



Democratization

ISSN: 1351-0347 (Print) 1743-890X (Online) Journal homepage: <https://www.tandfonline.com/loi/fdem20>

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Kevin Koehler

To cite this article: Kevin Koehler (2008) Authoritarian Elections in Egypt: Formal Institutions and Informal Mechanisms of Rule, *Democratization*, 15:5, 974-990, DOI: [10.1080/13510340802362612](https://doi.org/10.1080/13510340802362612)

To link to this article: <https://doi.org/10.1080/13510340802362612>



Published online: 11 Nov 2008.



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Authoritarian Elections in Egypt: Formal Institutions and Informal Mechanisms of Rule

KEVIN KOEHLER

In recent years, electoral processes in non-democratic settings have been analysed either within the framework of transitology or disregarded entirely by scholars of comparative politics. Analysing the Egyptian case, this article proposes a different conceptual framework. The interaction between electoral institutions and authoritarian dynamics is conceptualized in terms of the relationship between formal and informal institutions. In the Egyptian authoritarian political system, informal mechanisms of neopatrimonial rule not only take precedence over formalized rules and procedures but integrate formal electoral institutions into the authoritarian system. Drawing on empirical evidence from legislative elections under the rule of President Hosni Mubarak, this article identifies three main functions for electoral processes in non-democratic settings: (1) Electoral contests serve to periodically renew channels of clientelist inclusion, drawing both voters and deputies into networks of patronage culminating at the top of the political system. (2) Formal inclusion of parts of the opposition into the electoral arena enhances the range of means available to the ruling elite in order to control these actors. (3) Pitted against each other in electoral contests, individual members of the ruling elite's lower echelons are effectively controlled and tied to the informal structures of rule. Thus, the principal traits of the Egyptian neopatrimonial regime remain unchanged, with formal electoral processes subverted by informal institutions of authoritarian rule to an extent as to fulfil distinctly authoritarian functions.

Key words: authoritarianism; elections; informal institutions; Egypt; Middle East

Elections Under Authoritarianism

Research on electoral processes in non-democratic political systems has been greatly influenced by paradigmatic approaches in comparative politics. In 1974, the Portuguese Revolution set the stage for the so-called Third Wave of democratization; since then, electoral processes in authoritarian polities have predominantly been analysed within the framework of the 'transition paradigm', or 'transitology'.¹ Within this perspective, the emergence of electoral institutions has been taken to constitute the first step toward the demise of an authoritarian system and the institutionalization of a democratic system of governance. However, entire regions (such as the Middle East and Central Asia) remained largely unaffected by the supposedly global trend toward democratization. Moreover, numerous countries around the world have

Kevin Koehler is at the Institute for Political Science Department of Middle Eastern Affairs, University of Tuebingen, Germany.

experienced some kind of transformation from one form of authoritarian rule to another, merely, if at all, changing their institutional facades.

Acknowledging these drawbacks, scholars started to inquire into electoral processes from a different perspective.² Electoral institutions under authoritarianism, they maintained, can no longer be considered as indicators for an imminent transition to democracy, but must be interpreted as signs for regime change short of democratization. The intellectual heritage of the transition paradigm, however, to some extent forced scholars to concentrate on what elections in authoritarian contexts are *not* (for example, mechanisms for institutionalized alternation in power, free expressions of popular preferences), instead of asking what they *are*. Secondly, work on elections in authoritarian settings, in mainly focusing on what sets these institutions apart from democratic elections, tends to obscure the fact that non-democratic electoral institutions neither are a new phenomenon in the world of comparative politics, nor can they be said to be entirely meaningless. As one early study, *Elections without Choice*, concludes, the 'fact that elections do not have the same meaning when they are without choice is not evidence that they lack any meaning. Instead, it is an indication that their meaning is different'.³

This article, then, inquires into this 'different meaning' of elections under authoritarianism by examining multiparty legislative elections in Egypt under the rule of Husni Mubarak. For the case examined here, the underlying assumption is that from a systemic point of view, electoral processes cannot be seen as indicators for democratization. Consequently, the overarching problem addressed is the question of how electoral processes under authoritarianism interact with the established mechanism of political rule within the Egyptian political system. More specifically, electoral processes will be conceived of as instances of formal institutions. The extent to, as well as the way in which, these institutions are able to shape the political environment in which they are placed largely depends on variables external to electoral institutions proper. In the case of the Egyptian political system, formal institutional analysis, it will be argued, reveals but one set of factors influencing the functioning of electoral processes. While these factors partly serve to explain why the existence of elections cannot be conceived of as democratization (that is to say, what elections are not), attention to the informal institutions of political rule is needed in order to account for the functions electoral processes do perform (that is, what elections are instead). It will be shown that elections in Egypt can be said to perform specific functions that are grouped into three different categories. Formal electoral institutions are considered to function as: (1) mechanisms of clientelist inclusion; (2) devices for control and cooptation; and (3) arenas for limited intra-elite competition. Thus, far from being entirely meaningless, electoral politics are incorporated into the Egyptian political system to an extent that renders these institutions distinctly authoritarian. This can be explained as a function of the dominance of the informal institutions of nepotrimonial rule found in Egypt over their formal counterparts.

Formal vs. Informal Politics in the Electoral Arena

Elections are generally conceived of as institutions involving the transfer of decision-making authority. This is not the function electoral processes perform in Egypt. There

is fierce competition in some instances during electoral campaigns, involving struggles between the opposition and the ruling National Democratic Party (*Hizb al-Watani al-Dimuqrati*, NDP), and, to an even greater extent, between different NDP candidates. Challenging the ruling elite's hold on power, however, remains decisively out of bounds. Heeding Snyder's advice that the focus on institutional innovations notwithstanding, the questions of who rules and how are central to the study of authoritarian dynamics,⁴ attention will first be given to the structures of political power prevailing in Egypt. This informal distribution of power determines the fundamental rules of the political game and is furthermore to some extent reflected in the set-up of the formal institutional system.

