

Do elections lead to reform? Assessing the institutional limits of representative bodies in Bahrain, Kuwait and Saudi Arabia

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Over the past decade, the states of the Arabian peninsula have taken strides to liberalize their political systems. They have convened elections for different types of representative bodies and have liberalized their economies more than ever before. Some countries have even systematized these elections over time. While the political science literature views elections as a significant step towards political liberalization, it remains unclear whether or not elections in authoritarian settings actually lead to more meaningful reforms. This paper considers the institutional set-up and limits that are placed on representative bodies in Bahrain, Kuwait, and Saudi Arabia, and how these inhibit manifestation of additional reforms.

Keywords: elections; institutional limits; reform; Bahrain; Kuwait; Saudi Arabia

Comparative political scientists have always studied elections and the extent to which, if at all, they alter political trajectories. More recently, comparativists have expanded their focus by examining elections in non-democratic or authoritarian states. Their concern is whether or not elections under autocratic structures are in fact, meaningful (e.g., Posusney 2005). Although the question itself is quite significant, the method that scholars adopt is limited in its current form. Two issues are continually examined. The first concerns electoral procedures and outcomes (O'Donnell and Schmitter 1986, p. 62). Scholars interested in this subject study voting patterns and turnout levels, and their implications on the overall outcome (Norris 1997). The second set of issues that scholars examine is regime manipulation of electoral systems and processes, and why different parties are included or excluded from participating in elections (Lust-Okar 2005, pp. 75–88). Although these approaches are important to understanding electoral processes, they rarely reflect on the nexus between elections and political change. This paper aims to address this question by ascertaining whether or not a correlation between elections and political reform exists in the autocratic states of Bahrain, Kuwait, and Saudi Arabia. It is argued that there is no causal relationship between the two: although elections are crucial benchmarks for political reform, institutional weaknesses curtail reform from 'spilling over' into alternate political arenas.

The puzzle

Political scientists are more or less in agreement with the fact that elections constitute a major step towards political liberalization (Brumberg 2003, p. 8). Scholars assume

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that liberalization strategies – like institutionalized elections, for example – cause a ‘feedback effect’ that results in democratization over time (O’Donnell and Schmitter 1986, pp. 8, 61). This is evident in cases like Bulgaria, Chile, India, Hungary and Spain, which between 1974 and 1990 witnessed an increase in levels of political contestation due to systematic elections. Consequently, these countries were able to transition to a more democratic systems (Huntington 1991, pp. 111–113). Such an effect, however, is absent in the three ‘politically democratizing’ cases being examined in this paper. It is argued here that this is due to heavy fetters being placed on those institutions to which elections are contested. It is worth noting that the tactics for – and levels of – institutional weakness vary between each of the case studies, but the result is one and the same. Because these institutions possess less power than the regime, they are unable to initiate meaningful reforms within the legislative bodies they serve and in alternate political spaces.

Institutions and institutional weakness

Domestic institutions are defined here as ‘formal organizations and informal rules that structure political conduct’ (Steinmo *et al.* 1992, p. 2). They are networks through which various social and political actors inject their interests and concerns into the policy process (Diamond 1999, p. 98). When formal organizations such as legislative or municipal councils have limited constitutional powers and organizational capabilities, they are less able to engage, challenge, and serve as a check to executive officials (Diamond 1999, p. 98). The presence of capable institutions in addition to other equally important liberties such as the freedom of assembly, publication, and speech are fundamental to political and economic reform.

In the case of Bahrain, Kuwait, and Saudi Arabia, these seemingly ‘democratizing’ structural and institutional changes of the last decade have *not* induced *meaningful* political change. How then, do we explain reform strategies in these states? Scholars like Daniel Brumberg argue that Arab autocracies always prefer *liberalizing*, as opposed to *democratizing* their political structures (Brumberg 2003, p. 6). Thus, there is an important distinction between ‘democratization’ and ‘liberalization’. Democratization is a process of transition from authoritarian rule. It is due to *structural* changes within political institutions that render those in power accountable to their citizenry (O’Donnell and Schmitter 1986, p. 8, Huntington 1991, p. 15). Liberalization, however, takes the form of top-to-bottom initiatives and tends to offer additional personal liberties as well as new economic opportunities. These reforms, however, are too mild to induce systematic change, but sufficient to warrant public appraisal (Yom 2005).

