A DECADE AGO, with the memory of the attacks of September 11 still fresh, some found it quixotic to suggest that the long-term trend of political Islam was toward a complex synthesis with constitutional democracy. But in a 2003 book, *After Jihad*, I argued exactly that. I drew my evidence from the unexpected success of Islamists in the quickly reversed Algerian elections of 1991; from the writings of prominent exiled Islamists like the Tunisian intellectual Rachid Ghannouchi and the Egyptian television-imam Yusuf al-Qaradawi; and above all from the way Islamism had defined itself against secular autocracy.

What I lacked were concrete examples of electoral success and constitution writing by political parties made up of what I called Islamic democrats. The Turkish Justice and Development Party, or AKP, was new to power and untested. It was clearly inspired by Islam, yet constrained by political norms that insisted on formal secularism. In Afghanistan, the U.S.-backed government that inherited power from the Taliban was still feeling its way to a constitutional *loya jirga* that would somehow try to accommodate democratic and Islamic norms. Most troubling, in the Arabic-speaking world, regimes could be divided into monarchies and dictatorships—but all looked impervious to domestic overthrow by democratic means. Where, I asked, was the Muslim equivalent to the Solidarity movement that helped overthrow communism in Poland? Islamism clearly expressed an aspiration to better forms of self-government. But
the possibilities for exploring them were blocked by repressive governments that had for decades been highly effective in preserving their positions.

Five years later, in 2008, when I wrote the book that you now hold in your hands, history had provided more evidence for democratic tendencies within Islamism—but also new bases to identify the challenges that Islamic constitutional democracy would confront when it was put into action. In Afghanistan and Iraq, democratic forces unleashed after the United States removed existing regimes had given rise to Islamic democratic constitutionalism. The governments in Kabul and Baghdad were struggling, to be sure. But when the public in these countries had been given the opportunity to select politicians who would create new constitutions for them, their preferences had been relatively clear. Each had chosen a constitutional path that sought to combine Islam—encapsulated by shari’a, the classical Islamic law—with constitutional democracy. Meanwhile, the call for an Islamic state was only rising throughout the Muslim world.

My goals in writing this book were to explain where that call originated; to offer an interpretation of Islamic constitutional history that emphasized constitutional balance and the rule of law; to suggest how late Ottoman reforms gave rise to autocracy; and to sketch the profound challenges that would face the constitution drafters of new Islamic states. In writing the book, I faced once again a serious limitation: my leading examples of Islamic constitutionalism had emerged only in the context of conquest and occupation. I could demonstrate that the political programs adopted by Islamists all over the Arabic-speaking world emphasized the rule of law and just, democratic government. But I had no examples of a free and unencumbered public choosing Islamic democrats and putting the job of constitu-
tion drafting in their hands. I believed my analysis was correct; but an unsympathetic reader could still question my most basic claims simply by invoking the Taliban and declaring that shari‘a could not possibly provide the basis for the rule of law.

Then came the Arab Spring. Beginning in early 2011, large, spontaneous public outpourings of democratic feeling began to spread from North Africa to Yemen, Syria and Bahrain—a geographical range that spanned the Arabic-speaking world. In Tunisia and Egypt, which presented two classic models of secular autocracy, long-stable governments fell of their own accord when the military refused to support the repression of public protest. As spring turned into summer and fall, Libya’s secular dictator, the notorious Muammar Qaddafi, was challenged by regional protest and rebellion, then brought down by a sustained Western bombing campaign designed to bring the rebels to power. As the year came to a close, Yemen’s dictator was eventually forced to pass political authority to his vice president. In Syria, the second-generation secular dictatorship of Bashar al-Assad was locked in a violent and growing civil conflict that threatened to become an all-out civil war.

The consequences of these upheavals were extraordinarily significant for the question of the Islamic constitutional state. Tunisia, where the Arab Spring began, forms the most straightforward example. Deeply influenced by a leftist, postcolonial revolutionary tradition and an ongoing French influence among its elite political class, it might easily have been described as the most secular Arab country of them all. The weekend there takes place on Saturday and Sunday, as it does in Europe, not on Friday, the traditional Muslim day of public communal gathering. At the height of Tunisian secularism, Habib Bourguiba, the independence leader turned president, caused the Islamic scholars, or ‘ulama, to declare that one need
not fast during Ramadan because the work of building the state substituted for this basic pillar of Islamic religious practice. If Tunisia could become the home of an Islamic democracy, then the power of the trend could be proven once and for all.

To understand the trajectory of contemporary Islamic constitutionalism in Tunisia, one must begin by observing that Tunisia’s Islamists did not start the Arab Spring. The protests against the dictatorship began spontaneously when a frustrated fruit seller named Mohamed Bouazizi set himself on fire after a humiliating encounter with a police officer. The protests spread via trade unions and, eventually, middle-class young people frustrated with political injustice and limited economic opportunities. The leading Tunisian Islamist political organization, Ennahda, took no role—and for good reason. Since running a few unofficial candidates for office in 1989, the group had been banned and its members imprisoned or exiled. Any organization that the movement might have had within Tunisia was underground. Rachid Ghannouchi, its leading figure, had been outside the country for twenty years.

Nor did the Islamists play a significant part in bringing down the Ben Ali regime. The key role here was played by the military, to whom the government turned when police were inadequate to put down the crowds of hundreds of thousands who had begun to gather in cities that included the capital, Tunis.

