Introduction

The Rule of Law, Islam, and Constitutional Politics in Egypt and Iran

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A period of global experimentation with, and enthusiasm about, constitutionalism is either drawing to a close or, at best, entering a difficult phase. Constitutionalism will not disappear, but it will find itself grappling with powerful forces of authoritarianism, emergency, nationalism, and the exigencies of administering complex societies. The Arab uprisings of 2011 are testimony to the continuing, even deepening, resonance of constitutionalist ideas but also to the enormous difficulties associated with their pursuit.

The rejection of the Constitution of Europe by France and the Netherlands in the spring of 2005 halted the global trend in constitution making, reversing the move toward increasing juridification of the global order led by the European Union. Up to that time, Europe had led what has been called the "new constitutionalism" that dominated the postcommunist constitutional reconstruction of the 1990s in which the idea of the rule of law was augmented and redefined by the protection of rights through constitutional courts or other organs of judicial review. Around the same time, the U.S.-propelled Security Council Resolution 1373 (September 28, 2001), and the subsequent resolutions requiring the modification of the laws of the member states to conform to the norms of the global war on terrorism set in motion a powerful global countertrend toward the spread of state of emergency and destruction of constitutional rights.

These new trends and countertrends in global constitutional developments have had an indirect effect in the Middle East, notably in reinforcing the legal justification of authoritarianism. But the pattern of constitutional

development and constitutional politics remains distinct and requires special attention in any global perspective on comparative constitutionalism. The aim of this book is to bring out the distinctive features of this pattern with reference to two of the most populous countries of this global region, namely, Egypt and Iran. These countries are hardly the only ones in the region to experiment with constitutionalism and authoritarianism—indeed, most regional states have done so in various ways. Nor are they the only ones to wrestle with the connection between Islam and politics and the constitutional challenges of attempting to combine definition and regulation of state authority with fidelity to religious values. Again, most countries in the region promise, at least on paper, political systems that are both Islamic and constitutional. Egypt and Iran have perhaps the historically deepest and intellectually richest traditions in examining and experimenting with such issues, though much of their actual experience, as this volume will show, has hardly been happy. And Egypt and Iran stand out as well for the deeply entrenched nature of the bureaucratic state. There are, to be sure, some regional states that can compete with them in this regard, but there are also a fair share whose experience with bureaucratic administration is less extensive and less deeply rooted historically.

In 2009 in Iran and in 2011 in Egypt, mass movements quickly arose that sought to make radical corrections in the combination of authoritarian rule, bureaucratic administration, and constitutional engineering. Whatever the eventual historical fate of these movements, their sudden power shows that the diagnoses and analyses of the politics of Iran and Egypt that motivate this volume are shared—at least in broad outline—by many of those who live in both societies.

In the opening pages of *Politics*, the one and only work of Aristotle sadly not translated into Arabic until modern times,[1] Aristotle warns against confusing the concepts of the statesman (*politikos*) and the monarch. The former is distinct: he "exercises his authority in conformity with the rules imposed by the political craft and as *one who rules and is ruled in turn*." (Aristotle 1962/1946, 1–2; emphasis added) He later calls this type of rule "political rule" where

> [t]he ruler must begin to learn by being ruled and by obeying—just as one learns to be a commander of cavalry by serving under another commander. . . . This is why it is a good saying that 'you cannot be a ruler unless you have first been ruled.' Ruler and ruled [under this system of political rule] have indeed different excellences; but the fact remains that the good citizen

> must possess the knowledge and the capacity requisite for ruling as well as for being ruled. (105)

The fundamental idea that the citizen (*politēs*) and the statesman (*polikos*), or holder of office, as both the rulers and the ruled under a constitution (*politeia*), must share knowledge of the political craft is the core of Aristotle's conception of the rule of law. The rule of law, as government by laws and not by men, stands in sharp contrast to "personal rule" (140).

From Farabi to Nasir al-Din Tusi, Muslim political philosophers opened the way for the assimilation of the Persian idea of monarchy into Greek political science. In the process they committed the capital error Aristotle had warned against of identifying the statesman with the monarch (Arjomand 2001). This planted patrimonial monarchy as personal rule at the center of the authority structure in "the virtuous city"—the ideal polity of the Muslim philosophers. Henceforth, there was little chance of recovering Aristotle's idea of the rule of law as the basis of an impersonal system of authority. (That idea came to the Middle East as an implicit component of the modern constitutionalism of the nineteenth century.) The Aristotelian concept of the political was lost on medieval Muslim political philosophy.[2] It was eventually received as the implicit substratum of modern constitutionalism in the late nineteenth and early twentieth century.