Regime preference for liberalization versus democratization is explicit in the Arabian Peninsula. All states of the Gulf Cooperation Council (GCC) have held elections for some form of representative bodies and all have liberalized their investment laws, thereby incorporating each state within the region into the international economy more than ever before. However, it remains that liberalization processes in these states have yet to trigger any further transition towards constitutionalism and parliamentary rule (Tetreault and Al-Ghanim 2009). The ‘feedback effect’ is absent. While some scholars believe this to be a product of ongoing clashes between authoritarian ideals and aspirations of citizens seeking a stronger voice in governance (Tetreault and Al-Ghanim 2009), Michael Herb focuses on institutional deficits and their role in maintaining the status quo (Herb 2005). His insights may provide a critical base from which to investigate this lack of movement toward democratization.

Herb identifies six institutional barriers to parliamentary rule in the Gulf, three of which are worth noting: constitutional limits on representative bodies; resistance by monarchs to the authority of elected institutions; and distortions in the electoral system that lead to the opposition being underrepresented (Herb 2005, p. 175). These obstacles seem to capture the essence of institutional shortcomings in the Gulf, but one would propose an additional other: the creation of technical or consultative bodies *in lieu of* parliaments.¹

Institutional limits in Bahrain, Kuwait, and Saudi Arabia

The following section examines the institutional limits in each of the three case studies. The paper focuses on barriers introduced by Herb in addition to the one introduced, and how they curtail electoral efficacy.

Bahrain

Taking its leaf from neighbouring Kuwait, Bahrain's founding parliamentary elections were held in 1973 for a unicameral parliament with 43 members, among whom twelve were cabinet ministers retaining *ex officio* membership (Lawson 1989). The then Emir of Bahrain, Sheikh ʿĪsā bin Salmān al-Khalīfah, ratified a constitution that authorized the National Assembly to offer advice and consent to laws introduced by his pro-regime cabinet. The newly formed National Assembly was *not* permitted to introduce its own legislation (Lawson 1989, p. 91). The Emir was allowed to dissolve Parliament at will, as per the constitution. In 1975, when members of the conservative and liberal blocs coalesced in demanding the revocation of the 1965 'National Security Law', Sheikh ʿĪsā dissolved the National Assembly indefinitely and granted his cabinet full legislative power (Lawson 1989, p. 91). For the next three decades, Bahrain would remain without a representative body.

In the face of internal violence and great public pressure, Sheikh ʿĪsā conceded to the formation of a consultative – *shūrā* – council in 1992. Its members were appointed for four-year terms, and permitted to offer advice in very limited areas (Fakhro 1997). In 1999, the then Sheikh (later King) Ḥamad introduced a series of structural changes to the council, and promised that *shūrā* members would be elected rather than appointed (Lawson 2007, p. 120). The restructuring of Bahrain's political system, which ended in 2002 with the coming of a new constitution, transformed Bahrain into a Kingdom and included the reinstatement of a modified National Assembly. The new constitution created a bicameral Parliament. The appointees of the *shūrā* council were now to serve in its upper house (Lawson 2007, p. 120). Members of the lower-house, known as *majlis al-nuwwāb*, or council of deputies, are elected (Herb 2005, p. 178).

The 2002 restructuring, while seemingly liberalizing, came at a hefty price and placed serious limitations on its elected lower house. Deputies can only block legislation by a unanimous vote, and a two-thirds majority vote is a prerequisite for a 'vote of no-confidence', required for the removal of ministers from office (Herb 2005, p. 178). This set-up not only constrains the *majlis al-nuwwāb* from placing a check on the executive, but also the predominance of appointees (cabinet and upper house) enables the Emir to veto unfavourable legislation. When Islamists secured a landslide victory in the preceding municipal elections, the regime *reshaped* the electoral districts to ensure the ultimate success of pro-regime candidates in the parliamentary election, which would soon follow (Lawson 2007, p. 121).