The calculus that the military had to make was a subtle one—and it would be repeated, with variations, in Egypt. On the one hand was the devil it knew: a familiar regime led by an aging dictator. Even if order could be restored and the protesters made to go home through a show of force, Zine El Abidine Ben Ali, who had ruled since 1987, was seventy-five years old. A transition loomed. And yet Tunisia had no well-established mechanism for transition, either hereditary or democratic. Ben Ali was only the second president Tunisia had ever had, and he
had come to power in a coup d’état that replaced the resistance hero Bourguiba after thirty years in office.

On the other hand was uncertainty. The military judged correctly that it lacked the legitimacy to take power itself, at least with the population in the streets calling for democratic reforms. The consequence of the military choosing to abandon Ben Ali would be a caretaker government followed by elections. Instead of being seen as the iron fist of a fading dictator, the military would be heralded by the crowd as the midwife of democracy. Its institutional legitimacy would be preserved, indeed enhanced, for generations to come.

In the end, the decision was not especially difficult. The commander of the army announced that his troops would protect the revolution. That day, Ben Ali was on a plane out of the country. After some uncertainty about the precise form of the transition, a consensus government of mostly secular moderates was formed until elections for a constituent assembly could be held. The entire process was relatively peaceful, a democratic triumph of the type familiar from the so-called color revolutions of Eastern Europe. Banned political parties were allowed to register. The stage was set for a free, democratic election in an Arab country—without a de facto foreign occupation in place at the same time.

It was in the electoral process and its aftermath that the Islamists entered the fray. Whatever insecurity they may have felt about the fact that the revolution had taken place without them was quickly assuaged by public enthusiasm for their program. Ghannouchi returned from exile as a hero. His distinctive brand of Islamic democracy, developed over many years of theoretical reflection and writing, became the basis for the official political platform of Tunisia’s Islamist political party, Ennahda. Critics had long disparaged abstract claims to the effect that Islam and democracy were in principle compatible. Ghannouchi’s empha-
sis on equality of women and non-Muslims in an Islamic state was dismissed as pure rhetoric. His argument that shari’a ideals could provide a moral bulwark for democratic constitutionalism was challenged as unrealistic. Now the public was being given a chance to decide what it believed.

Measured by electoral results, the public response was overwhelming. The liberal secularist professionals who had led the revolution seemed to gain little credibility from their efforts. Ennahda won 37 percent of the seats in the new constituent assembly. The next-largest party received just under 9 percent. Even taken collectively, the four largest vote getters after Ennahda took less than 26 percent of the vote, with the remainder split among multiple small parties or unaffiliated representatives. Superior organization no doubt helped lead Ennahda to its victory. But the scope made it clear that support had everything to do with an active preference for Ennahda’s highly specific constitutional vision of Islamic democracy. This was not just an ordinary election for who would govern, but a once-in-a-lifetime opportunity to choose the people who would write the new Tunisian constitution. For this task, the public embraced Islamic democracy: and the challenge was set.

As of this writing, that constitutional process is still under way. Although Ennahda seems to have agreed to omit any explicit mention of shari’a from the constitution, various proposals analyzed later in this book are being considered and discussed, relating both to the question of shari’a as a source of law and to the possibility of what I call Islamic judicial review. The challenges that Ennahda will face, both in writing a new constitution and in governing subsequently, will be enormous. In particular, as I argue in this book, the party will have to confront the deep problem of how to generate constitutional balance in a political culture that has not known it since the period of colonial rule. The mere invocation of Islam cannot
create constitutional balance. Real institutions need to emerge that are capable of balancing one another in order to generate stable and effective political governance. Political parties are part of the institutional development that must occur, but they are far from sufficient—especially when their sizes are out of balance. The military, too, may potentially play some role—but that is another story. In particular, it is the story that is emerging in the second of the successful Arab Spring revolutions, that of Egypt.

If Tunisia has historically been a minor player in the Arab world, small in size and an outlier in terms of secularism, Egypt has, in the modern era, been at the very heart of Arab self-consciousness. Not only is Egypt by far the most populous Arab country, and the most geographically central, but it is also the home of the two great competing ideological movements of the last Arab century: Arab nationalism and political Islam. It is Egypt that saw the first glimmerings of Arab liberal constitutionalism in the waning days of British colonial control; and Egypt that saw that liberalism destroyed when ineffectual, brief constitutional monarchy was brought down by military coup. Gamal Abdel Nasser, the colonel who emerged as Egypt’s undisputed leader, became (by self-proclamation) the voice of the Arab nation. He set the basic terms of presidential dictatorship in the Arab world that would be followed by Hafez al-Assad, Saddam Hussein, Qaddafi, and many others.

Almost from the moment it began, the peaceful, democratic uprising in Egypt overshadowed the Tunisian movement that inspired it. Tahrir Square, a vast and generally rather desolate expanse in the middle of downtown Cairo, near the Egypt Museum, had the capacity to hold a million or more people. And
often, during those extraordinary weeks and months of 2011, it did.

Beginning with middle- and upper-middle-class young people who coordinated their movements with the new mass technology of instant messaging, the gathering in the square gradually extended its demographic reach. By the end, a reasonable cross-section of Egyptian society could be found demanding an end to Hosni Mubarak’s regime. Television and mobile-phone cameras alike captured the scene, which inspired viewers throughout the Arabic-speaking world. If Egypt’s self-conception as the leader of the Arab world had faltered during the previous thirty years, Tahrir Square revived this vision and restored Egypt’s political soul to consciousness.