In the West, by contrast, the reception of Aristotle's conception of politics in Aquinas's philosophy of law opened a new path of development leading to Montesquieu's new idea of the separation of powers resting on an independent judiciary. In developing Aristotle's idea of the rule of law in conjunction with his typology of political regimes, Montesquieu added this distinctive insight:

> When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty, as one could fear the same . . . to enact tyrannical laws. . . .
>
> Again, there is no liberty if the judiciary power is not separated from the legislative and executive powers. . . . Were it to join the executive power, the judge could have the power of an oppressor. (Montesquieu, 1: 294 [XI.6])

This insight makes sense of his earlier distinction between the power and the liberty of the people and the famous definition of the latter: "Liberty is the right to do all that is permitted by the laws" (ibid., 1: 292 [XI. 2–3]).

Authoritarian regimes are characterized by weak separation of powers. But there are different ways to be authoritarian; it matters how and where the separation of powers is violated.

We can draw on Montesquieu to distinguish between two types of authoritarian regimes. First, authoritarianism can emerge when the domination of the executive power over legislation destroys liberty by enacting tyrannical laws, where rule of law thus comes to mean rule by law/through the law. A second kind of authoritarianism arises through executive domination of the judiciary—instead of a force for the rule of law and a protector of liberty and rights, the judiciary thus becomes an instrument of oppression and political violence. (Sadly, the two types of authoritarianism are not mutually exclusive; there are regimes in which the executive trespasses wantonly on both the legislative and judicial authority.)

The first type of authoritarianism is exemplified by Egypt, where the relative independence of the judiciary determines the limited extent of liberty that can survive the subordination of the legislature. Iran is an example of the second type of authoritarianism where the judiciary power is subservient to the executive as an instrument of repression. In the Islamic Republic, it is the relative independence of the legislative that significantly affects the liberty of the citizens. This typological consideration can explain why the independence of the judiciary was the target of authoritarian attack in Egypt in the previous decade, and the power of the legislative, that of the clerical hardliners, who frustrated the reform movement under President Khatami (1997–2005).

It should not be news that authoritarian regimes can use law. Indeed, the main focus of the study of law and politics under authoritarianism has so far been the obvious interest of authoritarian states in rationalizing the structure of power and bureaucratic domination (Ginsburg 2008). Nathan Brown (2002) singled out this motive in the development of constitutionalism as a byproduct of state building in the Middle East since the nineteenth century. It is shared by the Egyptian and Iranian states to the present and explains the salience of "rule by law" rather than the rule of law in both countries, which is evident in a number of chapters in this volume. For instance, in her discussion of the "legality principle" in Iran, Silvia Tellenbach describes how theoretical acceptance of some of fundamental rule-of-law principles are deeply undermined or absent in practice in the Iranian legal system. And for Egypt, Nathalie Bernard-Maugiron shows how the rhetoric of political reform in the last years of the Mubarak regime obscured the manner in which constitutional changes promising a more powerful parliament did nothing of the sort but only enhanced executive domination.

Some other restraints on authoritarian rule—ones that did not depend on constitutionalism—eroded with the rise of the administrative state. Max Weber (1948) defined the "ethic of responsibility" as a distinct ethic appropriate to modern politics as a vocation (115–28). Noting that it is only modern politics that creates the possibility of politics as a vocation, he contrasts it to the older "politics of the notables," which was "by far predominately an avocation" (102). Albert Hourani (1968) brilliantly applied Weber's notion of "politics of the notables" to the emergence, after the Ottoman reforms of the 1850s, of a class of notables who dominated the provincial councils and spanned patron-client networks as political brokers between the Ottoman central government and the population of its Arab provinces (47). The building of the centralized bureaucratic state in the successor nation-states of the twentieth century destroyed this pattern. Politics of the notables was replaced by new forms of clientage in the framework of the new administrative politics of authoritarian states in the Middle East.

