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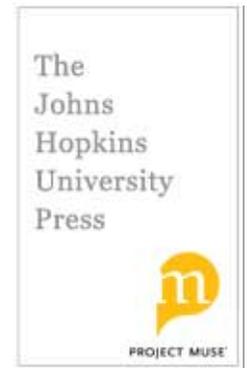
Comparing the Arab Revolts: The Impact of Election Systems

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# Comparing the Arab Revolts

## THE IMPACT OF ELECTION SYSTEMS

*John M. Carey and Andrew Reynolds*

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Among their other effects, the seismic political events of late 2010 and early 2011 have set off a wave of actual and proposed electoral reforms throughout the Middle East and North Africa (MENA). This wave has touched countries where long-ruling authoritarian regimes have collapsed as well as those where existing regimes have (so far) managed to retain power. In the first two MENA countries to experience unrest, Tunisia and Egypt, the most pressing electoral issue has been how to choose representative and deliberative bodies—in Tunisia a constituent assembly to rewrite the basic law and in Egypt a new parliament whose tasks will include the naming of a hundred-member constitution-drafting panel. Throughout the region, even in places not at the center of the recent upheavals—Iraq, Israel, Lebanon, and the Palestinian Authority, for instance—the rules for deciding who will sit in parliament are the topic of intense debate.

There is nothing surprising about this: The question of how to elect representative assemblies is a basic issue with which any democratic or would-be democratic society has to contend. Assemblies must reflect and represent the diversity of interests and views within society, deliver majorities that can support legitimate governments and ratify their key decisions, and provide checks on the exercise of executive authority. The track record of parliaments has not been promising on any of these scores in the Arab world, where legislatures are all too often dubiously representative, fecklessly indecisive, and weak in the face of powerful hereditary monarchs or strongman presidents. The pressing ques-

tion confronting reformers is whether changing the way assemblies are elected can improve their performance.

What are the key criteria by which democrats should evaluate the design of election systems? No single method of elections can be best for all countries and moments. Demographic and historical particularities must weigh in the choice. That said, electoral reformers should pursue certain general goals. These include:

***Inclusiveness.*** Elections should provide a means for new groups—even relatively small ones—to win a measure of representation, and for the assembly to reflect the diversity of society. One element of inclusiveness is the adaptability of electoral systems to rules that provide representation for previously marginalized groups—particularly women, but sometimes specific ethnic and religious groups too.

***Minimal distortions.*** Elections should avoid the danger of a large “winner’s bonus” whereby the biggest party or coalition receives a share of seats that far outstrips its share of the popular vote.

***Incentives to build coalitions.*** The rules should encourage like-minded candidates and groups to band together under a single banner. Distrust of parties is deep-seated across much of the MENA region, yet whatever the label (list, movement, alliance, house) they travel under, such formations give voters clearer and more coherent choices than would be available were all politicians lone operators bound solely by personal loyalties.

***Individual accountability.*** Elections should allow voters to reward or punish the performance of individual legislators, not just this or that party or coalition as a whole.

***Simplicity.*** The options that voters face, the decisions that they are expected to make, and the connection between those decisions and who governs should all be as straightforward as possible.

It is, of course, impossible to pursue all these goals or principles to their fullest extent simultaneously. Yet some sets of trade-offs may be better than others. Viewed in light of the broad principles laid out above, the debates and initiatives that the Arab world has seen over the last several months offer a mixture of the promising and the troubling.

## Egypt

At the end of President Hosni Mubarak’s three decades in power, his ruling National Democratic Party (NDP) dominated a 518-member lower house in which 444 seats were contested in two-member districts by means of a two-round system. An additional 64 seats, elected from the country’s 27 governorates, were reserved for women. The final 10 seats were filled by direct presidential appointment and went mainly to Coptic Christians, a religious minority comprising perhaps a tenth of Egypt’s total population of 83 million. Article 87 of the 1971 Constitution, reflect-

ing the 1950s-era nationalist and socialist ideology of President Gamal Abdel Nasser (d. 1970), required that within each two-member district at least one winning candidate had to be a worker or a farmer. Voters were *required* to cast two votes, and casting both for the same candidate was not allowed. The occupational quota and the nest of rules for distributing votes that went with it vastly complicated the process of determining winners. The quota had the upshot of giving any candidate whom election administrators listed as a worker or a farmer a significant edge, and opened the door to manipulation—a door that the Mubarak regime used often.<sup>1</sup>