Although the reconfiguration of institutions and systemization of elections were initially hailed as great steps toward political reform, more recent investigation suggests that the 2002 Constitution impedes further progress (Herb 2005, p. 179, Lawson 2007, p. 121). While its provisions constrain the National Assembly from developing as an autonomous body, it does not reduce the powers of the Emir, nor does it create pathways for a democratically elected leadership in the future (Hawthorne 2004, p. 12). The ‘feedback effect’ has effectively been halted in its phase of inception.

Kuwait

Parliamentary elections have been ongoing in Kuwait since 1962. A year earlier, the then ruler of Kuwait, Sheikh ‘Abdullah al-Salīm Āl Ṣabāh, called on all eligible male citizens to elect a *pro-tempore* council tasked with codifying a constitution (Tetreault 2000, pp. 70–73). Since then, Kuwait has held elections every four years (or earlier if the Emir calls for early ones). The only two periods when elections did not occur were between 1976–1981 and 1986–1992 when the Emir suspended Parliament for an open-ended period, also known as an ‘unconstitutional dissolution’ (Tetreault 2000, pp. 66–67). When convened, voters elect 50 deputies to a unicameral National Assembly known as *majlis al-ummah*. All regime-appointed ministers retain *ex-officio* membership in this Parliament.

Unlike Bahrain, the Kuwaiti Constitution places considerable limits on Emirī dispatch (Herb 1999, p. 176). Members of the National Assembly are able to withdraw confidence from individual ministers through a simple majority vote. Ministers are not permitted to partake in such procedures. In the case of the Prime Minister, MPs may announce a state of ‘non-cooperation’ with the council of ministers. In the latter case, the constitution offers the Emir the choice between early elections and dismissing the cabinet (Herb 1999, p. 176). The 1962 Constitution allows the National Assembly to place a check on the ministers, both individually and collectively: interpolations of ministers are frequent, and often lead to individual, and sometimes collective, resignations (Herb 1999, p. 176). Also, legislative authority rests with the National Assembly, and all decrees of the Emir must be approved by Parliament to become permanent law (Tetreault and Al-Ghanim 2009). Although these checks are strong, they have not been sufficient, in of themselves, to curtail tactics by the regime that manipulate the system, as to ensure its supremacy.

Having to contend with one of the oldest and more robust parliamentary systems in the Middle East (Brumberg 2003, p. 6), the Kuwaiti regime works to undermine the National Assembly through two strategies: electoral redistricting and frequent dissolutions (which in most cases result in early elections) (Tetreault 2000, p. 220). Electoral redistricting occurred first. From 1962 to 1981, Kuwaitis elected 50 deputies from ten districts. Eager to curb what was a vociferous opposition composed of merchants and Arab nationalists, the regime introduced a new electoral system only one year before Parliament was reinstated in 1982 (Tetreault 2000, p. 220). Coupled with incremental enfranchisement of tribal voters, the decision to increase the number of districts from ten to 25 – which meant that each MP would now represent a far smaller constituency than was the case under the previous arrangement – led to the sidelining of liberal opposition groups which has persisted to this very day (Tetreault 2000, p. 220).

The detriments of the 1981 redistricting extend beyond the exclusion of secular and liberal political groups. The newly enfranchised tribal groups instituted ‘tribal

primaries'. These primaries, which are banned by law, limit the number of candidates running from one particular tribe from competing against each other in the general election, thereby increasing the possibilities that representatives of the tribe will win (Tetreault and Al-Ghanim 2009). Corrupt practices like vote buying became endemic, as smaller constituencies in any one district made it easier for the regime to control election outcomes (Herb 1999, p. 176). In 2005, Kuwaiti civil society coalesced under what was later known as the 'Orange Movement' and compelled the regime to accede to yet a third electoral set-up – only this time, the number of districts was reduced to five (Tetreault 2006). Initially received as a great and long anticipated electoral reform, the 2005 redistricting was not sufficient to suppress the 'old ways' of illegal primaries and vote buying, which are now ingrained in Kuwait's political culture. It remains as yet unknown, however unlikely, if subsequent elections may be able to overturn these practices.