As in Tunisia, however, the Islamists remained in the background. Pious Muslims could be found in the square, but the Muslim Brotherhood, the flagship organization of Sunni Islamism, took no official role in the demonstrations for several months. Once outlawed and suppressed by the government, the Brotherhood had, in recent years, been involved in a subtle movement toward respectability and limited political participation. It had run candidates for office without officially identifying them as representatives of the movement. And it had a detailed political program that could be read by anybody with access to its pamphlets or the Internet. But it did not choose to ride the initial wave of democratic dissent.

The Brotherhood’s motives for caution were multiple. One was surely that it did not want to jeopardize its privileged position as an unrecognized but potent political opposition. Had the protests been successfully suppressed and their participants delegitimized, the Brotherhood would have hoped to avoid being tarred with the brush of rebellion.

Another worry was more subtle and yet probably more significant. The organized presence of representatives of the Mus-
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lim Brotherhood in the square would open to the regime the possibility of claiming before the international community that the rising against it was inspired by religious fundamentalism. From painful experience, the Brotherhood understood that the West was deeply concerned about Islamist political mobilization. As the Mubarak regime struggled for international support to maintain its increasingly tenuous hold on power, the Brotherhood worried that it might be aiding the enemy by becoming identified with the Arab Spring.

Eventually, however, the tipping point was reached. The Brotherhood was forced to acknowledge that continued silence in the presence of such a significant democracy movement would look like acquiescence in the survival of the regime. That would not only have been bad for the Brotherhood; it would have called into question the Brotherhood’s nearly century-old legacy of opposition to monarchic and dictatorial regimes. By the time the Islamists entered the square, the regime seemed doomed to fail. The game was already to influence the form of government that would emerge in the aftermath of regime change.

Unlike Ben Ali in Tunisia, however, Mubarak balked at the thought of exile. The popular outpouring of opposition was not, on its own, enough to remove him from office. Tear gas and bullets deployed by police forces and the intelligence services were not enough to send the protesters home. The stalemate put the balance of power in the hands of the army.

After a period of indecision, the army took matters into its own hands. On the evening of February 10, 2011, Mubarak went on national television and insisted that he would remain as head of state. The next day, February 11, the vice president announced that Mubarak was no longer in office—and that the country was in the hands of Egypt’s Supreme Council of Armed Forces, or SCAF. This was a coup d’état, albeit one accom-
plished against the backdrop of popular and democratic protest. It opened the door for a lengthy—and still continuing—period of complex power sharing between the military and those political forces willing and able to engage it.

Now, with Mubarak out of power, the Brotherhood entered the fray in earnest; and from the moment it mobilized, it advanced a democratic agenda. Yusuf al-Qaradawi, the most senior cleric associated with the Brotherhood, returned to Egypt after years in exile and addressed more than a million people in an open-air Friday sermon on February 18. Instead of beginning with the interpellation “O Muslims!,” Qaradawi opted for a more inclusive address: “O Muslims and Copts!” He then went on to reiterate the argument for the perfect compatibility of Islam and democracy that he had expressed in his articles and books while in exile. The symbolic weight of the moment was broadly felt. Here, in his first opportunity to address free Egyptians, the man who more than any other provided an ideological justification for the contemporary Brotherhood was choosing to speak about democratic values as a link to faith.

The degree of public support for Islamic democratic values was determined in the first instance by rolling parliamentary elections that took place from November 2011 to January 2012. The results were fully consistent with the hypothesis that Islamic democrats would prevail in any fair election in the Arabic-speaking world. The party associated with the Muslim Brotherhood took 45 percent of the seats. In a surprisingly strong finish, another Islamic democratic party, Al-Nour, took a quarter of the available seats. This latter party, referred to popularly as the salafis, took public positions that were religiously to the right of the Brotherhood, calling in a rather non-specific way for still greater influence for shari’a in political governance. But the salafis were nonetheless democratic in their orientation: they embraced elections as legitimate and de-
sirable, and were willing to express public commitment to the equality of all Egyptians, regardless of religion. Their success came largely from their capacity to appeal to poorer Egyptians who saw the Brotherhood as a middle-class movement.

The moment they found themselves in possession of the political power of which they had dreamed for generations, the Islamists of the Brotherhood found themselves faced with a serious challenge: dealing with a military that showed no great haste to relinquish its power. From one perspective, the Brotherhood and the military were at odds. After all, the Brotherhood had advocated democracy, and had now been vindicated by public support. The military’s role was decidedly undemocratic. The SCAF had ordered the drafting of constitutional reforms and gotten them approved by the public long before it allowed the parliamentary elections. It maintained a watchful eye over the executive functions previously exercised by the president. Presidential elections would not be held until much later in 2012—and even then, many observers anticipated a relatively weak president who would remain beholden to the military to get things done.

From another perspective, however, the interests of the Brotherhood and the military were aligned. The political class newly elected to office understood that the military remained a crucial locus of power in an Egyptian society facing rapid and uncertain transition. Not only in the realm of self-defense but in the realm of maintaining domestic order, the military was a necessary partner for any effective government. What was more, the military had close ties to the government of the United States, Egypt’s primary source of foreign aid. The continued presence of the military as a public force in Egyptian life served as an assurance to its American allies that things in Egypt had not changed so much that the U.S.-Egyptian relationship had to be rethought.
In particular, the Brotherhood needed some visible public signal to communicate to the United States its seriousness about respecting the Camp David accords and maintaining the cold peace that obtained between Egypt and Israel in the Mubarak years. Many American government officials feared that a government dominated by the Brotherhood would change the status quo and revoke the peace treaty that President Anwar Sadat signed with Israel in 1978. After all, the peace treaty had always been unpopular in Egypt, and the stance of the Muslim Brotherhood toward Israel was expected to be hostile at best. The leverage that the United States enjoyed vis-à-vis Egypt depended upon the more than $1.3 billion in annual aid, mostly military, that it had sent without fail to Egypt since the treaty was signed. Any significant change in Egypt’s public position with respect to Israel was likely to lead Congress to rethink that aid—and fast.