Since Mubarak's February 2011 ouster, the electoral system has been subject to a series of changes at the hands of an opaque military junta. In early February, the panel of senior officers known as the Supreme Council of the Armed Forces (SCAF) dissolved the old parliament. In May, the SCAF released its draft of a new elections law. The generals judged the worker-farmer quota too much of a constitutional fixture to be done away with. Their draft retained it along with the system of two-member districts, but limited that system to two-thirds of the seats. The draft law, which also abolished the set-aside of 64 seats for women (seats which had been seen as levers of NDP manipulation in the old parliament), called for the remaining third of the seats to be contested under the rules of closed-list proportional representation (PR) in governorate-based districts.

After considerable criticism, most of it to the effect that the new law would not open sufficient electoral space for the embryonic movements that had fueled the Tahrir Square uprising, the cabinet produced a new law in July. In the new system, 252 legislators are to be elected from 126 two-member districts, another 252 are to be chosen by closed-list PR in 58 districts (an average of just over four seats per district), and ten members are to be appointed by the president, for a total of 514. The threshold for representation, presumably in the PR districts, is 0.5 percent of the nationwide vote.

This new law has dramatic consequences for the shape of the party system and the balance of power within the polity. Within the district races, one would expect that Egypt's fragmented new political reality will make it easier for stronger, more experienced, or better-organized groups such as the Muslim Brotherhood (MB) and the holdovers from Mubarak's old NDP to win sizeable seat bonuses. The new and still inchoate groups clustering on the more liberal and secular end of the spectrum (including the Free Egyptians, the Social Democrats, and the Democratic Front Party) will be at a disadvantage. The older secular-liberal movements such as the Wafd and al-Ghad seem like little more than elite shells without members or momentum, and the moderate Islamists of al-Adl and al-Wasat look as if they will find themselves swamped by the MB and the Salafist parties. The PR districts open greater space for the newer parties but most districts will be too small to offer voice to fledgling parties outside the dominant players. Only in the largest dis-

districts will a party be able to win representation with 5 to 10 percent of the vote. The disproportionality generated by the two-member districts will be huge, but the disproportionality of the PR races may also be significant, with many small parties failing to reach the threshold.

Coptic Christians, lacking significant geographical concentration, are likely to be overwhelmed, and women's representation will suffer not only from the abandonment of the old quota but also because the thinly spread PR seats will not yield the usual advantages that they otherwise might to female candidates. If most parties win only one of two PR seats in any given district, then a woman must occupy one of those top positions on the party list—something that is unlikely to happen without a legal requirement.

The need for the outnumbered secular liberals to form alliances is obvious. Yet the first significant coalition announcement, in mid-June, featured two such parties (al-Ghad and the Wafd) signing on as decidedly junior partners in a supercoalition spearheaded by the MB and also comprising two moderate-Islamist formations (al-Adl and al-Wasat), a Salafist party (al-Nour), and six additional parties. If this disparate assemblage holds together (the devil will be in the details of seat allocation), it will form an electoral juggernaut comprising nearly all significant parties aside from the reorganized former ruling party.

The logistical challenges facing Egypt's elections are formidable. New electoral-district boundaries will have to be drawn for both the two-member districts and the PR districts. As with some previous elections, the country will be divided into thirds, with multiple ballotings held in subsets of districts in order to allow judges and domestic observation groups to oversee the polls. Given the fragmented party landscape and the quota requirements, moreover, most races will take two rounds to resolve. Results will trickle out week by week, possibly heightening tensions. The potential for fraud, mismanagement, and a catastrophically botched electoral process will remain.