And indeed, the administrative state—and its possible authoritarian and even totalitarian aspects—has sparked fears for politics and liberty among a wide variety of modern thinkers. For instance, an important strand of democratic theory developed in contrast to totalitarianism in the third quarter of the twentieth century. Hannah Arendt elaborated the notion of the political as the space for public self-realization beyond the confines of the household (*oikos*) and within the *polis* as the "immanent frame," to use Charles Taylor's recent term for normative secularism; she bemoaned degradation of the political by the social—meaning the impingement of the social question on the autonomy of politics (Lefort 1986b, 59–72). Cornelius Castoriadis (1991) similarly advocated a revival of Greek political science and republican thought in political theory. Most interesting from our point of view is Claude Lefort's (ibid., 117–21; Howard 2002, 71–82) idea of the bureaucracy as "the privileged terrain of totalitarianism" and a "total system of domination," which is the strongest antipolitical force in our era, tending toward the complete destruction of the political. For Lefort, totalitarianism represents an extreme case of bureaucratic domination as the antithesis of the political in the Greek democratic sense, but other societies and political regimes, too, face the challenge of bureaucratic domination to varying degrees. Furthermore, according to Lefort (1986b), while subscribing to Benjamin Constant's famous comparison of the liberty of the ancients and that of the moderns in terms of collective and individual liberty, Tocqueville offers a more nuanced conception of modern liberty that sees it as threatened by the state as the embodiment of national, democratic sovereignty and realized mainly through civil society (197–216).

The objective of this study is to compare the place of politics and the nature of the political process within the legal and constitutional structure of the authoritarian regimes in Egypt and Iran. To do so adequately, we need to consider yet a third dimension of authoritarianism. This takes us beyond Montesquieu's liberal constitutionalism and Weber's administrative state and into the analysis of the consequences of revolutionary political mobilization in the twentieth century. Lefort's conception of the antipolitical character of bureaucratic domination is in fact shaped by the experience of twentieth-century totalitarianism born of revolutions. This explains its congruence with Juan Linz's (2000) emphasis on the limitation or suppression of political mobilization by authoritarian regimes in contrast to the intensive political mobilization in totalitarianism, as vividly displayed in fascist and Nazi mass movements and parades. Linz's ideal types of authoritarianism and "sultanism," defined mainly by the low level of mobilization, are conceived in contrast to totalitarian and post-totalitarian regimes, which are characterized by high levels of mobilization. The antimobilizational character of authoritarian regimes seems especially relevant to Egypt and Iran—countries that experienced revolutions and revolutionary mobilizational regimes a quarter of a century apart in 1952 and 1979 respectively. The Egyptian and Iranian cases suggest a further extension of Linz's model. In authoritarian regimes that succeed revolutionary mobilizational ones, security forces and secret police tend to grow monstrously in tandem with the limitation of mass mobilization, indeed as the major instrument of stemming it and thus suppressing political participation. Like other Arab authoritarian regimes rooted in mobilizational ones, Egypt's was indeed a *mukhābarāt* state, to use the Arabic term for the intelligence service, and the offices of the secret police—State Security Investigation Service (*amn al-dawla*)—were foremost among the targets of the uprising in January and February 2011. (As in much of the Arab world, the professional military was induced to cede significant parts of the political role it had played in earlier decades to the security services.) The Iranian regime, by contrast, is still at the stage of revolutionary countermobilization, with the continuous ascendancy of the Revolutionary Guards (*sepāh-e pāsdārān*) and its Mobilizational Corps (*basij*), while the growth of the security/intelligence branches of the state remains chaotic by comparison. This contrast goes a long way to explain the suppression of popular protest in the summer of 2009 as well as the ability of the Iranian regime to block the spread of the Arab uprising of 2011 into Iran.

A different conception of political action is needed to make sense of the political reconstructions that followed the Egyptian Revolution of 1952[3]

and the Iranian revolution of 1979; Arjomand (2008) has proposed constitutional politics as distinctive of the struggle for the definition of a new political order.[4] We have dwelt upon the republican tradition of political thought at some length because it is largely neglected by the literature on comparative constitutionalism, judicial politics, and the rule of law, whose focus is on individual rights and their protection, or lack thereof. Individual rights are very much at issue in both countries. Yet the dominant factor in the struggle for the definition of the constitutional order in Iran since 1997 has been the tension between the "republicanism" of the regime, as propounded by the reformists, and its "Islamicity," as underscored by the reaction of the hardliners. In Egypt, by contrast with the practice of post-revolution Iran (though hardly in contrast with many Iranian thinkers), some Islamists have increasingly explored some merging of republican and Islamic approaches. This emerges in Rutherford's account of the evolution of the Muslim Brotherhood—and a clear implication of his contribution is that republicanism is easier for the Islamist opposition to assimilate than individual rights. The trends he identifies for the Egyptian movement are common to many (though hardly all) Islamist movements in the region. Tunisia's al-Nahda, for instance, has probably gone farther than their Egyptian counterparts in casting their Islamism in republican form.