The second and more effective strategy consists of repeated threats from the regime to initiate early elections, or even worse, indefinite dissolution. The open-ended suspensions of 1976 and 1986 established a collective fear among Kuwaitis that such dissolutions are bound to occur if and when the National Assembly pushes the regime too far. As a result, MPs often think of 'salvaging the institution' as opposed to 'addressing the issue'.² More recently, however, the regime seems to favour frequent early elections over indefinite suspensions (Tetreault and Al-Ghanim 2009). This upgraded tactic³ leads to lower voter turn out and widespread feelings of 'democracy fatigue'.⁴ What the Kuwaiti case demonstrates is that when parliaments with significant authority are in place, authoritarian regimes will resort to upgraded and informal tactics to curtail that power.

Saudi Arabia

Among all authoritarian regimes in the Arab World, Saudi Arabia remains one of the most resistant to reform (Hamzawy 2006, p. 3). Although consultative councils were established in the 1920s and elections for municipal councils convened until the 1960s, the Saudi regime terminated these practices and established a consolidated authoritarian state structure throughout the 1970s and the 1980s (Hamzawy 2006, pp. 3, 10).

The current restructuring and political opening up (*infītāh*) can be traced to 1991 when a group of liberal and Islamist intellectuals addressed two separate petitions to the then King Fahd bin 'Abd al-'Azīz. The signatories called upon the King to create a legislative body, reform judicial structures, and enact policies that guarantee equitable distribution of wealth.⁵ After a series of arrests and riots, King Fahd conceded to public demands and formed the Shūrā council in 1992 (Hamzawy 2006, p. 4). Similar to the consultative body in Bahrain, Shūrā council members were appointed by the King. Its membership is split between Wahābī '*ulamā*' on the one hand, and technocrats, journalists, and university professors, on the other hand (Hamzawy 2006, p. 11).

Scholars point to the reforms enacted in 2005 as the next round of meaningful reform in the council. That year the King authorized an amended version of the council's bylaws. Two changes have been noted as 'meaningful': the first was allowing council members to make recommendations to the monarch directly (*Nizam majlis ash-shura* n.d.), the second was granting council members more freedom in amending their in-house regulations (*Nizam majlis ash-shura* n.d., art. 23, also Hamzawy 2006, p. 11). Contrary to Hamzawy's analysis that this amendment constitutes a positive

shift, the original version of the bylaws stipulates that recommendations are made to the ‘chair of the council of ministers’, who in turn raise the issue with the rest of the cabinet (*Nizam majlis ash-shura* n.d., art. 17 (original text)). In Saudi Arabia, the King heads both state and government. Consequently, if a correlation between this amendment and power structures is to be made, then it is more plausible to assume that King Abdullah was eager to control the consultative council if and when cabinet oversight is delegated to a senior prince.⁶

A second transformation was evident in the expansion of the council’s scope and deliberations. Contrary to the council’s formative years, where the dominant issue was religion and Islamic *sharīah*, Shūrā council members now hold regular discussions on social, economic, and political affairs (Hamzawy 2006, p. 11). Although this expanded focus is, no doubt, a significant step towards freedom of speech in Saudi Arabia, such tolerance indicates the institutionalization of the *shūrā* as an alternative to a legislative body. Unlike Bahrain, the Saudi regime has not acquiesced to the formation of a parliament, nor has it agreed to convene full or partial elections for the council (Hamzawy 2006, p. 11).

As an alternative to *shūrā* elections, however, the Saudi regime reinstated the previous norm of elections for municipal councils in 2005, but the decision was to hold partial elections for these 178 municipal councils (Hamzawy 2006, p. 11). Such a limitation should not dissuade observers from appreciating the significance of the event (Al-Rasheed 2009, p. 592). The election embodied traits of what the transition literature classifies as ‘founding elections’.⁷ Voter turn out was fairly high (by some estimates 35%) and council seats highly contested. In Riyadh alone, 646 candidates competed for seven municipal seats (Hamzawy 2006, p. 12). Yet, the scholarly assessment of public enthusiasm for these elections is widely varied. While Hamzawy (2006, p. 12) believes the 2005 election garnered significant attention, Menoret (2005, p. 2) finds that Saudis were largely sceptical. Al-Rasheed (2009, p. 592) attributes widespread scepticism to public views that these councils have no political strength, but are concerned with delivering public services.