While the new Egyptian system may perform adequately in promoting coalition formation and a degree of individual accountability on the part of legislators, it appears headed for failure on the scores of inclusiveness, distortion minimization, and simplicity. There are too many moving parts. The multistage electoral process and its complex, too-easily-manipulated criteria for determining winners in districts could breed confusion, tension, and suspicion among voters, parties, and electoral officials alike. Neither the exclusion of smaller groups nor the seat bonuses set to go to the larger ones bode well for the future of democratic hopes along the banks of the Nile.

## **Tunisia**

The electoral system that Tunisia had before President Zine al-Abidine Ben Ali was toppled in January 2011 was meant to reinforce the

dominance of his party. The inclusion of token parliamentary opposition furnished a democratic veneer. The Chamber of Deputies had 214 members, 161 of whom were elected from multimember districts of varying sizes (ranging from 2 to 11 seats), while the remaining 53 legislators were elected on a nationwide basis. In the districts, bloc voting was the rule—voters could choose only among slates, and the slate with the most votes would receive each of that district’s seats in parliament. The nationwide at-large seats were distributed on the basis of proportionality to “district-level losers,” but that only slightly mitigated the huge winner’s bonus that bloc voting delivered to the ruling party—which, at the time Ben Ali fled into exile, controlled every single one of the 161 district-based seats. The task of choosing a new constituent assembly would clearly require a different system.

In April 2011, the political council of the High Commission for the Fulfillment of Revolutionary Goals—one of the special bodies that interim authorities created to navigate the post-Ben Ali changeover—approved a legal decree on elections to choose a constituent assembly.<sup>2</sup> The law stipulates that elections will be by closed-list PR using Tunisia’s existing governorates as districts. Seats are allocated according to population, with less-populous governorates moderately overrepresented. The law includes provisions, however, to maintain the number of seats awarded in each district within a limited range: Governorates with fewer than four seats are combined, and the largest governorates are subdivided, such that district magnitude ranges from four to twelve. Finally, the law includes a gender quota stipulating that women and men must be represented equally on candidate lists.

What do these details imply with regard to realizing the general principles outlined above? Tunisia’s new system scores high on almost all key markers: inclusiveness, minimizing distortions between voter support and assembly representation, encouraging coalitions, and simplicity. With list-PR voting in districts with four to twelve seats, it is unlikely that any alliance will be able to secure an assembly majority on the basis of less than a majority of the popular vote, and coalitions that can secure anywhere from 5 to 20 percent of the vote within a governorate will be assured representation in the constituent assembly. These effective thresholds for representation are low enough that any movement with substantial support can get a seat at the table, but high enough to encourage splinter groups and vanity candidates to seek coalition partners—with the compromises that process entails—or risk being left out.

Tunisia’s closed electoral lists also allow for gender inclusiveness via the exercise of effective quotas, with male and female candidates alternating on lists. The proportion of women in the constituent assembly will almost certainly surpass the 23 percent included in Tunisia’s last parliament under Ben Ali. And the closed-list ballot is simple to use, demanding only that voters identify their first-choice list. What closed

lists mainly sacrifice is the accountability of individual representatives. Voters will be casting ballots for slates only, with no option to indicate a preference for any individual on the preferred list. With regard to each list, the members who receive seats will be those chosen by party or coalition leaders—not voters—before the election.

Tunisia's shortcoming on individual accountability is less damning in elections for a constituent assembly than such a defect would be in a permanent system for electing a legislative assembly. At the constitution-making moment, the inclusiveness of electoral rules must be a top priority. The body charged with drafting a new basic law should reflect the diversity of society, providing representation to a wide array of groups so there are voices that can speak to the importance of protecting minority rights. It should not dramatically overrepresent the largest groups and thus run the risk that short-term winners will write a charter for government that entrenches their advantage. The rules under which this body is elected should be clear and readily understandable even by voters who may lack experience with genuinely competitive elections. When elections shift from the constitutional moment to the ongoing business of legislating, of distributing benefits and burdens among citizens, and of monitoring the executive, there will be an increased premium on giving citizens the ability to reward or punish individual legislators with the ballot.