And indeed, rights and republicanism have become increasingly difficult to separate both normatively and analytically. Jürgen Habermas's (1998) point of departure is not Aristotle's rule of law but Kant's idea of democratic self-legislation as the expression of human moral autonomy in the laws of freedom (98). By insisting on the "equal primordiality" (*Gleichursprünglichkeit*) of rights and democracy, Habermas introduces the juridical dimension of modern politics alongside the democratic/legislative dimension (Howard 2002, 61–62). Drawing on the basic rights doctrine of the German Federal Constitutional Court and American liberal constitutional theory, he insists on a pluralistic modification of the "Republican" conception of the political, in which judicial authority appears as a limitation to legislation and the arbiter of a "higher law" resting on the two pillars of human rights and the principle of legal coherence:

> The law is not identical with the totality of written laws. Besides the law enacted by state authorities, under certain conditions an additional element of law can exist that has its source in the constitutional legal order as a whole and is able to work as a corrective to the written law; the task of the judiciary is to find this element and realize it in its decisions. (Habermas 1998, 244)

In constitutional democracy, to use Weberian terms, purposive and instrumental rationality for the pursuit of interests is combined with the value-rational "ethical self-understanding . . . and moral justification," and together subjected to "tests of legal coherence" (284). In the Anglo-Saxon tradition, Ronald Dworkin is the most prominent exponent of the liberal version of the coherence theory. Dworkin's theory privileges rights over democratic governance, and entrusts the independent judiciary with the heavy responsibility of protecting them by eliciting the latent and emergent constitutional principles of the political community and modifying legal rules accordingly (Tamanaha 2004, 102–108). Both theories amount to a thick definition of the substantive rule of law in terms of democratic governance and human rights ensured by the separation of powers and judicial review of legislation and administrative acts.

The historical center of the theories of Habermas and Dworkin is the unprecedented global salience of judicial politics. Kelsen (1961) argued long ago that access to courts was also a political right as it enabled each citizen, formally speaking, to create a particular legal norm through a court verdict (87–90) Montesquieu's insight into the consequences of the separation of powers is crucial for assessing the extent and political significance of access to courts. Despite the dominance of the legislative by the executive in the Egyptian authoritarian regime, a robust and relatively autonomous judiciary makes access to courts a valuable political asset for the citizen. This has led to a great interest by scholars in Egyptian courts—though as Al-Sayyid makes clear, the actual record of the Egyptian courts may be more deferential to the executive and less protective of individual rights than their reputation implies. In all these ways, the Egyptian judiciary shows some similar patterns to its counterparts in other countries (such as Pakistan). While Al-Sayyid's qualifications are important to note, the courts in the Islamic Republic of Iran have no such reputation to even pretend to live up to. Iranian courts offer no protection to its citizens in the political process because of the complete dominance of the judiciary by the Leader or clerical monarch. Indeed, most of the authors in this collection have very little to say about Iranian courts and those that do offer us little to see them as advocates for the rule of law. Perhaps most bizarre, support for such despair is offered by the clerical court, explored in great depth by Mirjam Künkler. Special courts whose jurisdiction depends on the status of the defendant are quite suspect from the perspective of the rule of law, but they are hardly an Iranian invention—the well-known phrase in the Anglo-Saxon tradition, "a jury of one's peers" originally carried not all of the overtones of egalitarianism it does today, but instead suggested that only individuals of a similar status

and standing should render judgment. The clerical court, however, is used not to elevate the clergy but to force them to toe the line; its procedures, such as they are, seem far better designed to serve the rulers than to protect clerical rights. Arjomand describes postrevolutionary Iran as a "kingdom of jurists" in part to emphasize how little of the republican promise has been developed; but, it must be observed that some members of the ruling "family" rue their privileged positions.

