Praetorian Democracy, Illiberal but Enduring: Pakistan as Exemplar

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This paper argues that Pakistan is a praetorian democracy because the military allows multiparty elections to determine who will staff the formal machinery of government, while reserving for itself control over key domains of power. Not only is the military not subordinate to civilian rule but also the elected government operates within circumscribed boundaries. Mechanisms, constitutional and other, exist for removing the elected government when it exceeds its authority—a judgment the military reserves for itself. In contradistinction to liberal democracy, Larry Diamond describes this type of democracy as illiberal. In Diamond’s conception of democracy as developmental, illiberal democracies could be the basis for further democratic consolidation. Indeed, some countries, such as Turkey, have followed that path. It is, however, the contention in this paper that praetorian democracy as practiced by Pakistan is not a transitional phase in democracy consolidation, but an end-state. Furthermore, its durability makes it attractive to other countries which have experienced intermittent or prolonged military interventions.

At first blush, the term “praetorian democracy,” appears inherently contradictory. After all, praetorian regimes, as Eric Nordlinger defines them, are those in which the military plays major roles in the political sphere, ranging from the exercise of a veto over decisions of a civilian government to the replacement of a civilian government with one that was completely or substantially military in character. At a minimum, the term, praetorian democracy, suggests a peculiar hybrid, but real-world permutations of regime types can often outpace the existing lexicon. That said, a praetorian democracy is quintessentially a praetorian regime, in Nordlinger’s sense of the term; however, the military does permit multiparty elections and accepts the outcome, provided that civilian rulers accept certain limitations in the exercise of governmental power, especially in regard to the military’s corporate
The military asserts and maintains its paramountcy over all national institutions and, during the periods of elected civilian rule, the military is not subordinate to civilian authority, provisions of the written constitution notwithstanding. When, in the judgment of the military, the elected civilian government has encroached on any major domain of power the military has reserved for itself, a coup is likely, and military rule could eventuate. In this paper, therefore, the term, praetorian democracy, will be used to describe an “electoral democracy,” in which the military is the paramount institution and controls one or more of the major domains of power. It is one form of what Fareed Zakaria calls an “illiberal democracy.”

Illiberal Democracy as a Democracy Subtype

Classifying regimes as democracies or as non-democracies is fraught with difficulty, in part because democracy is both an aspirational concept as well as a descriptive term. It is aspirational in that democracy can be construed as an ideal; that is, as a set of principles, attitudes and processes that no nation can ever fully satisfy in practice. No regime can meet the strictest democratic standards of possessing a fully enlightened citizenry or of ensuring that all citizens are able to place items of concern on the national political agenda with equal effectiveness. Thus, it is axiomatic that all regimes, including the most democratic regimes, can become even more democratic.¹

At the same time, democracy is a practical and meaningful label for identifying nations and distinguishing them from non-democratic nations. Consensus exists among political scientists that some nations such as Norway and Australia are unquestionably democratic while others, such as North Korea and Myanmar, are decidedly undemocratic. Therefore, understanding democracy requires the classification of regimes by established criteria and measurable indices.

Among political philosophers, some classifications of democracy operate at a fairly high level of abstraction and aim to distinguish between competing ideal types of democracy that need not exist in the real world. Each model of democracy is attached to its own distinctive bundle of principles of justification, key features, and general conditions. In this vein, Jane Mansbridge draws a sharp distinction between adversarial democracy and deliberative democracy, while David Held delineates nine models of democracy which he draws from both theory and practice, from both ancient history and the contemporary

world. Though these and like efforts inform the normative concerns of political philosophers, comparative political scientists are less focused on constructing regulative moral ideals and are more devoted to understanding the process of democratization, the study of which is predicated on political scientists not only articulating criteria for determining when, in fact, regimes can be adjudged to be democratic but also for classifying regimes according to the degree of democratization achieved.

Among empirical political scientists, a notable consensus has emerged about the criteria for what counts as a liberal democracy. As articulated in the seminal work of Robert Dahl, the concept of liberal democracy has become widely accepted in procedural and institutional terms. Dahl conceptualizes liberal democracy along three dimensions: (a) the existence of political opposition; (b) full and open participation of adults in voting and holding of office; and (c) the protection of civil liberties. It is the last criterion, the protection of civil liberties that distinguishes liberal democracies from mere electoral democracies, in which elections are held but basic civil liberties remain unsecured. In liberal democracies, robust institutions exist to protect a range of civil individual liberties (such as freedom of religion, freedom of speech, and due process under established law), as well as to give expression to majorities through electoral competition and representative institutions.