The Egyptian military, the prime beneficiary of that aid, had developed strong institutional ties with the U.S. military during the period since Camp David. There was little doubt that the military would want the treaty to remain in place in order to avoid losing the financial and institutional links that enabled it to remain strong and effective. To the extent that the Muslim Brotherhood also wanted to avoid rocking the boat in the Egypt-U.S. relationship, the Brotherhood had a strong incentive to keep the military as part of the power structure.

Strikingly, the Brotherhood did appear committed to preserving a close relationship with the United States. As a matter of foreign policy, this position was wholly rational. In the post–Cold War environment, Egypt had no stronger potential regional ally. Russia was no longer a major player in the Middle East, and China had not yet begun to take an active role except in countries with significant oil reserves, which Egypt lacks. Especially given the strong and continuing U.S. support of Is-
rael, Egypt’s medium-term national self-interest called for continued closeness to the United States.

But what was more remarkable is that the Brotherhood’s Islamist politics did not prove a barrier to continuing to respect international treaties that Egypt had signed—including the peace treaty with Israel. This remains true despite the fact that Hamas, the Palestinian offshoot of the Muslim Brotherhood, traditionally took a hard line toward Israel in comparison with the Palestine Liberation Organization, or Fatah. When it comes to Israel policy, Islamic democrats will continue to face a subtle set of choices. They must, if they wish to serve the interests of their countries, pursue a rational foreign policy that takes into account the power of the United States. At the same time, to a much greater extent than the dictators who governed in the region, they must pay attention to public opinion if they want to get reelected.

In 2003 I argued (somewhat unpopularly, it must be admitted) that Islamic democrats would not be ineluctably anti-Israel. Indeed, I claimed that “over time, democracy in the Arab world should actually make lasting peace with Israel more likely.” This view depended on the proposition that Islamic democrats would not have to rely on anti-Israel sentiments to gain popular legitimacy in the way that some regional dictators did for many years. Naturally, there is strong pro-Palestinian sentiment among ordinary voters in the Arabic-speaking world. But this sympathy should logically result in support for a negotiated peace between Israel and Palestine. Such a peace would be much more likely to be perceived as legitimate if negotiated by elected Palestinian leaders and supported by elected Arab governments.

It is still too soon to see if this analysis will prove correct. However, it is encouraging that not only the Muslim Brotherhood but even the salafis, positioned to their right, have sought
to convey the impression that they will respect Camp David. If the Brotherhood can lead a government that recognizes Israel and deals with it, there is reason to hope that Hamas, historically linked to the Brotherhood and derived from it, might move in the same direction. Certainly a Brotherhood in political power in Egypt exercises greater influence over Hamas than any other regional power might. In February 2012, Hamas political leader Ismail Haniya took the opportunity of a speech at Al-Azhar in Cairo to express solidarity with the uprising against Syrian dictator Bashar al-Assad. This was an extraordinary development given that Hamas had been headquartered in Syria for many years and had routinely received support from Assad’s backers in Iran. To break with one’s patrons in this public way was a marker of realignment by Hamas, from Syria to Egypt. Although one could plausibly construe this development as threatening to the prospects of peace, this does not seem to be the most convincing interpretation. If Hamas is aligned with a government that is at peace with Israel, the likelihood of a peaceful resolution is much greater than when Hamas is aligned with two governments implacably opposed to its interests.

The complex relationship between the Muslim Brotherhood and the Egyptian military raises the all-important question of how power will be balanced in the new Egyptian Islamic state—a question I take up in the last part of this book. The challenge lies in establishing institutions with the capacity to balance one another in order to ensure that the rule of law can function. The aspiration to govern according to the principles of shari’ā will provide cultural support for the ideal of the rule of law. But even well-meaning governments fail if the constitutional
arrangements within them do not create the proper incentives to balance power.

Ideally, in the modern constitutional state, the balance involves legislative, executive, and judicial authorities. These need not be formally separate for the balance to work. In parliamentary systems, executive power is typically exercised by a prime minister who is not in any sense independent of the legislature, with the help of a cabinet presiding over professionalized ministries. The point is, however, that whether the system is parliamentary, presidential, or some combination of these, the balance is achieved among civilian authorities.

Yet there are examples, both historical and more recent, of constitutional balance that involves the military, whether for a long duration or during some period of extended transition. In the Ottoman Empire, dealt with extensively in the first part of the book, the janissary corps had a significant constitutional role alongside the scholars and the sultan. In modern Turkey, the army for decades adopted a constitutional role as guarantor of secularism—a role from which it seems now to be retreating.

Can the Egyptian army play a similar balancing role, to the advantage of the Islamic democrats of the Brotherhood? If it does, will the military accept a gradual retreat from exercising de facto constitutional power if and when democratic institutions begin to flourish on their own? In general, the track record of militaries claiming to intervene selectively in democratic politics is not good. The Algerian military, which reversed the results of the 1991 elections there, conducted a long and bloody civil war against the Islamists. When it had won, it kept itself in power and maintained dictatorial control. The reason that the Arab Spring never reached Algeria—and shows little inclination to do so in the future—had everything to do with the overwhelming power of the military in the wake of its victory in the civil war there. Unlike Tunisia and Egypt, where the mili-
tary ultimately chose not to support the regime in the face of popular protests, in Algeria there was no meaningful difference between the military and the regime at all.