Tunisia's constituent assembly will look beyond the constitutional moment to the governing moments to follow, and so it may wish to consider electoral reforms to increase accountability to voters, while seeking to preserve inclusiveness and simplicity as much as possible. If the assembly's agenda includes such reforms, it will be starting from a relatively propitious position. The constituent-assembly elections' district structure, in particular, should be able to accommodate a shift from closed to open lists so as to give voters leeway to prefer some candidates over others while at the same time maintaining proportionality across party and alliance lists.

## **Jordan**

Throughout the 1990s and up to 2010, the Hashemite Kingdom of Jordan was one of the few countries in the world to use the single non-transferable vote (SNTV) system for its parliamentary elections. This system uses a simple plurality rule in multimember districts, with each voter allowed to indicate a single preferred candidate. In Jordan's case, district sizes could range up to seven seats (in such a district, the top seven candidates would each win a seat). SNTV is mechanically simple, but strategically complex, both for voters and candidates. Strong individual candidates may win many votes beyond the number needed to win a seat, yet efforts to coordinate alliances among candidates and

distribute votes so as to translate electoral support more efficiently into party representation are risky for the top voter-getters. As a result, SNTV elections tend to be contests among individuals, with party labels and platforms counting for little.<sup>3</sup>

A second key characteristic of Jordanian parliamentary elections has been the malapportionment of the districts. The number of voters per seat currently ranges from about 16,000 to more than 80,000, with rural districts dominated by East Bank Jordanian tribes vastly overrepresented at the expense of the urban districts where Jordanians of Palestinian extraction tend to live. A third key element is the reservation of 9 seats in the 120-member lower house for Christians, 3 for Chechens and Circassians, and 3 more for Bedouins, awarded by quotas within the SNTV contests, plus 12 additional seats for women, awarded separately.

In March 2011, as political turmoil rocked the Arab world, King Abdullah II and his government announced the formation of a National Dialogue Committee (NDC) to reform the Kingdom's party and election laws. In June, the NDC proposed changes meant to remedy some of the main distortions associated with the existing rules, and to encourage the formation of electoral alliances with more substantive policy content. The proposal awaits ratification, and possibly amendment, by the cabinet and parliament. At its core is a move from purely candidate-centered elections to open-list PR in districts based on Jordan's twelve governorates. In addition, the proposal includes an upper tier of fifteen seats that would be contested nationwide by open-list PR.

Open lists represent a middle ground between purely individualistic SNTV competition and closed lists. The system maintains the vote for specific candidates, and hence an element of individual accountability, but pools the votes from candidates allied on a given list for the proportional distribution of seats within the relevant governorate. Relative to SNTV, this generates a much stronger incentive to form electoral coalitions, whether in the form of political parties or looser alliances, that could advocate competing national policy platforms.

Jordan's new system will ask more of voters than will Tunisia's. Open lists, with their opportunities to prefer some candidates over others, present a larger number of choices than do closed lists, and Jordanian voters will also cast a second vote for the national-tier contest. Moreover, the candidate-preference vote in open-list elections will complicate the implementation of Jordan's religious, ethnic, and gender quotas, since who wins a seat under the quotas will be decided by who is the "top loser" with a preference-vote total closest to the cutoff for nonquota candidates.

As in Tunisia, the Jordanian proposal divides the largest governorate-based districts, effectively placing an upper limit on district magnitudes at ten seats per district. This means that lists, and with them the number of candidates that voters must consider, will remain of manageable size.

But when it comes to one of the biggest and potentially most explosive problems with the Jordanian electoral system, the reform proposal is timid. The proposed apportionment of seats across districts would only slightly mitigate the dramatic underrepresentation of the cities and their Palestinian residents that characterized the prior system.

### **The Palestinian Authority**

Although the Palestinian Authority has not so far played a central role in the so-called Arab Spring, the continuing controversy that swirls around the Palestinians' legislative-elections system directly informs the likely systemic consequences in Egypt and Syria and gives evidence to system designers beyond. The elections conducted to choose members of the Palestinian Legislative Council (PLC)—the first was held in 1996 and the second in 2006—have come to symbolize the pernicious consequences of the Block Vote (BV) system.<sup>4</sup> Under this arrangement, voters are allowed as many votes as there are seats to be filled in multi-member districts, but prohibited from according more than one vote to any single candidate. In 1996, the Palestinians used a pure BV system to elect all 88 of their legislators. Fatah, Yasser Arafat's party, won 55 seats. This asymmetrical result reinforced evidence from Lebanon, Syria, and Tunisia that BV systems yield large seat bonuses for dominant parties while starving opposition groups of the oxygen needed to compete in the electoral arena.