Neopatrimonialism is the hallmark of Egyptian politics. Neopatrimonial regimes are characterized by a specific set of informal institutions that sets them apart from other types of authoritarian rule.⁵ These informal institutions provide 'essential operating codes for politics that are valued, recurring, and reproduced over time'.⁶ In this sense, neopatrimonial regimes are not arbitrary in that there are rules and regularities by which expectations about actors' probable behaviour can be formed. They are institutionalized to some extent, albeit informally. In contrast to formal institutions, however, these informal institutions are not codified in the constitution or other legal texts, but are 'socially shared rules . . . that are created, communicated, and enforced outside officially sanctioned channels'.⁷

Most importantly, political power in neopatrimonial regimes is highly personalized and rests exclusively with the ruler. The incumbent is placed at the top of a pyramidal structure of personal relationships, striving to bind all positions of influence within the political system to his person and to prevent any organization of societal interests autonomous of his personal control. The informal institution of personalist rule has two important implications for the way in which political decisions are taken in neopatrimonial regimes. First of all, the ruler is the sole source of decision-making authority; secondly, power rests in persons rather than offices and subordinate leaders are able to exert influence only by virtue of their proximity to the ruler. Influential (formal or informal) positions are thus a consequence of, rather than the cause for privileged access to the supreme source of political power. These basic traits of political rule quite naturally are accompanied by a large degree of informality with respect to how important decisions are taken. Informality not only constitutes a necessary consequence of the personalist structures of decision-making, but is instrumental in terms of structuring intra-elite competition, as it allows the incumbent to pit individual members of the political elite against one another, thus securing his position as the sole arbiter of intra-elite struggles. Whereas intra-elite dynamics, thus, are largely governed by what Bill and Springborg call the principle of 'balanced conflict', state–society relations are dominated by the informal institutions of systematic clientelism and the use of state resources for political legitimation.⁸ While systematic clientelism refers to the fact that members of the neopatrimonial elite primarily relate to the populace by exchanging individualized material services for political loyalty, state resources are used in a more impersonal way to generate legitimacy through large-scale patronage, such as subsidies on basic services and commodities and the provision of large numbers of public sector

and civil service positions.⁹ These informal institutions of patrimonial rule prevailing in Egypt infringe heavily on the way in which electoral contests are conducted by influencing the principal actors' expectations about the probable behaviour of others.

The informal distribution of power within the political system is reciprocated to some extent by formal constitutional prescriptions. The Egyptian constitution of 1971, which is still effective today notwithstanding some amendments, originally was introduced by presidential decree while the People's Assembly (Maglis al-Sha'b) was in recess and was only later approved by parliament. This course of action is somewhat paradigmatic for the relationship between the executive and legislative branches of government. As Baaklini, Denoeux, and Springborg note, 'constitutional arrangements in Egypt have tended to reflect rather than create power relationships'.¹⁰ Moreover, the authority of the positions open to electoral competition in the Egyptian legislative elections is severely circumscribed. To begin with, the Egyptian presidency, as is true for all Arab political systems to varying degrees, enjoys a vast constitutional preponderance relative to the legislative branch, thereby limiting the influence of legislative institutions. Besides being constitutionally authorized to appoint and dismiss the cabinet and to dissolve the People's Assembly, the Egyptian constitution also invests considerable legislative authority in the office of the presidency, which allows the incumbent to effectively rule by decree. Furthermore, although the People's Assembly is formally empowered by the Egyptian constitution to propose legislation in all fields of policy, this legislative function is rarely, if at all, fulfilled. In addition to legislation emanating almost exclusively from the executive branch, there is considerable pressure on deputies to refrain from criticizing drafts presented by the government, which are routinely discussed only briefly in the legislature.¹¹ Moreover, the state of emergency declared in the wake of former President Anwar al-Sadat's assassination in 1981 still remains in effect.¹²

The formal regulations governing the realm of political participation are no less restrictive in nature. To give but one example, political parties in Egypt are licensed via the Political Parties Committee (PPC), which is affiliated with the upper chamber of the Egyptian parliament (Maglis al-Shura) and remains tenaciously dominated by members of the ruling NDP. This results in formidable obstacles encountered by prospective new parties and established opposition parties alike, which are placed under the firm control of the regime.¹³ In a similar manner, electoral laws remain a constant matter of contention between the regime and oppositional actors, as they are habitually redrafted in the run-up to parliamentary elections and attract allegations by the opposition of being tailored to suit the needs of the incumbent elite. Thus, the leeway formally accorded to electoral institutions is extremely limited by the various constitutional and legal restrictions governing political participation.

Despite the quite limited role legislative institutions are accorded within the Egyptian authoritarian system, the regime nevertheless strives to control electoral outcomes. The more flexible, extra-legal means of controlling electoral outcomes range from security clampdowns on (especially Islamist) opposition candidates in the run-up to elections, to privileged use of state facilities by candidates of the incumbent NDP, to tampering with voter registers and electoral fraud in the strict sense, to

name but a few.¹⁴ These mechanisms are employed to varying degrees according to the need of the ruling elite. Thus, electoral institutions in Egypt have been effectively under the control of the regime since their introduction by late president Anwar al-Sadat, securing a comfortable majority for the NDP (well above the two-thirds margin necessary to change the constitution) in every parliamentary period since.

There is some truth, then, to the contention that electoral politics in Egypt serve as ‘window dressing’ partly designed by the authoritarian regime to present a reformist image to the outside world. In this sense, the Egyptian parliamentary elections and the institutional environment associated with them can be described as ‘imitative institutions’.¹⁵ Given the fact that elections are by no means intended by the authoritarian regime to significantly alter the distribution of power in the political system, the constitutional and legal framework in which they are placed is designed in such a way as to ensure the authoritarian elite’s continued control over electoral outcomes.

Yet formal restrictions, however stringent, only tell half of the story. Rather, the extremely powerful position constitutionally accorded to the presidency, as well as the various formal restrictions on political participation briefly outlined above, must be interpreted as a consequence of the prevailing informal logic governing political dynamics in Egypt. Whereas formal restriction on political participation go a long way in explaining why formal institutions cannot perform the functions they take on in more liberal settings, the informal institutions specific to the neopatrimonial type of rule can serve to highlight the way in which these processes nevertheless shape the political arena.

