decision-making,” which I have omitted, as part of his understanding of the concept of rule of law. To my mind, the right to participate in decision making is more appropriately associated with “democratization” than with rule of law. For more on the relationship between the two, see below.
- 4 Lisa Hilbink, “With Eyes Wide Open: Reforming Judiciaries in Emerging Democracies,” forthcoming. This paragraph and the next draw on Hilbink’s analysis.
- 5 Hilbink also argues that a variety of *political* factors, beyond the scope of mere institutional reform, are also critical to ensuring judicial independence. These will be elaborated below.
- 6 Querine Hanlon, “Dismantling the Security Apparatus: Challenges of Security Sector Reform in Post-Ben Ali Tunisia,” forthcoming. This paragraph and the next draw on Hanlon’s article, and the quoted material in these paragraphs is taken from the article.
- 7 Zoltan Barany, “Reforming the Armies of Authoritarian Regimes: Lessons for the Arab World,” forthcoming. This paragraph and the next draw on Barany’s article.
- 8 See Michael Johnston, “From Contention to Reform: Deep Democratization and the Rule of Law,” forthcoming; Guenter Heidenhof and Lida Bteddini, “The Challenges of Governability in the MENA Region,” forthcoming.

- 9 See Guillermo O'Donnell, "Horizontal Accountability in New Democracies," in Andreas Schedler, Larry Diamond, Marc Plattner (eds.) *The Self-Restraining State: Power and Accountability in New Democracies* (Boulder, CO: Lynne Rienner, 1999): p. 28. See also Schedler, "Conceptualizing Accountability," *Ibid.* p. 14.
- 10 Tewfiq Aclimandos, "Between Collapse and Professionalization: Police Reform in Egypt," forthcoming.
- 11 See Hanlon, "Dismantling the Security Apparatus."
- 12 Aclimandos, "Between Collapse and Professionalization."
- 13 See Barany, "Reforming the Armies of Authoritarian Regimes."
- 14 See Hilbink, "With Eyes Wide Open."
- 15 See Johnston, "From Contention to Reform."
- 16 For example, he argues that anti-corruption commissions, without the necessary social foundation in place, may become the regime's tools for fomenting factional conflict and carrying out political reprisals in addition to serving as smokescreens for self-enrichment.
- 17 O'Donnell, "Horizontal Accountability in New Democracies." O'Donnell uses the term "vertical" because of the hierarchical relationship implied, with government (above) held accountable to the people (below).
- 18 *Ibid.*, p. 29.
- 19 *Ibid.*, pp. 23, 29. O'Donnell uses the term "horizontal" because the institutions involved are on an equal footing within the state.
- 20 Thomas Carothers, "How Democracies Emerge: The Sequencing Fallacy," *Journal of Democracy* 18 (2007).
- 21 *Ibid.*, pp. 14-15.
- 22 Mohamed Salah Ben Aissa, "Judicial Power in Tunisia: What Independence?" forthcoming.
- 23 Natalie Bernard-Maugiron, "The Clash of Institutions: Judiciary vs. Executive in Egypt," forthcoming.
- 24 The regime reduced the number of Supreme Court justices spelling the dismissal of the most junior member. Not surprisingly she was one of the most vocal opponents of the Morsi regime.
- 25 Aclimandos, "Between Collapse and Professionalization: Police Reform in Egypt," forthcoming.
- 26 Robert Springborg, "To Be or Not to Be: The Egyptian Military Confronts Democracy and Rule of Law," forthcoming.
- 27 Oren Barak, "The Military Balancing Act: Cultivating Cohesion and Effectiveness in Deeply Divided Societies (with Insights from Lebanon)," forthcoming.
- 28 Heidenhof and Bteddini, "The Challenges of Governability in the MENA," forthcoming.

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