Yet it is just possible that the Egyptian military might successfully negotiate a medium-term deal with the Brotherhood that would actually help constitutional balance. The Brotherhood initially hoped not to run a candidate for the presidency in the spring of 2012, thus assuring that any elected president would be relatively weak, since he would not be from the party that held nearly half the seats in the legislature. This initial strategy—which had to be abandoned when a dissident former Brotherhood leader announced his candidacy and began to poll well—represented a substantial concession to the military. It looked like a promise by the Brotherhood not to challenge the military for total power in the early years of the new state. In turn, the Brotherhood hoped to reserve the right to criticize the military, to protest against it if its policies seemed insufficiently democratic—and above all to blame it for future problems that Egypt was sure to face in the years ahead. This strategic restraint on the part of the Brotherhood suggested a fairly high degree of sophistication about the need to establish constitutional balance over a course of several years. But with the Brotherhood ultimately deciding to field a candidate, and the results of the election unknown as of this writing, the way that balance will develop remains seriously in doubt.

Over the longer term, achieving constitutional balance among civilians will require a sophisticated development of civilian institutions. This the Islamic democrats will have to undertake experimentally. In the case of Egypt, the constitution does not need to be amended to make shari‘a into a source of law—it already does so. Nor would the constitution have to be amended in order to create Islamic judicial review. The Egyptian constitutional court already has the responsibility of de-
determining that the provisions of the constitution, including those involving Islam, are followed. Over time, the Brotherhood might want to enact legislation that more closely corresponds to shari’a than laws passed by the rubber-stamp legislature under dictatorship. The Brotherhood might also eventually wish to alter the composition of the constitutional court to include judges trained in shari’a, not only secular law. But these possible future developments have not been emphasized thus far in the Brotherhood’s public statements. To the contrary, the Brotherhood seems focused on managing the military and establishing effective electoral democracy.

In other areas where the Arab Spring brought changes, the future is still more uncertain. In Libya, a regionally focused popular uprising was met with military force by Muammar Qaddafi. But Qaddafi overplayed his hand in threatening to hunt down and kill the rebels. Expressing concern for the threat of a humanitarian disaster that had not yet fully come to pass, France, Britain, and the United States got a UN Security Council resolution authorizing force to protect civilians. NATO then undertook an air war aimed at removing Qaddafi from power in concert with rebel forces. Over the course of several months, the strategy eventually succeeded, and Qaddafi was killed by the rebels.

This abrupt transition left Libya in a rather ambiguous state. Rebel forces were not sufficiently organized to form an immediately effective government. Militias had been divided along both regional and tribal lines, conditions making the emergence of a unified government extremely challenging. As the example of Iraq shows, when an extended bombing campaign destroys the infrastructure of the dictatorial state, a significant period of disorder can result before something like real govern-
ment emerges. And this was true even under conditions of U.S. occupation. In Libya, the absence of an occupying force may help forestall civil war; but it also means that there is no single entity with the capacity to subdue the country. The rebels, after all, did not win the war on their own, and could not have done so. Their ultimate success depended on foreign air power, which they cannot deploy to maintain law and order. Elections have not yet occurred as of this writing. A substantial Islamist component surfaced during the rebellion, but whether it will follow the Islamic democratic tendencies of Tunisia and Egypt remains to be seen.

Yemen is a particularly complex and challenging case. Like Ben Ali, Mubarak, and Qaddafi, its president, Ali Abdullah Saleh, was aging and facing a transition after his thirty-three years in power. Resistance to his regime emerged during the early months of 2011, initially involving protests of approximately twenty thousand people in the chief cities of San’a and ‘Aden. An important organizer of some of these protests was Tawakel Karman, a young Yemeni activist who would soon be awarded the 2011 Nobel Peace Prize for her role. Karman belongs to the Islah Party, which is connected to the Yemeni branch of the Muslim Brotherhood—but is also the political vehicle of the Ahmar clan, Saleh’s chief tribal opponent. Karman’s role and her political affiliation made Yemen’s democratic uprising resemble the aftermath of the other Arab Spring protests, marked by the involvement of Islamic democrats like Karman.

Faced with these protests, Saleh wavered. In May 2011 he was injured when a bomb went off in his presidential palace. Leaving the country, he continued to assert authority. Eventually, under pressure from allies in the Gulf, Saleh agreed to transfer power to his longtime vice president, Abd Rabbuh Mansur Al-Hadi, who was then elected nearly unanimously in
February 2012. Hadi promised to preside over the drafting of a new constitution and to step down after two years in office. Whether he keeps these promises remains to be seen.

Election results in Yemen are likely to be quite different from those in Tunisia and Egypt. In largely rural Yemen, tribal politics matter as much as or more than slogans of Islamic democracy. Throughout the period of the uprising, Saleh and his supporters strove to depict what was happening as a power grab by the Ahmar clan—and so it sometimes appeared. To make matters more complicated, in some parts of Yemen the government’s writ does not run—nor has it ever. The Yemeni state today probably lacks a monopoly on the use of legitimate violence in a significant portion of the country, and that has always been the case. Nevertheless, Yemen is poised on the edge of greater democracy and constitutional reform; these are likely to take an at least superficially Islamist direction.