Electoral Politics, Parliament, and Informal Mechanisms of Rule in Egypt

In recent years, scholars of comparative politics have increasingly paid attention to the effects of informal institutions in a wide array of settings.¹⁶ Whereas in other cases, informal institutions have been found to complement or to reinforce the functioning of formal institutions, the relationship between the informal institutions of neopatrimonialism and formal electoral politics in Egypt is one of competition.¹⁷ The Egyptian parliamentary elections are rather ineffective in terms of the functions they formally ought to fulfil (i.e. they largely fail to convey decision-making authority) and are countered by powerful informal institutions that suggest outcomes diverging from those envisioned by the formal institutional framework.¹⁸ To put it differently, the prevalence of the informal institutions associated with neopatrimonialism influences actors’ cost-benefit calculations in a way that makes it more promising to act according to the informal, rather than the formal, rules of the game. The relationship of competition therefore, only captures half of the picture. Clearly, informal neopatrimonial institutions ‘structure incentives in ways that are incompatible with the formal rules’.¹⁹ Thus, for example, it is irrational for voters to cast their ballots according to policy considerations if the candidate voted for is unable to meaningfully influence policy anyway. On the other hand, elections in Egypt are not completely meaningless. The simple fact that there is competition and that the regime strives to control candidates betrays that notion. The central proposition therefore is that, in the case of Egypt, competing informal institutions serve to structure the

incentives of actors involved in formal institutional settings in a way that is not only incompatible with the formal institutional system. Instead it actually helps reproduce the basic dynamics of neopatrimonial rule. Turning to Egypt as a case study, three distinct effects will be highlighted and illustrated each in turn.

Elections and Clientelist Inclusion

As has already been noted above, the Egyptian parliament exerts comparatively little influence over legislation. This relative impotence of Egyptian Members of Parliament (MPs) with regard to substantial political decisions holds true not only for members of the opposition, but for the ordinary NDP deputy as well. It is important to note that, due to the informal institution of personalist rule, membership in the people's assembly alone does not guarantee privileged access to the inner circle of the political elite. Because MPs, irrespective of their party affiliation, are not granted influence over decision-making by virtue of their positions as elected deputies, ideology tends to play a minor role in electoral competition. What is more, the NDP, as the incumbent party, can hardly be said to possess any ideological orientation at all, which to a lesser degree is also true for oppositional parties. As a member of the ruling NDP explained, Egyptian parties exist 'in name only' and are 'completely inconsequential' when it comes to taking political decisions.²⁰ Denied access to the inner circles of the political elite, where most important decisions are taken informally, MPs largely serve as mediators between the central authorities and their respective constituencies. Their main function consists in 'using what the government gives'²¹ in order to channel state resources to their governorates or towns, thus enhancing their prospects for re-election.

Voters do not escape this clientelist logic for their part, either. Rather, in a political environment dominated by the informal institutions of neopatrimonial rule, it is perfectly rational for them to cast their votes on the basis of material considerations as opposed to ideology or policy orientation. As a NDP deputy running for re-election in 2005 complained, voters in his constituency did not pay any attention to his parliamentary record, but were calling upon him to deliver jobs or to act as a mediator between individual voters and various agencies of the state bureaucracy. 'You don't belong to yourself, people are calling you incessantly and if you don't help them, they won't vote for you.'²² It is thus quite common for MPs from both the NDP and the opposition to refer to their constituents mainly as petitioners asking for services. As one MP for the oppositional Hizb al-Wafd explained, deputies face strong incentives not to deviate from this line of action: 'I'm forced to comply. If I don't comply, the government will attack me. They will go to the people saying: "Look what you've got from voting for the opposition. It only served you badly. Next time, vote NDP!" This is the dilemma.'²³ This, of course, is largely due to the systemic conditions in which electoral processes in Egypt are placed. As Kassem puts it: 'the noncompetitive nature of Egypt's multiparty arena encourages voters to support electoral candidates on the basis of a personal, patron-client nature rather than on the basis of party programmes or policies that have little effect on national policies'.²⁴

The dynamics outlined so far have important repercussions for the standing of oppositional candidates in the electoral competition. As they are generally expected

by the electorate to lack the access needed in order to channel resources into their constituencies, there are far fewer incentives to vote for opposition parties. Thus, membership of an opposition party may well be said to constitute an obstacle, rather than an asset, for gaining voter's support.²⁵ This dynamic is from time to time actively reinforced by the regime through neglecting constituencies won by candidates of the opposition in terms of infrastructural development and similar investments, thus severely damaging the standing of the respective deputy. One NDP deputy for the 2000–2005 parliamentary period, for example, recalled that during the tenure of his predecessor as deputy for his constituency, the central authorities did not invest in infrastructure development projects. Explaining this, he said: 'The government is responsible for developing the infrastructure, but the former deputy belonged to Hizb al-'Amal. During his tenure, the government did nothing and voters recalled that.'²⁶ Similarly, opposition deputies frequently recount problems when trying to intervene with any administrative authority on behalf of their constituents. A deputy for the oppositional Hizb al-Wafd, for example, explained: 'If my people bring a document with my stamp on it to some official, it won't be of any use. He will tell them to get one from an NDP deputy.'²⁷ Given the importance of this kind of service provision in the work of Egyptian MPs, this severely influences their prospects for re-election.

The informal institution of systematic clientelism thus serves to incorporate both parliamentary candidates and voters into the hierarchical structure of patronage, ultimately culminating at the top of the political system. Entitlements formally granted to citizens are turned into favours received by clients. Yet, the formal electoral institutions can hardly be said to be meaningless. They indeed perform tasks of vital importance for the neopatrimonial regime in that they serve to periodically renew and reinforce structures of clientelist inclusion of large parts of the population, on which the regime itself depends in terms of its legitimacy. The informal institution of systematic clientelism therefore not only subverts formal electoral politics, but utilizes them as an arena to reproduce itself.

Elections, Control, and Cooptation

As Holger Albrecht notes, opposition as opposed to resistance is based on a minimum degree of mutual recognition between the actors involved.²⁸ Electoral politics and the formal institutional environment associated with them (that is, parties, representative institutions, etc.) serve to some extent to draw oppositional actors into a framework of interaction controlled by the regime. This has two important effects. First, the opposition actors who are included are subjected to a range of formal regulations, which are utilized by the regime at its discretion. This facilitates the task of controlling these actors. Secondly, oppositional parties are likely to direct considerable activity toward improving their position within the formal system, thus allowing the regime to selectively appease parts of the opposition by granting partial concessions.