Success in the Block Vote requires restraint. It requires that a party should field no more candidates in a district than can be realistically expected to win, and that the party's supporters must shun all ticket-splitting and stick exclusively with their "own" candidates. Reforms in 2006 established a parallel system that featured 66 list-PR seats alongside 66 BV seats. This time, Fatah faced a much more serious challenge from the Islamic Resistance Movement ( Hamas ), which had developed powerful grassroots networks and proved to be much more adept in the BV contests. Hamas won 44 percent of the overall vote but took 68 percent of all BV seats, enough to give it a 57 percent majority on the PLC. Fatah, by contrast, ran far too many BV candidates in Gaza, Hebron, Nablus, and Ramallah, diluting its own vote and paying a steep price. Fatah finished with 41 percent of the overall vote, only three points behind Hamas, but Fatah's indiscipline in the BV races left it with barely a third of the seats on the PLC.

Since 2006, which system to use in future legislative elections has been a major subject of dispute between Hamas and Fatah. Hamas went into Egyptian-facilitated negotiations with a proposal to have 60 percent of the seats elected by PR and 40 percent by BV, arguing also for a 3 percent threshold for PR seats that would likely eliminate such moderate and prodemocratic formations as Prime Minister Salam Fayyad's Third

Way party and Mustafa Barghouti's Palestinian National Initiative. Fatah wanted 80 percent PR and 20 percent BV with a 2.5 percent threshold and fewer but larger districts. No final agreement has been struck, but the "Egyptian paper" accord of 2011 suggests 75 percent PR and 25 percent BV with a 2.5 percent threshold plus retention of the current districts. All these proposals would reduce the expected winner's bonus and with it the element of distortion in the Palestinian electoral system.

## Yemen

Yemen has not held a parliamentary election since 2003. Its people have been barred from regular recourse to the ballot by insurgent violence, separatist movements, and bouts of emergency rule that have now given way to de facto state collapse. The lower house has 301 single-member districts, each of which can be carried by simple plurality. In 2009, the ruling General Popular Congress (GPC) party of President Ali Abdullah Saleh agreed in principle with the Joint Meeting Parties (JMP), an opposition umbrella group headed by the Islamists of the Islah Party, to replace the single-member district plurality (SMDP) system with some form of proportional system, or at least one that mixed proportionality with the plurality principle.

Elections under Saleh tilted sharply in favor of his GPC when it came to candidate registration, campaign finance, matters of speech and assembly, and vote counting. The huge winner's bonuses that SMDP gave the GPC—62 percent of the seats on 42 percent of the official vote in 1997, and 80 percent of the seats on 58 percent of the vote in 2003—were icing on the cake. A move toward proportionality, or even a mixed system combining SMDs with some list competition in multimember districts, could mitigate such distortions. Yet in January 2011, before protests against Saleh had begun but when he could see other Arab regimes in trouble, his government proposed constitutional changes that appeared to renege on earlier vows regarding electoral reform. The proposal included the creation of 44 reserved seats for women, but was silent on PR, and included a relaxation of the 5 percent maximum deviation in constituency size currently stipulated in the Yemeni Constitution.<sup>5</sup> This latter provision implies that the government envisioned no departure from SMD-based elections, and would allow elections to go forward based on the 2003 district boundaries despite population shifts since that time. Saleh and his lieutenants, in short, were dug in behind SMDP.

The violent events that have shaken Yemen since January 2011 now overshadow any discussion of electoral-reform particulars. Saleh, who was wounded in a bombing and went to Saudi Arabia for medical treatment, remains nominally president as of this writing in July, but his control is tenuous at best. If and when the time for electoral reform ever comes, the Islamists will still likely be strongly in favor of PR. The de-

mands of the tribal leaders and student-led groups that are at the center of the anti-Saleh revolt will also likely figure into any reform equation, but what those demands might be is at present hard to say.