Elaborating on Dahl’s work, Larry Diamond articulates eleven conditions that together comprise the essential elements of liberal democracy. Today these criteria, or substantively very similar criteria, serve as standard measures of democracy for both academics as well for scholars working for NGOs and other agencies which conduct research on regimes around the globe. It should be noted, however, that widespread agreement about the criteria for liberal democracy does not

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4 Diamond, pp. 11-12.

imply that liberal democracies are all of a piece. Arend Lijphart reminds us that important distinctions and variations exist within full-fledged liberal democracies.\(^6\) Liberal democracies differ from one another in how they organize legislative and executive relations, how they design electoral systems, whether they are unitary or federal systems, and the degree to which they employ judicial review.\(^7\) Therefore, the criteria of liberal democracy establish a threshold for designating regimes with a label, but by no means reveal all of the important political characteristics of a regime. Nor should it be intimated that agreement over Diamond’s criteria settles all debate about whether these procedures alone suffice to make democracy meaningful or authentic. Some political scientists, perhaps most notably Guillermo O’Donnell, have argued that authentic democracy must also contain informal elements, such as an efficacious citizenry, and meet at least minimal standards of social equality.\(^8\) Still others, such as Collier and Levitsky, describe regimes that satisfactorily meet the criteria of liberal democracy as “classical subtypes” of democracy, admitting thereby of the possibility of non-classical subtypes of democracy.\(^9\) It is this category that is the central focus of this paper.

It has already been noted that political scientists commonly distinguish liberal democracy from electoral democracy, a non-classical sub-type of democracy, but this distinction sheds minimal light on the bewildering complexity that characterizes the political processes actually practiced throughout the world. In particular, democratic theorists grapple with two distinct but related questions with respect to classifying democracy. One issue, which has failed to gain scholarly consensus, is how substantial a nation’s departure from the established norms of the “classical subtype” can be and still be considered a democracy of any subtype. Do some specific departures from liberal democratic norms automatically disqualify a nation from any consideration as a democracy, liberal or otherwise? Which processes, if any, are so crucial to the nature of democracy that virtually no variance on that area is allowed? To consider these questions, let us return to Dahl’s three-fold criteria of democracy: namely, protections for

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\(^7\)Lijphart, 1984. Also see Phillippe Schmitter and Terry Lynn Karl, “What Democracy Is … And is Not” in *Journal of Democracy* (Summer 1991), pp. 114-120.
opposition, popular participation, and civil liberties. Which is the more democratic regime, one that strongly meets two of the criteria but fails dizzily in the third or a regime that marginally and incompletely meets all three criteria? No argument definitively settles these questions. In contrast to the widespread agreement on what an ideal liberal democracy entails, the discipline is decidedly far more divided on which regimes barely qualify as democratic.

A second question that resists scholarly resolution is whether all democracies that fall short of a clear-cut “classical subtype” designation ought to fall under one label, or whether they ought to be again further delineated into increasingly refined subdivisions. Given the fact that no two nations are identical in every political respect—or even identical in every important respect—it is crucial to consider when our classifications reflect important underlying political realities and when they merely reflect our desire for labeling.

Diamond’s work proves a useful point of departure to address both questions. Diamond situates all regimes within a four-fold classification: democracies are classified as either liberal democracies or electoral democracies, and non-democracies are classified as either pseudo-democracies or authoritarian regimes. Diamond describes pseudo-democracies as taking on a large number of possible arrangements of power, ranging from being “semi-democratic” and therefore nearly resembling electoral democracies, to regimes that are virtually authoritarian but that allow some external trappings of democracy to provide legitimation for the authoritarian elements.

Diamond’s four-fold scheme appears promising, but certainly does not relieve political observers of the difficulty of rendering judgment in thorny cases. Beyond this, it remains to be determined whether Diamond’s four-fold classification captures the essential political distinctions among regimes as they actually operate in the world. Diamond himself acknowledges that his classification scheme ignores important nuances among regimes when he states that “some conceptions of democracy fall somewhere between (liberal democracy and electoral democracy).”

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10 Diamond, pp. 7-17. Additionally the Economist Intelligence Unit’s “Democracy Index” appears to follow Diamond’s lead into dividing nations into four categories: full democracies; flawed democracies; hybrid democracies; and authoritarian regimes. http://graphics.eiu.com/PDF/Democracy%20Index%202008.pdf Retrieved September 12, 2012.