In Egypt, there are strong incentives for members of the opposition to maintain their status as a recognized party, as it is associated with legal and organizational privileges not enjoyed by extra-legal actors, albeit these privileges are granted (and can be withdrawn, for that matter) by the regime on a discretionary basis. These privileges

include the publication of party newspapers, limited public funding, and the ability to meet more or less openly without being subject to harassment by security forces.²⁹

The fact that these privileges are formally stipulated by the relevant legal provisions, but actually can be withdrawn at the discretion of the regime, places oppositional actors in the rather peculiar position of dependence on formal privileges that can only be secured by displaying 'good conduct' with respect to the informal rules set up by the regime. Formal inclusion into the arena of electoral politics, thus, enhances oppositional actor's incentives to stick to the informal rules of the game, for fear of losing even the limited legal privileges associated with formal recognition. As Stacher remarks, 'although an opposition party may air its discontent, it will not persist to such a degree that it threatens its own existence as a political entity.'³⁰ The Egyptian Labour Party (Hizb al-'Amal) is a strong case in point for the delicate nature of the privileges enjoyed by formal oppositional actors.³¹ Originally founded by presidential fiat during the initial phase of liberalization from above under Anwar al-Sadat, Hizb al-'Amal transformed into an Islamist party and formed an electoral alliance with the Muslim Brotherhood in the 1987 parliamentary elections. The party, however, seemed to have crossed informal red lines when it started to vocally criticize members of the patrimonial elite and their families in its newspaper *Al-Sha'b*. Ultimately, this resulted in the freezing of the party's activities by the Political Parties Committee (PPC) on 20 May 2000 for the alleged reason of internal leadership disputes. Although its formal status has since been restored several times by numerous decisions of Egyptian courts, the party remains frozen.³² This example illustrates how formal privileges associated with the status of a legally recognized party can be withdrawn informally at the discretion of the regime, even by ignoring judicial decisions to the contrary. This clearly points to the delicate nature of the privileges accorded to Egyptian oppositional parties, which to a large extent depend on their conduct with respect to informal rules, rather than on any pre-established set of legal criteria.

A slightly different example can be found in the case of Hizb al-Ghad (Tomorrow Party). Officially licensed in autumn 2004 after unsuccessfully applying for registration three times before that, the party largely consisted of liberally oriented former members of Hizb al-Wafd. The new group came to some prominence when its chairman, former MP and lawyer Ayman Nour, competed against President Mubarak in the country's first multiparty presidential elections in 2005. In spring 2005, however, a split had emerged within Hizb al-Ghad, with vice-president and wealthy businessman Moussa Mustafa Moussa claiming the presidency of the party. Representing the prototype of a co-opted and loyal oppositionist, Moussa emphasized the need for a 'respectable' and 'honest' opposition and criticized the faction around Nour for their attacks against President Mubarak.³³ Due to his good personal relations to members of the regime, Moussa was widely considered to be the 'government's man' in this affair.³⁴ Both factions separately organized party conferences, each confirming their respective leader as president of the party. Because the leadership of the party was disputed internally, as in the case of Hizb al-'Amal, the matter was finally referred to the PPC, with both presidents appealing for legal recognition of their position.³⁵ In late 2005, Nour in addition was found guilty of

forging 1,200 signatures on documents his party had presented during the process of registration, in what appears to be largely a case constructed for political reasons. With Nour sentenced to five years in prison, it nevertheless took more than a year for the matter to be settled. In early 2007, Moussa finally received a court verdict supporting his claim for the presidency of Hizb al-Ghad.³⁶

The experience of Hizb al-Ghad again exemplifies how formal inclusion enhances the range of means available to the authoritarian elite for controlling oppositional actors. However, whereas in the case of Hizb al-'Amal legal privileges were withdrawn in an extralegal manner, in this case the formal rules were successfully employed in order to neutralize an oppositional party. The party was successfully marginalized by promoting a split within its leadership and then having the case referred to the relevant administrative and judicial bodies, all of which are controlled by the regime. In both cases, the legal prescriptions governing the arena of electoral politics were effectively used to serve the interests of the neopatrimonial elite. With regard to the overarching question, then, it can be maintained that formal inclusion into the electoral arena not only provides oppositional parties with new ways of interaction with the regime, but also increases the range of means short of outright repression available to the incumbent elite for disciplining oppositional actors.

Formal inclusion of opposition actors, however, not only provides the regime with an increased measure of control, but also creates an arena of more conciliatory interaction. As will be briefly illustrated using the struggle about electoral laws during Mubarak's rule as an example, electoral institutions serve to channel oppositional activities. Once allowed access to the formal institutional system, oppositional actors are likely to try and gain influence so as to enhance their position from within. As the neopatrimonial elite, however, is in firm control of the arena, progress can only be made by some form of collaboration with the incumbents.

Since the first parliamentary elections under the rule of Mubarak in 1984, there has been a continuous dispute between the opposition and the regime about the electoral laws governing parliamentary elections.³⁷ The main oppositional demands have been to replace the list system employed in 1984 and (with minor changes) in 1987 with an individual candidacy system in order to allow for independent candidates to run in the elections, as well as to implement judicial supervision of the electoral process as mandated by article 88 of the Egyptian constitution. The opposition was able to achieve some success in terms of securing judicial support for its demands, thus forcing the incumbent elite to disband parliament, amend the electoral laws, and prematurely call for parliamentary elections in both 1987 and 1990. Finally, in 1990 the list system was abolished and replaced by an individual candidacy system. Only in 2000, however, with the share of seats in the People's Assembly secured by the NDP having reached 94 per cent in the 1995 elections, did the Supreme Constitutional Court (SCC) declare the elections of 1990 and 1995 unconstitutional on the grounds that judicial supervision of the electoral process had not been implemented.³⁸ Indeed, the 2000 parliamentary elections were the first ones to be conducted under judicial supervision, partly explaining the opposition's comparatively reasonable showing and the relatively modest 87 per cent of the vote won by the NDP. The most recent 2005 elections present a somewhat different

picture. Here, largely due to pressure put on the regime by parts of the judiciary with the Judges Club threatening to boycott electoral supervision if not allowed to exert control at all stages of the process, elections were held in three stages from November to December 2005, so as to enable complete supervision by members of the judiciary.³⁹ With respect to electoral outcomes, somewhat ironically, this did not translate into significant gains by the formal oppositional parties, which only managed to garner around seven per cent of the vote, with the illegal but tolerated Muslim Brotherhood winning 88 seats or about 20 per cent.