This leaves Syria as the last of the countries where the events and energies unleashed by the Arab Spring remain seriously unresolved. The protest movement in Syria began much more slowly than did the protests in the other countries where they took on major significance. And when peaceful demonstrations began to take off in Syria, they did not occur in the major population centers of Damascus and Aleppo. Instead they happened in smaller, Sunni-dominated cities at the periphery, most importantly Dar‘a, on the Jordanian border, and Homs, Syria’s third-largest city.

The reason for the locations was important. The Assad regime is based upon the denominational solidarity of the ‘Alawi religious community in Syria, which makes up perhaps 12 percent of the population. Hafez Al-Assad, the progenitor of the regime, initially came to power via the Syrian branch of the Ba‘th Party, a secular Arab nationalist movement that sought to transcend religious or denominational difference. Michel
Aflaq, the leading ideologue of Ba‘thism, was a Christian; and of course there was nothing wrong with the goal of inclusion. But Ba‘thist ideology rather quickly evolved to provide cover for oppressive, dictatorial regimes in Iraq and Syria. In the latter case, it afforded a rubric for a regime that selects both senior government officials and, more importantly, senior military leaders based upon ‘Alawi identity.

In what was effectively a minority regime, the government was long able to command the loyalty of ‘Alawis by warning of the retribution that would be taken by the majority Sunni community should power be lost. An effective state security apparatus was able to control political affairs in much of the country even after the protests began. The absence of protests in Damascus and Aleppo was taken as evidence of the regime’s legitimacy among an urban middle class and of the effective power of the security apparatus in maintaining the regime’s control. By contrast, the emergence of protests at the periphery suggested the possibility of gradual erosion of that control.

When the protests did not subside, the Assad regime responded with aggressive military force, eventually including ground and air assaults as well as shelling. This path, not taken by the armies of Tunisia and Egypt, followed that of Qaddafi—but with an important difference. Where Qaddafi had no international constituency at all, Assad was the beneficiary of support from three different quarters.

First was Iran, the main backer of the Assad regime since the collapse of the Soviet Union. Iran stood to lose substantially if Assad were to fall. As a militant, non-Arab, and Shi‘i state, the Islamic Republic of Iran had never found a stable ally among the predominantly Sunni Arab states until it was able to cobble together a relationship with Syria’s ‘Alawis. (Although ‘Alawism is in some sense a branch of Shi‘ism, theology is not the basis for the relationship; what matters more is that the Assad
regime depended upon repressing Sunni political aspirations within Syria.) Iran has also relied upon Syria as a geographical avenue to support Lebanese Hezbollah, the Shi’i militia-cum-political party that is Iran’s most direct foreign-policy tool with regard to Israel.

Besides Iran, Syria enjoyed an ongoing relationship with Russia under President, then Prime Minister, then again President, Vladimir Putin. A veteran of the KGB’s Middle East service, Putin was an Arabic speaker whose intelligence career coincided with the era of staunch Soviet support for Syria. Although the constraints of limited resources in a post-Soviet world meant that Putin’s influence in Syria could not approach that of his Soviet predecessors, he nevertheless maintained strong diplomatic support of Syria—now Russia’s only meaningful ally in the U.S.-dominated region. Most crucially for Assad, with Russian support came a veto in the Security Council. When Britain, France, and the United States sought Security Council permission to bomb Libya, Russia and China abstained, partly because they had no close ties to Qaddafi and partly because they may have reasonably imagined that, after the failures of Iraq, these allies would not seek to achieve regime change from the air in the Middle East. When Security Council resolutions were sought to condemn Assad, Russia exercised its veto. It had no desire to be used once more to provide cover for regime change that would remove an ally.

A more surprising ally for Syria in its struggle against international condemnation of its increasingly violent efforts to suppress its democracy movement was China, not historically a close ally of the regime. China’s interest lay mostly in avoiding the precedent of Western democratic powers intervening by force to support democratic protests against autocracy. Beyond this was China’s looming geostrategic rise relative to the United States. Put simply, the fall of the Assad regime would harm Iran
and help the United States, underscoring America’s position as the dominant regional power. Such a gain for the United States would not serve China’s interest in gradually eroding U.S. world dominance. Taken in whatever proportion, these motivations were enough to get China to join Russia in vetoing a resolution that might have facilitated external support for Syria’s democracy movement.

Freed from the immediate threat of international intervention, Assad’s forces proved able to make significant progress in suppressing protests. Gradually, and in response, peaceful demonstrations began to give way to violence against Syrian troops and government targets by emergent Sunni militias. Whether sticking with nonviolent resistance would have been a superior strategy was beside the point. The conflict began inexorably to take on the flavor of a violent insurrection or low-level civil war.

As they had done in Libya, protesters with militiamen at their sides gradually “liberated” parts of the country. The most significant locale to fall into the protesters’ hands was Homs, a city of eight hundred thousand and the site of some of the most important early protests. Once again, Assad’s reaction was brutal and effective. In February and March 2012, the Syrian military shelled Homs and drove protesters and militias from the city.