11 Diamond, pp.15-17.

12 Ibid., p. 13.
Collier and Levitsky note that an effective classification scheme must simultaneously provide sufficient analytic differentiation (making fine distinctions that capture distinct political arrangements), while maintaining conceptual validity (applying terms properly). The intricacy and messiness of politics, however, routinely put to the test our ability of squarely placing regimes into just one of a few categories. One such strategy which attempts to address political complexity while avoiding conceptual stretching is what Collier and Levitsky describe as “précising” the definition of democracy by employing additional attributes added to the standard procedural-institutional criteria offered by Dahl. Another strategy for adding greater differentiation among types of regimes is to create “diminished subtypes.” Diminished subtypes, such as “limited-suffrage democracy” and “tutelary democracy,” allow political scientists to acknowledge that in practice regimes do not fit neatly into pre-existing categories. They also provide political scientists with a language to describe well-delineated distributions of power and modes of governance that may exist in only a small set of regimes, or even in a single regime, but that are sufficiently dissimilar to other regimes to warrant their own category.

In short, if one defines regimes with too much specificity, then such narrowly constructed categories risk a bewildering multiplication of regimes as well as rapid obsolescence as political reality changes. On the other hand, defining regimes with overly generalized criteria makes classifying specific regimes more challenging and reduces the utility of the enterprise.

Collier and Levitsky estimate that political scientists have developed dozens, if not hundreds, of distinct kinds of regime types, many of them remarkably specific. Most germane to the case of Pakistan, however, is Fareed Zakeria’s conception of illiberal democracy. The idea of illiberal democracy, which covers all plausibly democratic regimes that fall short of liberal democracy, is useful for two broad reasons. First, Diamond’s electoral democracy does not alone capture the full range of complexity that characterize the growing number of regimes in the world in which citizens play an important, albeit limited and controlled, role in their government. In contradistinction, the illiberal democracy category allows for a wider range of regimes to be counted as a diminished subtype of democracy.

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13Collier and Levitsky, p. 430.
14Ibid., p. 443.
15Ibid., p. 437.
16Ibid., p. 431.
than Diamond’s electoral democracy. Thus, illiberal democracies collapse electoral democracies and many instances of pseudodemocracies into a single category, and the new, three-fold scheme of liberal democracies, illiberal democracies and non-democracies covers the spectrum of possibility and removes one troublesome boundary between what are in many cases similar types of regimes.

A second advantage of illiberal democracy as a category of regime is that its very breadth invites political scientists to locate and specify diverse types of illiberal democracies. Rather than devising a comprehensive set of criteria that apply to all liberal democracies, political scientists are free to note family resemblances within the subtype of illiberal democracies without agreeing on a single essence that defines illiberal democracy. Illiberal democracies can be illiberal—and even less than fully participatory—in many different ways. With this in mind, many existing subtypes of democracy in the literature may be placed under the illiberal democratic banner. For example, Guillermo O’Donnell’s concept of delegative democracy as an important instance of diminished democracy can be understood also as an illiberal democracy. O’Donnell uses the term delegative democracy to refer to illiberal democracies in which a president (or single executive) is elected but is otherwise unresponsive to the people—ruling by decree, acting independently of campaign pledges or of the interests and preferences of other actors. A significant measure of party and electoral competition exists, and citizens have a say at the voting booth in determining their rulers. Rulers, however, remain largely unaccountable both vertically to the citizens, as well as horizontally to other autonomous representative branches such as legislatures and courts.

Illiberal democracies can take other forms as well. Religious leaders may circumscribe what elected officials do and, in effect, exercise a veto over all elected officials. In essence, Iran’s system of governance allows for electoral competition, but the Supreme Leader and Guardian Council exercise power over who runs for office and how they govern. Then, there are those regimes which permit electoral contests, but remain substantially military in character. Some of these military-controlled regimes, for example Turkey, may be in a process of democratic transition. On the other hand, there is no reason to think that a partially democratic regime must inevitably flower into a liberal democracy. Might a particular illiberal regime simply present a unique and enduring kind of hybrid? This question drives the current attempt to classify the political system in Pakistan, especially in light of its

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19 Ibid., pp. 60-62.
distinctive arrangement of power. The Pakistani political system allows for elections and party completion, but has also endured extensive military intrusion in the political sphere. In other words, Pakistan allows for a limited measure of “participation” and “opposition,” but the military possesses a veto in certain domains of power. It is the contention of this article that this arrangement might better be classified as an illiberal democracy; that is, as a diminished subtype of democracy rather than as a non-democracy.