The struggle over the laws and practices regulating the electoral arena since the mid-1980s can be framed in terms of the regime yielding to oppositional demands in successive steps, thus leading to a more open arena of electoral competition. In fact, issues of electoral law, and especially the question of judicial supervision of elections, came to be central to opposition strategies during much of the 1990s. The fact that these claims were supported by several court rulings helped achieve some progress in terms of opposition demands. However, these achievements, secured over more than 15 years, were reversed in a single round of constitutional amendments in early 2007. Against the protest of opposition members of parliament,⁴⁰ the stipulation of judicial oversight formerly contained in article 88 was abolished and article 62 was changed so as to clear the way for the reintroduction of a mixed electoral system for the next elections.⁴¹ While the surprisingly strong showing of the Muslim Brotherhood in the 2005 elections seems to have triggered these changes,⁴² this clearly points to the extent to which the formal political framework is controlled by the regime. The sphere of electoral politics during much of Mubarak's rule thus constituted an arena for regime–opposition interaction dominated by selective opposition demands and even more selective concessions by the neopatrimonial elite, serving to channel opposition energy to issues tightly controlled by the regime.

Thus, formal inclusion of oppositional actors into the electoral arena enhances the means at the disposal of the authoritarian elite, both in terms of carrots and sticks. Because oppositional actors can hope to retain their status as recognized formal actors only by sticking to the limits on oppositional action imposed by the informal institutions of neopatrimonialism, the arena of electoral politics provides the regime with increased leverage over these actors and simultaneously increases the opposition's incentives to toe the informal red lines. On the other hand, the electoral arena constitutes the screen on which the authoritarian elite try to project its reformist image. As long as its hold on power is secured by the informal institutions of neopatrimonial rule, the regime is able to lend some credibility to its discourse of democratization and reform, by selectively conceding to oppositional demands or even designing its own programme of reforms.

Elections and Intra-Elite Competition

Competition in the Egyptian parliamentary elections is to a large extent carried out between candidates of the ruling NDP and candidates running as independents. Since the electoral system based on party lists was replaced in 1990 by an individual candidacy system, official NDP candidates regularly faced challenges by NDP

members not nominated as candidates by the party, but running as independents (or rather 'NDPendants'). Once elected, these candidates hurried to rejoin the ruling party's parliamentary bloc (together with a substantial number of independents not previously associated with the party), adding considerably to the NDP's majority. This phenomenon is a direct consequence of the prevailing informal institutional incentives associated with neopatrimonial rule. Because political power is highly personalized, competition is carried out between individuals aspiring for access to the centre of authority, rather than parties vying to implement their political programmes. As access to influential circles is most likely to be achieved from within the ruling party, joining the NDP is, according to an opposition figure, the 'shortest and warmest way' for newly elected MPs, no matter if they were previously associated with the state party or not.⁴³

The extent of this phenomenon is by no means insignificant, as the governing party increasingly had to rely on independent candidates rejoining its parliamentary bloc in order to guarantee its usual strength. The numbers of NDP deputies elected as independents rose from 95 (or 22 per cent of NDP deputies) in the 1990 elections, 100 (or 23 per cent) in 1995, to an all-time high of 181 (or 46 per cent) in 2000. It then slightly declined in absolute terms to 170 in 2005, which, due to the smaller number of seats secured by the NDP, nevertheless amounts to 53 per cent of elected NDP deputies in the People's Assembly as of 2007.⁴⁴ Thus, beginning with the elections of 1990, the president's party had to rely on independents rejoining its parliamentary bloc in order to secure its two-thirds majority.

Competition between official and independent NDP candidates indeed took on dimensions that led observers to speak of intra-NDP competitions as the real story of the elections. In 2000, when the phenomenon apparently reached its peak level, the 444 seats open to electoral competition were contested by as many as 3,000 NDP-independents in addition to the party's 444 official candidates, which amounts to at least seven NDP candidates per seat.⁴⁵ The 2005 elections have been subject to a similar degree of intra-party competition with 2,700 party members applying for official NDP candidacies, and 4,300 independents contesting the elections.⁴⁶ According to a prominent NDP figure, a substantial number of MPs moreover failed to be re-nominated as official NDP candidates.⁴⁷ Thus, the list of official candidates presented by the NDP showed high turnover rates when compared to the composition of the previous parliament.

Analysts have tended to interpret the dynamics of intra-NDP competition in terms of the ruling party losing control over its membership and thus to some degree over electoral outcomes too.⁴⁸ To be sure, the phenomenon does indicate limitations in the organizational capacities of the NDP, and there have been attempts to contain them through introducing an institutionalized system of candidate nomination by internal primaries. According to different NDP members, in the run-up to the 2005 parliamentary elections candidates were chosen by an electoral college (Mugamma' al-Intikhabi) on the governorate level, consisting of leading NDP-members on that level. The lists of candidates were then reviewed by a committee within the party comprising high-ranking party members, before finally receiving the approval of President Mubarak.⁴⁹ As a member of the NDP's influential Policies Secretariat

remarked, however, this system was still 'open to all sorts of influences' thus limiting the actual institutionalization of the process.⁵⁰

Yet, although intra-party competition clearly points to the organizational weakness of the Egyptian ruling party, the electoral outcomes entailed by this competition may well be said to assure, rather than endanger the ruling elite's continued dominance, by reproducing the informal institutions of personalist rule and systematic clientelism. As has already been noted, the NDP does not possess a clear-cut ideology or party platform. Rather, it serves to formalize policies emanating from the president by rubber-stamping them via its parliamentary majority. The internal structure of the party is highly centralized with virtually all important positions being subject to appointment by President Mubarak who simultaneously functions as the party's chairman.⁵¹ Therefore, the Egyptian *incumbent* party might be more appropriately labelled the Egyptian *incumbent's* party, as it does not possess any institutional weight autonomously from the president. The weak institutional position accorded to the ruling party can be interpreted as a strategy by the regime to avoid the emergence of alternative centres of power.