It remains to be seen whether this classic tactic of counterinsurgency could be repeated until the uprising was completely suppressed. Some close observers had come to believe that the regime’s days were inevitably numbered, and that the trends of the Arab Spring were against it. Others believed that Bashar Al-Assad, the only young dictator challenged during the Arab Spring, stood a reasonable chance of successfully restoring power. Assad himself seems to have believed either that he was likely to succeed or, alternatively, that with apparent war crimes
on his hands, he had no other option but to fight on. Syria’s military suffered some desertions of enlisted soldiers, but there was no outwardly visible sign of unrest among the officer corps, whether senior or junior. Doubtless the reason had much to do with successful regime efforts to keep that corps overwhelmingly ‘Alawi.

What is the meaning of the violent turn that the Arab Spring has taken in Syria for the future of Islamic democracy there or elsewhere? The first lesson is that coming to power through peaceful protests is far from inevitable, even where public support is quite broad. Where the military sticks close to the regime, even large and persistent public protests will not suffice to bring about revolutionary change. The military was crucial in ending the dictatorships of Ben Ali and Mubarak, and Qaddafi could not have fallen without external military force.

Second, even peaceful protest can veer into violence when the provocation is sufficiently great. This was true in Libya and has proven true in Syria as well. Protesters may begin by assuming, correctly, that the international community will be more sympathetic to them if their strategy is nonviolent resistance. But when family members are being killed, and the authority of the state is in question, there is a great temptation to undertake armed resistance—even when the odds of success seem slim. It is also possible that Syrian Sunnis who took up arms were looking at the model of international intervention in Libya. Their expectation that the regime would use force against civilians was satisfied. What has not come to pass—at least not as of this writing—is for the international community to respond with any actual use of force to what have repeatedly been called crimes against humanity. Russian and Chinese support for the regime will make it far harder for any coordinated international response to take place against Assad. If the Sunni militias were
at all inspired by the possibility of being helped like their Libyan counterparts, they must so far have been sorely disappointed.

The third lesson of the Syrian uprising for Islamist politics is that violence creates conditions favorable to jihadism rather than democratically oriented Islamism. Iraq had already provided ample evidence to this effect, as Islamist militias of both Sunni and Shi’a stripes made it much harder for Islamic democrats to establish their legitimacy. Only the defeat of those militias opened a door for the normalization of Islamic democratic politics. Should the Iraqi state again be seriously challenged by a Sunni insurgency, one could expect radical jihadis to participate once more.

The contrast between the Islamic democrats of Tunisia and Egypt and the budding militias in Syria is equally stark. There have been persistent rumors of al-Qaeda participation in those militias—rumors that could plausibly be true, inasmuch as al-Qaeda did infiltrate Sunni militias in Iraq. When fighting a war, one tends to be less picky about one’s allies than one would be in peacetime. And al-Qaeda’s ideological commitment to the idea that only force can prevail finds a natural breeding ground in a time and place where democratic politics seem to have failed.

Should Syria’s troubles be resolved by some democratic solution that removes Assad from power, only Algeria and Sudan would remain of the major dictatorial regimes of the Arab world. This would represent a radical transformation of regional politics and a decisive step in the direction of the rise of the Islamic state. It can hardly be doubted that a democratic government that managed to emerge in Syria after Assad would be Islamist in its orientation. One can only hope that it would also be democratic; but the influence of the other Islamic dem-
ocrats in the region is reason to consider that the more likely outcome if Assad should fall.

Yet one fascinating aspect of the Arab Spring has been the list of Arab countries where its effects have been felt only obliquely—a list that consists overwhelmingly of the region’s monarchies. Not a single monarchy has fallen in the Arab Spring. Not a single monarchy has seen its legitimacy significantly shaken by mass protests. The reasons for this shed light on the question of Islam, constitutional democracy, and the balance of power.

The two Arab monarchies where the Arab Spring had perhaps the greatest effects without fundamentally challenging legitimacy were the two countries where young kings had already been delivering gradual, if limited, constitutional reforms: Morocco and Jordan. In both places, the kings were veterans of the struggle to maintain legitimacy through co-optation rather than coercion alone. Both monarchs reacted to the Arab Spring by speeding up reform processes that already existed. In both cases, this meant an expanded role for Islamic democrats.

In Morocco, for the first time, Mohammed VI allowed the party affiliated with the local Muslim Brotherhood to form a government—a result that would have been unthinkable just a few years before. He also introduced constitutional reforms that would modestly expand political freedom while preserving the preeminent position of the makhzen, or royal state apparatus. In essence, Mohammed’s response was to acknowledge that the result of the increased freedom created by the Arab Spring was increased success for Islamic democrats. By allowing the Brotherhood to govern, he was opting for the result without opening the process. The move seems to have worked. Protests in Morocco abated, and the legitimacy of the monarchy does not seem to have been shaken.
In Jordan, King ‘Abdullah trod more carefully—and his options were fewer. It was already true that the only really important political party in the country was the one associated with the Brotherhood. In response to early 2011 protests, in which the Brotherhood participated, ‘Abdullah dismissed his prime minister and cabinet and appointed new ones. He also promised to speed political reform. Protests abated slightly but never fully stopped. Later in 2011, the new prime minister resigned in response to continuing protests.

‘Abdullah’s gamble seems to be that, over time, protests will die down as the spirit of the Arab Spring subsides. His responsiveness to protest mirrors his historical practice of trying to accommodate Islamic democratic impulses in the population without transferring real power. That strategy worked before the Arab Spring, and there is every reason to expect it will continue to work afterward. Meanwhile, the violence in Syria serves as a reminder to Jordanians that disorder can follow a change in the existing regime.