If one could reasonably conclude that Pakistan’s current praetorian practices were merely a transitory step in an inevitable sequence toward liberal democracy, one would be tempted to describe the regime as transitional and leave it at that; however, O’Donnell reminds us that illiberal democracies can be enduring. If indeed Pakistan’s (and possibly Egypt and others) regime endures as a hybrid arrangement of military control and popular participation, then a persuasive case can be made that Pakistan is not simply in a “stage”, but represents a regime worth distinguishing from both authoritarian regimes and liberal democracies. It is the contention of this paper that Pakistan represents a peculiar, illiberal, democracy sub-type and that the term, “praetorian democracy” encapsulates the essence of the regime and distinguishes it from other forms of illiberal democracies.

The Impact of Beginnings

The initial steps taken by post-colonial countries in setting up a governmental system have had pronounced and seemingly indelible impacts on their political development. Consider, for instance, the case of Paraguay. At independence, the people of Paraguay were so proud of their leader, they conferred on him the title of “Dictador.” Thus, Jose Gaspar Rodriguez de Francia assumed power in Paraguay as the first in a line of dictators. By contrast, not only did George Washington refuse to assume any monarchial title in the United States, he voluntarily relinquished the office of the presidency in a constitutional system of government, which put limits on executive power. As a consequence, constitutional democracy has endured in the United States and, in no

20 Ibid., p. 56.
21 Adam Przeworski refers to the regimes in which there is an electoral component but in which the armed forces can intervene in the political arena for its own benefit as “tutelary democracies.” However, in contrast to our position, he refers to tutelary democracies as a step, and the final stage, in the process of liberalization. We make no such claims about sequences either for democratization of liberalization. See Adam Przeworski, “Democracy as a Contingent Outcome of Conflicts” in Jon Elser and Rune Slagstad, eds., Constitutionalism and Democracy (Cambridge University Press, 1988), p. 61.
other country in the world, do people speak of the “Founding Fathers,” with more fondness, reverence, and absolute awe at their wisdom and foresight. In essence, the Founding Fathers established an infrastructure of democracy, centered on a written constitution and buttressed by profound commentaries proffered by several of them.

Now, consider the case of Pakistan, whose founder-leader, Mohammad Ali Jinnah, had expressed the hope that Pakistan would become a liberal democracy. The manifest failure of entrenching liberal democracy in that country is attributable to the failure of the post-independence leadership to establish the infrastructure for a durable democratic system. Lamentably, and noted without ethnocentrism, there were no George Washingtons, Thomas Jeffersons, or James Madisons; only men with narrow ambitions, unconstrained by a constitution or by popular will, expressed in a free election. Out of the chaotic conditions at the beginning of the republic arose the military, the most organized force in the country, and it superimposed its will on the entire society.

Pakistan began as a secessionist state, formed on the eastern and western flanks of India, and constituted primarily of Muslims. The Pakistan Muslim League, which had been the mobilization mechanism used by Mohammad Ali Jinnah to create Pakistan, failed to transform itself into a national party, articulating and aggregating the interests of a majority of the people as the basis for national policy making. Indeed, the party, which had focused solely on the creation of a separate state to protect the rights and interests of India's Muslims, had no comprehensive or coherent political and economic plan for the newly created state. They might have been able to muddle through with Pakistan’s founder, Mohammad Ali Jinnah, but he died in 1948 and, with no capable successor (Prime Minister Liaquat Ali Khan was assassinated in 1951), the Muslim League lost forward momentum and atrophied. The myriad of political parties, which mushroomed, were shifting alliances, calculated to garner ministerial positions. Legislative floor-crossings were common and were induced by the promise of ministerial positions and of material gain through the sale of important permits and various types of licenses, which politicians could sell. The result was that, unlike the situation in India, there was in Pakistan no mass-based party which could, through the legitimation of popular support, the staffing of the government, and mapping of a national

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developmental strategy, counterbalance the emerging power of the army
and the civil bureaucracy.

The chief executive position—Governor-General from 1947 to 1956,
and President from 1956 to 1958—was, after Jinnah, filled by
bureaucrats without the legitimating approval of a national poll. The
Constituent Assembly, which served also as the National Assembly, was
also unelected and ineffectual. The technical problems of managing the
new state fell to the civil bureaucracy, small at the time of Pakistan’s
creation but dominated by Punjabis, and to the military, the most
cohesive force in Pakistan but also constituted overwhelmingly of
Punjabis.23 The ethnic composition and technocratic orientations of the
military and the civil bureaucracy eventually became the basis of an
enduring ruling axis.