Beyond the question of significance, Saudi Arabia’s municipal elections and *shūrā* reforms are a good example of how Arab authoritarian regimes almost always prefer liberalization to democratization. Since 1991, the regime has opted for increasing the advisory scope of the *shūrā* council when demands for political reform become imminent. Municipal elections in 2005 have not been repeated since,⁸ nor are these councils vested with meaningful oversight authority. It is difficult to imagine how Saudi Arabia can transition to a more open political system unless significant reforms leading to more political participation and an increase in political contestation are enacted.⁹

Autocrats and the need for political institutions

The role of political institutions in authoritarian states is vigorously debated among social scientists. Initial research regarded institutions in non-democratic settings as mere shams (Huntington 1968, pp. 8–12). Arab scholars, too, have long questioned the efficacy of their domestic political institutions. Their scholarship points to corruption, hegemony of military- and elite-driven agendas, and the lack of civic and political pluralism as barriers to political reform and institutionalization.¹⁰ This largely dismissive assessment of institutions under non-democratic regimes became the orthodox view of academia for decades.

World events at the close of the twentieth century, namely the collapse of the Soviet Union, played a role in altering the traditional view of institutions in authoritarian states and the rise of a new and prevailing orthodoxy: liberal–democratic principles as the only acceptable route to extract public legitimacy and consent. Like their democratic adversaries, autocrats have also adopted democratic principles of popular legitimacy and public participation, which are echoed in their constitutions and laws.¹¹ To reduce their effect, they employ tactics that manipulate the meaning of these principles so as to avoid openings in the political space.

Recent scholarship concludes that political institutions serve a dual purpose in non-democratic states. First, they protect autocrats from efforts by the opposition to usurp power; and second, they regulate the relationship between rulers and the public in such a way that prevents any real challenge to the authoritarian structure (Gandhi 2008, pp. 165–169). In a penetrating study of institutions, Gandhi asserts that the level of institutionalization in non-democratic regimes is usually in response to the level of threat that a regime faces. In other words, the higher the threat, the greater the institutionalization, and vice versa (Gandhi 2008, p. 178). Al-Rasheed (2007) arrives at a similar conclusion in a study of Saudi Arabia, arguing that when the Saudi regime is faced with an imminent threat, it is more responsive – albeit apprehensively – to demands for openings in the political structure.¹² While the role of threats is an important component of institutionalization and regime concessions in authoritarian states, it leaves the question of *how* regimes institutionalize unanswered.

Threats and challenges to regimes in Bahrain, Kuwait, and Saudi Arabia are often quelled through an alternate route: that of *economics*. In all three states, regime concessions often take the form of an ‘authoritarian bargain’, by which citizens acquiesce to economic security over political rights.¹³ Excessive cash flows available to these regimes (predominantly through oil) allow them to uphold their end of the bargain. When they enter into the ‘bust’ phase, or a recession in oil market prices, regimes begin to renege on their commitments and are then forced to liberalize their political structures, or as Gandhi (2008) suggests, to increase their level of institutionalization.¹⁴ When institutionalization becomes necessary, the process aims to neutralize opponents and prevent emerging threats from gaining momentum. As already argued, the structures created come with institutional limits that extract minimum concessions from incumbents, while offering the public limited and controlled routes for political participation.

Conclusion: limits versus reforms

At the outset, this paper argued that an assessment of elections in Bahrain, Kuwait, and Saudi Arabia must take into account the level of authority vested in institutions for which elections are contested. While scholars agree that institutionalized elections are a key element for further political reform, more recent work suggests that conflating election processes to the ballot is both erroneous and hazardous.¹⁵ The process, therefore, must be viewed holistically. The case studies presented in this paper include this perspective, and thus the paper argues that the ‘feedback effect’ of liberalizing measures does not always lead to democratization or to more political openings.