Judicial politics has various aspects but the two highlighted by Tamir Moustafa (2007) for Egypt are rather remote from the Western and Central European concern with judicialization of politics and the undemocratic encroachment of judicial activism on the legislative power of the people. By contrast, they consist of (1) the politics of resistance to authoritarian rule, using litigation strategically to challenge the government; and (2) Islamist politics of forcing the state to comply with its preemptive constitutionalization of the principle of the *shariʿa* as the main source of Egyptian law. What sets the Egyptian judicial politics in motion is not the activism of the judges (an activism that is far less consistent than is sometimes understood, as Al-Sayyid shows) but judicial mobilization from below and the pressure of civic and professional associations, including the bar association or lawyers' syndicate. This contrasts sharply with the politicization of the judiciary during Khatami's reformist presidency, the blatant use of courts alongside the military-security apparatus as an instrument of repression, and the consequent absence of any judicial politics of resistance in Iran.

With regard to Islam, it should be noted that in the closing decades of the twentieth century, the Supreme Constitutional Court of Egypt developed its own coherence theory centered on the placement of Islam in the constitutional order that offers an interesting contrast to the coherence theories of Habermas and Dworkin as well as those of the Constitutional Courts of Germany and Hungary (Śolyom 2007). Skovgaard-Petersen shows how some among the ʿulama as well as some lay leaders of the Muslim Brotherhood have shown some interest in developing some mechanisms of oversight and accountability to the Islamic *shariʿa* and its basic principles, but those attempts remain incomplete and unimplemented—and they completely pale in comparison to the vision embodied in the proclamation of an Islamic republic in Iran.

That vision, however, has been starkly unrealized. For instance, for all its bravado, the jurisprudence of the Iranian Guardian Council, by double contrast to the Egyptian efforts, was stillborn and has failed to generate any constitutional jurisprudence for the Islamic Republic of Iran because its unintended function as an agency of political control quickly eclipsed its

intended function of *ex ante* judicial review of legislation. More broadly, and quite ironically, as Arjomand shows, any actual Islamization of the Iranian legal order has occurred largely outside of (and prior to) the framework of the self-proclaimed Islamic republic.

And indeed, for all their apparent contrast with regard to the official role for Islam, there is a remarkable similarity in the constitutional realities in both countries. Egypt's constitutional text makes occasional and vague (if sometimes quite bold) nods in the direction of Islam; Iran's document not only presents itself as far more thoroughly Islamic but actually cites Qur'anic text for its authority. But as Brown shows for Egypt and Arjomand for Iran, Islam is not the supra-constitutional source of norms and practice that is promised. In practice, the Islam enforced is that which is refracted through those very structures that are supposedly bound by it. If a truly Islamic constitutionalism is possible, neither Egypt nor Iran has found it.

The political process in the context of administrative domination under authoritarian states in Egypt and Iran that we discuss in this volume combine the fundamental antipolitical thrust of bureaucratic domination, highlighted by Lefort, with the new forms of clientage under the authoritarian regimes, illustrated perhaps most starkly in Ehsani's account of formation (or deformity) of property law in Iran in recent years. For this reason "the political" is not the right term to describe the process. The politics of administration is decidedly apolitical and even antipolitical under authoritarianism in Egypt. The situation may be even bleaker in Iran, where the Islamic, theocratic character of the regime, and the heritage of revolutionary mobilization and strongly entrenched institutions, which guard revolutionary ideological foundations, add a totalitarian dimension to state authoritarianism. Nevertheless, important political processes are at work in both societies, and are in need of careful definition. Our task is to offer a definition and characterization of the nature of politics and the political process in the two countries as shaped by the structure of the legal and constitutional order. The replacement of revolutionary legitimacy and ideology by the legality typical of postrevolutionary, postmobilizational authoritarian regimes, a process completed in Egypt in the post-1952 period but reversed by the rise of Ahmadinejad and the hardliners in Iran since 2005 and their electoral putsch of June 2009, can offer clues to this definition. The Egyptian revolution of 2011 is still indeterminate in outcome as we write this introduction. But that indeterminacy in a sense only affirms how deeply authoritarian regimes can silence or distort politics. The antipolitical administrative state in Egypt is, as we write, in the hands of military leaders who appear to have reluctantly agreed to revive politics and even oversee

democratic transition. But they have no easy path to do so, using the tools they have inherited from a regime overthrown in a popular uprising. Their ultimate success will come, if it does, from a process originating at best on the margins of the old political system rather than from its heart.