This state of affairs is reinforced by the intra-party competition as tolerated (and at times encouraged) by the regime.⁵² Membership in parliament neither automatically entails re-nomination by the party, nor does official candidacy necessarily translate into support by the regime. Thus, prospective candidates are likely to resort to two different strategies. First, in order to obtain official nomination by the NDP, they will try to secure the personal backing of high-ranking party leaders for their application. For example, one NDP deputy elected as an independent in 2000, although his bid was supported by Secretary General Safwat al-Sharif, attributed his failure to obtain official candidacy in these elections to the fact that another faction within the party grouped around Assistant Secretary General Kamal al-Shazli gained the upper hand. They had his competitor nominated to the candidacy. Similarly, another 'NDPendent' candidate explained his failure to get nominated in 2005 despite his extensive personal connections within the party by referring to his competitor being supported by the president's son, Gamal Mubarak.⁵³ This points to the fact that candidates' chances for official nomination largely depend on their successful mobilization of personal connections within the party. On the other hand, nomination as the official NDP candidate does not necessarily translate into success at the polls, especially if the competitor is another member of the party. Therefore, the second strategy consists in candidates trying to improve their chances for re-election by employing the rather parochial means of clientelist inclusion described above. Thus, the informal institutions of neopatrimonial rule largely determine the strategies employed by candidates in the run-up to parliamentary elections.

In a way, the substantial numbers of successful independent candidates seem to suggest that the informal institutional system produces incoherent outcomes, with the candidate nominated largely because of his or her personal connections, not necessarily being the one best suited to comply with the requirements of systematic clientelism. Although the phenomenon is thus to a large extent a consequence of the NDP's lack of organizational capacities and effective institutional mechanisms, it

nevertheless has important effects which are perfectly in line with the informal dynamics of political rule. To begin with, the fact that official candidacy for the party does not necessarily translate into winning the constituency forces NDP candidates to comply with the informal institution of systematic clientelism. On the other hand, the high degree of fluctuation and uncertainty associated with this form of intra-party competition further serves to forestall the establishment of stable networks within the party, thus preventing the NDP itself from acquiring a position of influence independent from the inner circle of the ruling elite. To some extent, therefore, intra-party competition associated with electoral processes serves to include new personnel and control existing members of the political elite's lower echelons by effectively tying them into the informal institutional system established by the regime.

Thus, as long as the informal institutional incentives successfully draw victorious independents into the regime's camp in the aftermath of the elections, intra-elite competition might well be interpreted as a sign of institutional weakness in the ruling party but it does mean a loss of control by the neopatrimonial elite. With the prevailing informal distribution of power securing the incumbents' hold on power, balanced conflict within the lower strata of the political elite via electoral contests tends to strengthen the control of the regime over its parliamentary majority.

Conclusions

Elections are institutions central to democratic political systems. If they somehow emerge in non-democratic settings, it is tempting to conclude that the polity in question is moving toward the ideal of liberal-democratic political processes. This assumption however, aptly labelled as the fallacy of 'electoralism' by Terry L. Karl,⁵⁴ by now seems to be more or less absent from research on non-democratic countries.

Attention to the political environment in which electoral institutions are placed reveals that legislative elections in the Egyptian case are effectively prevented from performing the functions they are known to perform in more liberal settings. Yet, the conclusion that authoritarian elites strive to manage electoral processes in a way that does not infringe upon the informal rules securing their hold on power, does not come as a surprise. The pervasion of formal electoral institutions by informal mechanisms of authoritarian rule, however, not only serves to prevent these institutions from threatening the incumbent elite's hold on power, but effectively integrates them into the neopatrimonial system of rule. It therefore can be maintained that elections in Egypt perform distinct authoritarian functions.

Three main dynamics have been identified. In the absence of substantial decision-making authority, Egyptian MPs serve as clientelist mediators, linking their constituents to the central authority via the downward flow of material resources. Parliamentary elections in Egypt serve to periodically renew the networks of distribution involved in this process. In this type of system, citizens are turned into clients, rewarding the favours and services they receive from their patrons with loyalty in terms of electoral votes. Yet, elections that are to at least minimally resemble their counterparts in democratic political systems must include the

regular participation of oppositional actors. By participating in the electoral contest, these actors convey a certain degree of credibility to the regime's endeavour of presenting a reformist image to the outside world.

Inclusion into the formal system of electoral institutions, in addition, increases the regime's leverage over oppositional actors, as they are likely to go to great lengths in order to safeguard their limited legal privileges that remain at the discretion of the regime. Oppositional actors can also hope to attain some of their goals with respect to reforming the electoral arena, as is evidenced by the development of the Egyptian electoral laws over the last two decades. This process of political reform, however, remained firmly under the authoritarian elite's control. The formal institutional system thus provides the authoritarian elite with additional inducements it can grant to the opposition if need be, thereby warding off pressures for more far-reaching reforms without threatening the prevailing distribution of power.

The last dynamic involved in the process of elections under neopatrimonial rule in Egypt is limited conflict within the lower echelons of the ruling elite itself. The bulk of contentious electoral competitions originates in intra-elite struggles, as the inner circle of the authoritarian elite is prepared to accord considerable leeway to members of the NDP in terms of competing against one another largely without interference by the regime. By admitting the winners of these intra-party competitions back into the outer circle of the ruling elite, the regime is able to show a great deal of flexibility in terms of recruiting new members into the elite via electoral processes. Simultaneously, intra-elite electoral competition serves to periodically reshuffle positions within the lower levels of the elite, so as to prevent any attempts at forming alternative networks of political influence from either within the ruling party or through the People's Assembly.

It has thus become clear that electoral processes in Egypt are far from meaningless. Rather, they perform functions specific to the informal institutional environment in which they operate. Whereas the formal electoral arena has continued to influence the political dynamics for almost two decades, the basic informal rules regulating access to power remain largely unaffected by electoral processes. There are thus authoritarian elections in Egypt, rather than an electoral authoritarian regime.

ACKNOWLEDGEMENTS

The author would like to thank Holger Albrecht, Peter Pawelka, and the participants in the Middle East Research Forum at Tübingen University for detailed comments on an earlier version of this article. Special thanks go to Jana Warkotsch for sharing valuable insights and for her patient proof-reading. The author accepts full responsibility for any remaining errors.