As the Table on page 46 shows, virtually all the Arab states where the strongest antiregime rebellions took place had either a majoritarian electoral system underpinning executive authoritarianism (Bahrain, Egypt, Syria, and Yemen), or else a parallel system heavily weighted toward majoritarian outcomes favoring the strongman president's ruling party (Tunisia). The sole exception, Muammar Qadhafi's Libya, did not even bother with legislative elections. Although one cannot trace the more muted character of the protests in Algeria, Jordan, Lebanon, Morocco, and the Palestinian Authority to the design of their respective electoral systems, it is true that all those systems included either proportional elements or significant guarantees of ethnic representation (this last being particularly the case in Lebanon).

Along with quotas or set-aside seats for ethnic and religious minorities, some polities featured quotas guaranteeing parliamentary seats to women. Here the picture is mixed and inauspicious. Seats were (or are to be) reserved for women in Jordan, Morocco, Tunisia, and Egypt, the last of which has now dropped its gender quota. Given the powerlessness of Arab legislatures before the upheavals began, it is far from clear whether any of these quotas actually promoted the political influence of women or merely served as "progressive-looking" camouflage for kings and dictatorial presidents.

The electoral-reform picture that is emerging in the Arab world is checkered. There are encouraging signs, particularly in Tunisia and Jordan. The former's new system promises much greater inclusivity than before, thus distributing bargaining power broadly within the constituent assembly. Voters will find it relatively easy to navigate, and it is amenable to future reforms aimed at making individual lawmakers more accountable to their constituents. Jordan's leading reform proposal strengthens incentives for the rise of electoral alliances offering meaningful policy platforms, while maintaining voters' ability to reward or punish individual candidates at the polls, and without increasing the complexity of the process for ordinary voters. Its great flaw may be that it does little to redress the apportionment imbalance that favors rural East Bank Jordanians over urban Palestinian Jordanians.

The picture in Egypt, which is by far the largest and most important of these countries, remains unclear. There, the sheer complexity of the electoral arrangements will pose a problem. Elections in two-member districts under a two-round system, with voting for individual candidates plus the occupational quota, add up to a formidable obstacle to achieving the basic goals outlined at the beginning of this essay. A complicated process is difficult to administer and creates openings for manipulation and corruption. The majority requirement makes it hard

**TABLE—PRE- AND POST-ARAB REVOLT ELECTION SYSTEMS**

Case	Pre-2011			Post-Arab Revolt		
	System	Parl. Size	Reserved Seats	System	Parl. Size	Reserved Seats
<b>Egypt</b>	Two-Round System/ Two Members	518	<ul style="list-style-type: none"> <li>• 64 Women</li> <li>• 222 Workers/ Farmers</li> </ul>	<b>Proposed:</b> Parallel TRS(50%)/ PR (50%)	514	226 Workers/ Farmers
<b>Tunisia</b>	Parallel-Block (75%) PR (25%)	214	-	List PR	191	50% Women Quota
<b>Jordan</b>	Single Non- Transferable Vote*	120	<ul style="list-style-type: none"> <li>• 12 Women</li> <li>• 9 Christian</li> <li>• 3 Chechen/ Circassian</li> <li>• 3 Bedouin</li> </ul>	<b>Proposed:</b> 115 seats Open-List PR in governor- ates. Three largest governorates sub- divided.	130	<ul style="list-style-type: none"> <li>• 15 Women</li> <li>• 9 Christian</li> <li>• 3 Chechen/ Circassian</li> <li>• 3 Bedouin</li> </ul>
<b>Yemen</b>	First Past the Post	301	-	Unknown	-	-
<b>P.A.</b>	Parallel-Block (50%) PR (50%)	132	6 Christian	<b>Proposed:</b> Parallel- Block (25%)/ PR (75%)	132	-
<b>Bahrain</b>	Two-Round System	40	-	Two-Round System	40	-
<b>Syria</b>	Block Vote	250	51% Farmers	Block Vote	250	51% Farmers
<b>Lebanon</b>	Block Vote	128	128 Confessional	Block Vote	128	128 Confessional
<b>Algeria</b>	List PR	389	-	List PR	389	-
<b>Morocco</b>	List PR	325	30 Women	List PR	325	30 Women
<b>Libya</b>	-	-	-	Unknown	-	-