The search for a political field would not be fruitless in either Egypt or Iran, but the problem is the deformity of that field and its detachment from authority and administration. Indeed, for all their differences, this is one critical similarity between them. Both political systems have, as we said, apolitical and even antipolitical features. But politics—or at least a public sphere—exists in both societies. In Iran, it has been visible in the press and in the parliament—constrained, manipulated, and suppressed but not eliminated. In Egypt, there are movements (the most sustained one being the Muslim Brotherhood examined here variously by Rutherford, Skovgaard-Petersen, and Brown) as well as some state institutions (most notably courts) that allow individual citizens to make their concerns a public matter. And in both Egypt and Iran, this public sphere is not only constrained and manipulated but—more importantly—effectively prevented from playing any genuine republican, constitutionalist, or democratic role. Indeed, as Farhi has shown, the Iranian Parliament, for all its occasional bouts of liveliness, has actually acted as an enabler of nonelected institutions that vitiate any of the supposed mechanisms of accountability. It might be claimed that one of the liveliest political debates that occurred in postrevolutionary Iran focused on property rights and took place throughout the 1980s. Not only was that debate inconclusive, but the decisions that were eventually made (as showed by Ehsani) effectively replaced politics with opaque and even corrupt administration. Politics survives in battered forms in both societies but it has been rendered close to irrelevant. And in this respect, Iran and Egypt have betrayed a regional pattern of marginalizing the political field.

We close by returning to Aristotle's definition of a statesman: "one who rules and is ruled in turn." Aristotle worked to uncover how virtuous individuals and proper institutions could sustain a good political order. Over the past two centuries, constitutionalist and democratic thought have placed far less hope in virtuous individuals and far more in proper institutions. And constitutional democracy promises to meld rule of law with rule by the people in order to realize individual rights and the public interest at the same time. In a constitutional democracy, Aristotle's injunction that rulers must also take turns being ruled takes on a very different meaning: it suggests mechanisms for pluralist politics, alternation in power, unpredictable electoral outcomes, and institutional guarantees most of which were unanticipated in Greek political thought. But if our thinking on such

questions has changed since the ancient Greeks, the underlying concern has not: a political system in which the rulers do not know how to be ruled and the ruled do not know how to partake in rule will be destructive on individual rights and public goods; it will likely only serve the rulers well. And that is the affliction that Egypt and Iran have shared for long. Egypt's judges and Iran's parliamentarians have occasionally offered highly suggestive glimpses of what different possibilities exist. Those glimpses have excited some citizens—and led rulers in both countries to consider ways to prevent such possibilities from being seen again. The overthrow of the Mubarak authoritarian regime as we go to press opens enormous possibilities for constitutional development. Yet the legacy of authoritarianism, in general, and of statist constitutional jurisprudence of the Egyptian Supreme Constitutional Court, in particular, are likely to leave their imprint on Egypt's future constitutional regime.

Notes

1. The first Egyptian translation of *Politics* by Ahmad Lutfi al-Sayyid was published in 1947 (Cairo: Dār al-Kutub). In Iran, the first translation by Hamid Enayat appeared in 1958 (*Siyāsat,* Tehran: Nil, 1337), and the generation of President Khatami was the first to be influenced by it.

2. There is now broad agreement among scholars that there was no medieval translation of *Politics* into Arabic (Brague 1993; Arjomand 2001). Syros (2008) has recently demonstrated the adoption of two specific ideas from Book 4 of *Politics* by Nasir al-Din Tusi in Iran in the thirteenth and Abul Fazl in India in the sixteenth century—namely, the distinction between necessary arts and those contributing to luxury, and the division of crafts into noble, base, and intermediate corresponding to the division of the city-state into rich, poor, and middle classes. To these, he adds the very probable influence of the Aristotelian idea of the sovereignty of the multitudes. As Syros rightly points out, however, these ideas—and there may well be others like them—must have come in compilations of aphorisms on Greek wisdom, and do not prove the existence of any old translation of *Politics*.

3. And to a lesser extent, the uneven political liberalization initiated by President Anwar al-Sadat and pursued at times by his successor.

4. Our earlier conference in Oñati was organized around this notion of constitutional politics in the Middle East (Arjomand, 2008).

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