NOTES

1. Thomas Carothers, 'The End of the Transition Paradigm', *Journal of Democracy*, Vol. 13, No. 1 (2002), p. 10.
2. See the contributions in Andreas Schedler (ed.), *Electoral Authoritarianism. The Dynamics of Unfree Competition* (Boulder: Lynne Rienner Publishers, 2006).
3. Guy Hermet, Richard Rose and Alain Rouquié (eds), *Elections Without Choice* (London: Macmillan, 1978), p. vii.

4. Richard Snyder, 'Beyond Electoral Authoritarianism: The Spectrum of Nondemocratic Regimes', in Schedler, *Electoral Authoritarianism* (note 2), pp. 220–4.
5. For the concept of (neo)patrimonialism see Guenther Roth, 'Personal Rulership, Patrimonialism, and Empire-Building in the New States', *World Politics*, Vol. 20, No. 2 (1968), pp. 194–206 and Samuel N. Eisenstadt, *Traditional Patrimonialism and Modern Neopatrimonialism* (Beverly Hills, CA: Sage Publications, 1970). The best elaboration of the consequences of neopatrimonial rule in Egypt is to be found in Peter Pawelka, *Herrschaft und Entwicklung im Nahen Osten: Ägypten* (Heidelberg: C. F. Müller, 1985); also see Robert Springborg, 'Patrimonialism and Policy Making in Egypt: Nasser and Sadat and the Tenure Policy for Reclaimed Lands', *Middle Eastern Studies*, Vol. 15, No. 1 (1979), pp. 49–69; for a regional perspective see James Bill and Robert Springborg, *Politics in the Middle East*, 3rd ed. (New York: Harper Collins Publishers, 1990). For a conceptualization of neopatrimonialism as a set of informal institutions, see Michael Bratton and Nicolas Van de Walle, *Democratic Experiments in Africa* (Cambridge: Cambridge University Press, 1997), pp. 61–8.
6. Bratton and Van de Walle (note 5), p. 63.
7. Gretchen Helmke and Steven Levitsky, *Informal Institutions and Democracy. Lessons from Latin America* (Baltimore, MD: The Johns Hopkins University Press, 2006), p. 5.
8. Cf. Bratton and Van de Walle (note 5), pp. 65–8. The distinction between systematic clientelism and the use of state resources for legitimization may be blurred in reality. Still, it is useful to differentiate between personal relationships among individuals (clientelism) on the side and on the other side more impersonal relations between the elite and the populace.
9. The most important items subsidized in Egypt include food (bread, flour, cooking oil, sugar) and energy. In fiscal year 2004, according to World Bank data, 10.8 per cent of Gross Domestic Product, or 30 per cent of public expenditure, was spent on social welfare (including subsidies and transfer payments). In addition, the inflated size of the administrative system and public sector (around 5.5 million employees in 2005 or approximately 25 per cent of the labour force, according to the Egyptian Central Agency for Public Mobilization and Statistics, CAPMAS) must be interpreted as part of the 'social pact', serving to secure the acquiescence of parts of the populace; see World Bank, *Egypt: Toward a More Effective Social Policy*, World Bank Document No. 33550-EG, (Washington, DC: World Bank, 2005) and http://www.capmas.gov.eg/eng_ver/homeE.htm.
10. Abdo Baaklini, Guilain Denoëux and Robert Springborg, *Legislative Politics in the Arab World* (Boulder: Lynne Rienner Publishers, 1999), p. 239.
11. This has unanimously been reported by all members of parliament interviewed, regardless of their political affiliation with the NDP or the opposition. (Author's personal conversations with several deputies during August–October 2005 and September–November 2007.)
12. However, there are plans to replace the emergency law with anti-terrorism legislation in 2008.
13. See Eberhard Kienle, *A Grand Delusion: Democracy and Economic Reform in Egypt* (London: I. B. Tauris Publishers, 2001), p. 68; and Joshua A. Stacher, 'Parties Over: The Demise of Egypt's Opposition Parties', *British Journal of Middle Eastern Studies*, Vol. 31, No. 2 (2004), pp. 215–33.
14. For a general overview of the 'menu of manipulation' at the disposal of authoritarian elites see Andreas Schedler, 'The Menu of Manipulation', *Journal of Democracy*, Vol. 13, No. 2 (2002), pp. 36–50.
15. Holger Albrecht and Oliver Schlumberger, "'Waiting for Godot": Regime Change Without Democratization in the Middle East', *International Political Science Review*, Vol. 25, No. 4 (2004), pp. 371–92.
16. For an excellent overview see Gretchen Helmke and Steven Levitsky, 'Informal Institutions and Comparative Politics: A Research Agenda', *Perspectives on Politics*, Vol. 2, No. 4 (2004), pp. 725–40.
17. See *ibid.*, p. 728, for a useful typology of the relationship between formal and informal institutions.
18. To be more precise, the term 'ineffectiveness' as employed here refers to the fact that, although there is a formal system of institutions (such as elections, a legislature, oppositional parties and so on), the rules and procedures set up by this formal institutional framework fail to determine the courses of action pursued by the principal actors.
19. Helmke and Levitsky (note 16), p. 729.
20. Author's personal conversation with former NDP deputy (1987–2005) and former president of a parliamentary committee, 17 November 2007. See also: Maye Kassem, *In the Guise of Democracy: Governance in Contemporary Egypt* (Reading: Ithaca Press, 1999), pp. 76–82; and Ellen Lust-Okar, 'Elections under Authoritarianism: Preliminary Lessons from Jordan', *Democratization*, Vol. 13, No. 3 (2006), pp. 456–71, for similar observations on Jordan.
21. Author's personal conversation with NDP deputy, 4 October 2007.
22. Author's personal conversation with NDP deputy, 17 October 2005. This phenomenon of individualized service provision by deputies was referred to by all MPs (from both the NDP and the opposition)

interviewed during two field research phases. The same phenomenon is also reported by Kassem, *In the Guise of Democracy* (note 20), p. 82–8.