\*For 2010 election only, SMD contests in “virtual” districts embedded within existing multimember SNTV districts.

for new groups and new faces to win seats, favoring instead those who already have name recognition and other resources. As currently conceived, Egypt’s post-Mubarak electoral system is going to produce large seat bonuses for the top one or two parties or coalitions.

In Yemen, the breakdown in transition negotiations and the rise of widespread political violence have pushed electoral reform off center stage. If momentum toward elections in a post-Saleh Yemen is ever restored, it will be essential to replace the country’s pure SMDP system with one that is more open to a wide range of movements and groups. Yemen’s regional divisions will continue to demand that representation include a strong geographical component, but there is plenty of room within the family of proportional systems to maintain regional representation.

When it comes to matters of institutional design and reform, we can see patterns emerging in the Arab world. The one country that has seen a relatively clean removal of the old regime (Tunisia) has gone for full PR. Where the old regime has been ousted but the military has retained the last word (Egypt), electoral reforms have been more piecemeal, and PR is being mixed into the old rules. In Jordan, liberalization that stops short of fully remedying prior seat imbalances across regions and the rural-urban divide appears to be the result of negotiations within the regime between reformers, who seek to empower parties and the parlia-

ment more generally, and an “old guard” that is more skeptical of representative institutions. Reforms (or the lack of them) in Lebanon and the Palestinian Authority reflect the balance of power between competing camps within those polities. In Bahrain, Libya, and Syria, where dictators have been holding on to power by violence, electoral laws number among the pillars of regime dominance, and are not likely to be altered unless a change of regime comes first.

In all these cases, we find the same core challenge for reformers and democratizers: How to open space for new parties and movements to challenge the old ones and gain a voice in the making of laws? From Amman to Sana‘a and Cairo to Rabat, progressives, liberals, and young people are all struggling to build coherent and effective political organizations after having been shut out of politics for so long. Their need to find electoral space is particularly crucial in transitional elections that are supposed to mark a fault line between authoritarianism and hoped-for democracy. Elections to determine who will write a new basic law—whether in a constituent assembly or a parliament acting as a constitution-drafting body—must place a premium on inclusivity, as the experiences of Nepal and South Africa teach. Sadly, only Tunisia seems to have taken this lesson thoroughly to heart so far. Without electoral systems leading to fully inclusive constitutional-design processes and parliaments, many of the hopes for democracy in the Arab world may falter at the first hurdle.

## NOTES

1. Tarek Masoud, “Why Islam Wins: Electoral Ecologies and Economies of Political Islam in Contemporary Egypt,” PhD diss., Yale University, 2009. Masoud explains that under Mubarak, the process of certifying candidates as workers or farmers was thoroughly corrupt. Many, if not most, “worker” or “farmer” candidates were in fact neither.

2. The date for elections was initially set for July, but in June was moved back to October. The reason given for the delay was administrative: The electoral commission needed more time to compile accurate voter rolls and provide all citizens with valid voter-identification cards.

3. For its 2010 parliamentary election, Jordan adapted its system so that candidates self-selected into what were, effectively, SMD-plurality contests in “virtual” subdistricts embedded within its existing SNTV districts. The virtual-subdistrict experiment was widely dismissed as inscrutable and untenable, even by the winning parliamentary candidates, and the point of greatest consensus among Jordanian reformers is that the virtual-subdistrict system will not survive.

4. The authors wish to thank Vladimir Pran for providing details regarding elections in the Palestinian Authority.

5. Authors’ communication with Manuel Wally, EU and UN electoral mission advisor, and “Transition in Yemen: An Overview of Constitutional and Electoral Provisions,” International Foundation for Electoral Systems briefing paper, 7 June 2011.