The liberalizing measures taken by the three countries presented here included a simultaneous move, by the regime, to impose upgraded authoritarian tactics. The recognition of these strategies is fundamental to any attempt to gauge the efficacy of elections in authoritarian states. These tactics take different forms in variant settings,

but all of them fundamentally limit the power of electoral institutions. Institutional limits allow regimes to lead and control the outcome of national reform processes. While moderated reform is a key to opening up a consolidated autocratic system, state-sponsored reform in Bahrain, Kuwait and Saudi Arabia gives precedence to sustaining regime dominance over public participation in decision-making processes.

The analysis presented in this paper is not meant to detract from the significance of already established reforms. As the case of Kuwait demonstrates, the systemization of elections over time led to public demands for greater participation and widespread belief that representative government is inherent to Kuwaiti governance (Tetreault 2000, pp. 40–42). However, the Kuwaiti experience is different in that its elected bodies have always been granted legislative authorities that have expanded over time. Masses in Bahrain and Saudi Arabia elect bodies with restricted or no legislative powers. It was noted above that a major obstacle to the transition of these states to a more open political system is the establishment of consultative councils as replacements for legislative bodies. While *shūrā* is fundamental to Islamic doctrine, such consultations are not bidding in either theology or practice. For elections to be meaningful, representative bodies must be permitted to articulate voter preferences through legislation.

The possibility of democratization in these states is not within reach. It has been argued that Arab monarchies retain a significant value, which if capitalized, can lead to a rapprochement between democratic structures and monarchical aspirations to retain power. While monarchs are legitimate in their right to rule by *inheritance*, legislative bodies derive legitimacy *from the public*.¹⁶ Yet for this merger to succeed, ruling families must relinquish power to the public. Institutions under autocracy serve as a platform to mitigate societal tussles. But when regimes manipulate these structures with the purpose of co-opting the opposition, it brings their legitimacy into question. For more open political systems to prevail in these states, regimes must agree both to relinquish some of their powers and to work with legislative bodies. The autocratic regimes of Bahrain, Kuwait, and Saudi Arabia have yet to come to this realization and the result is that the ‘feedback effect’ of liberalization is stopped in its tracks.

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Notes

1. This is not to suggest that *Shura* and municipal councils are irrelevant bodies. But what is being argued here is that these structures do not retain legislative authorities, nor are they able to check the executive branch of government. Consequently, they should not be viewed as *substitutes* for parliaments.
2. This distinction is the author’s own, but numerous scholars discuss the fear of dissolution at great length. For a critical evaluation of parliament and the effect of open-ended dissolutions on Kuwaiti politics, see al-Nefisi (1978).
3. Heydemann (2007) finds that autocrats in the Arab World create new or upgraded strategies to maintain their superiority.
4. Voter turnout in 2008 and 2009 were the lowest in Kuwaiti history (*al-Qabas* 2009).
5. The ‘secular petition’ was presented in March 1991 and the Islamic response known as the ‘Memorandum of Advice’ was sent to the King in May of the same year (Al-Rasheed 2002, pp. 168–169).

6. It is customary for the Saudi King to delegate oversight of the Cabinet to a Deputy Prime Minister when he is not in the country.
7. Founding elections are defined as 'elections after a period of more or less protracted authoritarian rule' (O'Donnell and Schmitter 1986, p. 61).
8. The second municipal election was scheduled for the latter part of 2009, but was postponed by the Saudi council of ministers until 2011. For more information, see BBC Arabic (2009).
9. For a discussion of the structural challenges to Saudi democratization please, see Al-Rasheed (2005).
10. The literature depicting this line of thinking is quite vast, but for a select overview, see Hamzawy (n.d.), Nusseibeh (1995), and al-Rubai'i (2004).
11. The history and current hegemony of democratic principles in the modern age is examined at great length by Guilhot (2005).
12. See the updated conclusion of Al-Rasheed (2007).
13. For more on this theory, see Desai *et al.* (2009).
14. For more on differences in regime strategies during the 'boom' and 'bust' periods, see Chaudhry (1997).
15. Eric Bjornlund finds that an understanding of elections must take into account events prior to and following the vote (Bjornlund 2004, p. 13).
16. In fact, the Kuwaiti regime used the constitution to specify al-Sabah as the sole hereditary rulers of Kuwait. For more, see Herb (1999, p. 251).

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