23. Author's personal conversation with Muhammad Sherdy, 27 October 2007.
24. Maye Kassem, *Egyptian Politics: The Dynamics of Authoritarian Rule* (Boulder: Lynne Rienner Publishers, 2004), p. 80.
25. Lust-Okar (note 20), p. 463.
26. Author's personal conversation with NDP deputy, 17 October 2005.
27. Author's personal conversation with deputy for Hizb al-Wafd, 27 October 2007.
28. Holger Albrecht, 'How Can Opposition Support Authoritarianism? Lessons from Egypt', *Democratization*, Vol. 12, No. 3 (2005), pp. 378–97.
29. Stacher (note 13); Kassem, *In the Guise of Democracy* (note 20), pp. 92–7.
30. Stacher (note 13), p. 227.
31. This section on the events around Hizb al-'Amal draws heavily on Stacher (note 13), pp. 227–30, as well as Essam Fawzi and Ivesa Lübben, 'Zensur und Inquisition in Ägypten. Das Dilemma des ägyptischen Legitimationsdiskurses', *INAMO*, Vol. 23/24 (2000), pp. 54–59, and several interviews conducted by the author in autumn 2005 and in September–December 2007.
32. Magdi Hussayn, the party's secretary general, maintains that his organization received no less than 14 court rulings favouring the reinstatement of al-'Amal (Author's personal conversation with Hussayn, 17 September 2007).
33. Author's personal conversations with Moussa, 6 October 2005 and 23 September 2007.
34. Moussa himself speaks rather openly about his personal contacts to the regime (author's personal conversations with Moussa, 8 October 2005 and 23 September 2007). This view of Moussa is, of course, shared by the Nour faction of Hizb al-Ghad (author's personal conversations with Wa'el Nawarra, member of Hizb al-Ghad [Nour faction], 16 October 2005), but also by independent observers (author's personal conversation with Amr Shoubaki, analyst at the Al-Ahram Center for Political and Strategic Studies, 11 November 2007).
35. Author's personal conversations with Moussa Mustafa Moussa, Muhammad al-Sadat and Wa'el Nawarra, 6 October 2005, 8 October 2005, and 16 October 2005, respectively.
36. Author's personal conversation with Moussa, 23 September 2007. Although this legally put an end to two years of internal struggle, most Egyptian opposition figures still consider Ihab al-Kholi, the successor of Ayman Nour, as the legitimate president of Hizb al-Ghad, a view which is shared by independent analysts (personal conversation with Amr Shubaki, Al-Ahram Centre for Political and Strategic Studies, 11 November 2007).
37. Kassem, *Egyptian Politics* (note 24), pp. 59–65; Mona El-Ghobashy, 'Egypt's Paradoxical Elections', *Middle East Report*, 238 (2006), pp. 20–9.
38. Kassem, *Egyptian Politics* (note 24), p. 63.
39. El-Gobashy (note 37), pp. 20–9.
40. In fact, in a rather unusual show of unity, opposition against the constitutional amendments united the Muslim Brotherhood with the remaining independent members of parliament and the representatives of the formal oppositional parties (author's personal conversation with Muhammad Saad al-Katatny, president of the MB's bloc in parliament, 28 November 2007).
41. See Wizara al-'Ilamat, *Nusus al-Ta'dilat allati Turihat li-l-Istifta'* (Cairo: Wizara al-'Ilamat, 2007) for the text of the amendments.
42. Persons close to the government and representatives of the Muslim Brotherhood both affirm the view that the constitutional changes primarily targeted the Brotherhood (author's personal conversations with former NDP deputy, 17 October 2007 and with Muhammad Saad al-Katatny, president of the MB's parliamentary bloc, 28 November 2007).
43. Author's personal conversation with Muhammad Sherdy, MP for Hizb al-Wafd, 27 October 2007.
44. Data is compiled from Moheb Zaki, *Civil Society and Democratization in Egypt, 1981–1994*, (Cairo: Konrad Adenauer Stiftung/Ibn Khaldoun Center, 1994), p. 96; Jason Brownlee, *Durable Authoritarianism in an Age of Democracy* (Cambridge: Cambridge University Press, 2007), pp. 131–7; Gamal Zahran, 'Al-mustaqqilun wa al-munashiqun', in Amr Hashem Rabi' (ed.), *Al-Intikhabat Maglis al-Sha'b 2005* (Cairo: Markaz al-Dirasat al-Siyasiyya wa al-Istratigiyya lil-Ahram, 2006), p. 180.
45. Mona Makram-Ebeid, 'Egypt's 2000 Parliamentary Elections', *Middle East Policy*, Vol. 8, No. 2 (2001), p. 38.
46. Gamal Essam El-Din, 'Party's Old Guard Prevails', *Al-Ahram Weekly*, Vol. 765 (20–26 October 2005); Zahran (note 44), p. 180. Although this number does not include members of the Muslim Brotherhood running as independents, not all remaining independents were necessarily associated with the

NDP. Of the 195 candidates winning as independents (Muslim Brotherhood excluded), however, 170 subsequently joined the NDP, which can be taken as a clue to the overall proportion of independent candidates ready to (re)join the NDP.

47. Brownlee (note 44), p. 145 for the 2000 elections; author's personal conversation with Muhammad Kamal, member of the NDP's policies secretariat, 15 October 2005, for the 2005 elections.
48. Brownlee (note 44), pp. 134–7.
49. Author's personal communication with several NDP representatives in October 2005. On the selection process see also Virgine Collombier, 'The Internal Stakes of the 2005 Elections: The Struggle for Influence in Egypt's National Democratic Party', *Middle East Journal*, Vol. 61, No. 1 (2007), pp. 95–111.
50. Author's personal conversation with Muhammad Kamal, 15 October 2005.
51. Kassem, *In the Guise of Democracy* (note 20), pp. 76–9.
52. This is most visible in those constituencies where the NDP failed to nominate official candidates at all, but had different prominent members of the party competing against each other.
53. Author's personal conversations with NDP-deputies, 17 October 2005 and 4 November 2007. Similar stories were recounted by other deputies interviewed.
54. Terry Lynn Karl, 'Electoralism', in Richard Rose (ed.), *The International Encyclopedia of Elections* (Washington, DC: Congressional Quarterly Press, 2000).

Manuscript accepted for publication December 2007

Address for correspondence: Kevin Koehler, University of Tuebingen, Institute for Political Science, Dept. of Middle Eastern Affairs, Melanchthonstr. 36, 72074 Tübingen, Germany. E-mail: kevin.koehler@yahoo.de