The relative successes of Mohammed and Abdullah in managing the Arab Spring suggest not only that young leaders have an advantage over older ones in responding to protests, but also that, in the Arabic-speaking world today, monarchy may actually function as a more legitimate type of government than dictatorship. Part of the reason is duration: the Moroccan monarchy can claim to be generations old, and ‘Abdullah is the third long-serving Hashemite king in a dynasty that has endured for nearly a century. Monarchies also manage transitions better than dictatorships, because the idea of succession is already implicit in the monarchic structure. Each king inherited his job from a father who died of old age. But unlike Bashar Al-Assad, who also inherited his position when his father died, or Gamal Mubarak, expected by many observers to succeed his
father, the kings could claim that this inheritance was their lawful right.

But probably more significant than these factors was that the kings of Morocco and Jordan always derived their legitimacy from something beyond simple fear. Relative to the region’s dictatorships, these two monarchies had always deployed sophisticated strategies to legitimize their rule, ranging from religion in Morocco to tribal ties in Jordan to complex and ramified royal patronage in both places. As part of this quest for legitimacy, each had been willing to offer partially legitimate democratic institutions in which Islamic democrats were already participating. Under these circumstances, public unrest may have been just as persistent and powerful as it was in the dictatorships. But it did not represent as radical a change in political norms. Put another way, these quasi-constitutional monarchs had *already* accommodated would-be Islamic democrats much more than the dictators had done. They could therefore continue to do so without allowing for revolutionary change to occur.

In the oil monarchies, the situation was different yet again. Bahrain underwent the most significant protests, driven by a mostly Shi‘i population that had grown restive under the Sunni monarchy. Initial protests did not directly challenge the monarchy’s right to rule, but as the monarchy responded by violently clearing protesters and killing several, the themes and slogans changed.

Alarmed by the turn the protests were taking, King Hamad turned to extreme measures. On March 14, 2011, a thousand Saudi troops crossed the causeway into Bahrain in support of the monarchy. Alongside five hundred well-armed police borrowed from the United Arab Emirates, they engaged in a show of force in support of Bahraini police and troops who put down the main protests. The fight took several days. Several demon-
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Strators were killed and hundreds were arrested. The message from the monarchy—and from neighboring Saudi Arabia—could not have been clearer: the Arab Spring would not be permitted to challenge the power of the kings in the Gulf. Their legitimacy, such as it was, would be backed by overwhelming force.

In this, as in every aspect of political or constitutional life in the Gulf, oil played a predominant role. The nearly unlimited coffers of Saudi Arabia function as a force field that distorts ordinary rules of political economy. Bahrain has relatively little by way of oil and natural gas. But its proximity to Saudi Arabia meant that what happened there might have a demonstration effect for Saudi Arabia; and that provided the Saudi impetus to intervene. Much of Saudi Arabia’s oil wealth is found in the Shi‘i-majority eastern province. The Saudi royal family had no interest in allowing Bahrain’s Shi‘is to make a play for power that could inspire Shi‘is across the border. There have, in fact, been small, continuing Shi‘i protests in Saudi Arabia. All have been met with arrests and massive shows of force.

It is unclear what electoral results would follow if any of the Gulf monarchies were pushed aside. Islamic democratic politics have been deployed by domestic dissidents in several states as a form of protest. In Saudi Arabia, where the scholars have legitimated the monarchy in a distinctive, oil-fueled version of the traditional Sunni constitutional arrangement, it is unclear how much support for democracy might potentially exist. One is inclined to doubt that any such support would run deep. Islamic democratic politics have in general been most effective when used against secular regimes, not regimes that make plausible claims to Islamic legitimacy. But in any event, the issue is purely hypothetical for the foreseeable future. The oil monarchies of the Gulf survived the Arab Spring more or less unscathed.

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What emerges from the foregoing account is, I think, a series of rather concrete proofs for some of the arguments of the book you hold in your hands. First, the claim that the call for shari‘a is a call for the rule of law expressed through constitutional democracy: this is precisely the program of the Islamic democrats who have been elected in the wake of regime change in Tunisia and Egypt. Second, the claim that dictatorial governments in the Arabic-speaking world were characterized by a fundamental imbalance of power: such dictatorships are now noticeably on the decline, but their features persist in those regimes, like the Assad regime in Syria, where the old norms prevail. Third, the institutional challenges that will be faced by Islamic democrats when they do in fact get the opportunity to shape the new Islamic states: the challenges of both democratizing and constitutionalizing the shari‘a are now being addressed by constitutional reformers in Tunisia and Egypt.

This book ends on a note of caution, not triumphalism. The aspiration to craft Islamic constitutional democracy is no guarantee that the effort will be successful. The underlying historical argument of this book is that classical Islamic constitutionalism, in its many variants, worked because it entailed the balance of power between the scholars who declared and interpreted the law and the rulers who implemented it and exercised executive authority. When that balance shifted, the system failed to restore the balance in a new way. Most of the governments that followed also failed to meet the requirements of balance, with predictably poor results for political governance.

The new Islamic states will succeed if, and only if, they develop institutional capacities that will allow them to establish new forms of balance and enable the rule of law to function. The Arab Spring means that more countries will have the op-

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portunity to try. The test cases will not be restricted to strange circumstances of occupation and state collapse like those in Afghanistan and Iraq. Democratic revolution from within will be given a chance to operate. In Tunisia and Egypt, at least, Islamic democrats have the opportunity to operate outside the constraints and distractions of resistance to unjust powers, whether colonial or domestic. We are at a historic crossroads with respect to the rise of the Islamic state. The direction that state follows will be fascinating and important—and it will be revealed in the years ahead.