It could be argued that, from the time of its establishment as a
nation state in 1947, Pakistan has been a praetorian state in the sense
that the military has played a prominent role in the system.24 Since its
inception, often at the behest of the civilian overseers, the Pakistani
military has been drawn into a creeping involvement in the political
sphere. Pakistan’s creation had been a rather hurried affair, attended by
communal violence and the unleashing of secessionist forces in
Baluchistan and the Northwest Frontier Province, all of which saw
pacification intervention by the Pakistani military.25 Furthermore,
within a year of partition, Pakistan was at war with India over the
accession of Kashmir to India. The central role the military played in
safeguarding the boundaries of Pakistan, including capturing a part of
Kashmir from India, was the source of the view the military held of
itself that it was the savior of the Pakistani state. Not only did the
civilian rulers buy into this notion, they failed to counteract the power
of this emerging hegemon by anchoring their rule on popular will.

The single event that has arguably had the greatest impact on the
psyche of the Pakistani military top brass was the 1947-1948 war with
India over the accession of Kashmir. The loss of territory to India
inspired the view within the Pakistani military, as well as within the
civilian elite, that India was an implacable foe against which Pakistan

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Institution, 2004), p. 98.
24 See, for instance, Amos Perlmutter, “The Praetorian State and the Praetorian
25 Ian Talbot, Pakistan, A Modern History (New York: Palgrave MacMillan, 2005)
pp. 80-81; 106-108; Hasan-Askari Rizvi, 1988, pp. 34-35; Selig Harrison,
“Nightmare in Baluchistan,” Foreign Policy (Autumn, 1978), p. 143; Ayub Khan,
Friends, Not Master: A Political Autobiography (New York: Oxford University Press,
needed to militarize. Prime Minister Liaquat Ali Khan asserted this as the country’s top priority in an address to the nation in October 1948, in which he said, “The defense of the state is our foremost consideration... We will not grudge any amount on the defense of our country.” This proclamation by Pakistan’s first Prime Minister established a national security paradigm, which was accepted by civilian politicians and the military and helped to catapult the military to greater prominence than other domestic institutions.

The civilian leadership also acquiesced in the interposition of the military high command in the conduct of the country’s foreign affairs. As a way of securing armaments for the modernization of the military, the Pakistani high command decided to take a pro-Western posture in the Cold War. Without the imprimatur of his government, the Commander-in-Chief of the Armed Forces, General Ayub Khan, visited the United States in October 1953 to lobby for military aid to Pakistan and, thereafter, foreign affairs became a key area of interest of the Pakistani military, especially in regard to policies relating to the United States, India, and other neighboring countries. So, rather than laying the foundations for liberal democracy and thus fulfilling the promise of their founder, the civilian leaders became unwitting partners of the military in the establishment of a garrison state, which in turn, led the military to assert its dominance over all other institutions in the country, beginning with the coup of 1958.

Praetorian Democracy: The First Experiment

Pakistan’s first military coup occurred on October 27, 1958, when General Ayub Khan, Commander in Chief of the Armed Forces, took control of the government, assuming the role of President. The immediate causes of the coup were the economic and political turmoil confronting Pakistan. According to General Ayub Khan, the national treasury was empty; the government was incurring massive foreign exchange liabilities monthly; and smuggling and black-marketing activities were rampant. On the political front, instability of the East Pakistan provincial government was graphically dramatized in the melee that broke out in the Provincial Assembly resulting in the death of the Deputy Speaker. In West Pakistan, there was general opposition to the “One Unit” scheme which had herded the four western provinces

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27 Khan, p. 55; Rizvi, pp. 69-72.
28 Khan, p. 55.
into West Pakistan, but more seriously, secessionist tendencies reappeared in Baluchistan and the North West Frontier Province.29 When the military stepped in, it did so in the belief which had developed over time that it alone could save the Pakistani state, a belief reinforced by the Supreme Court’s legitimation of the coup under the “doctrine of necessity,” that is, to prevent the state from descending into chaos.

The martial law declaration which brought Ayub Khan to power dissolved the National Assembly and the Provincial Assemblies; proscribed political parties; and divided the country into zones and sub-zones, all of which were administered by military officers assisted by the civil bureaucracy. The military was kept on Khan’s side by a generous budget. While some military officers in senior ranks were catapulted into top government positions and para-statal organizations, others became regional governors and ambassadors. Khan also provided generously for the welfare of ex-officers and soldiers.30

The form of government Khan instituted not only garnered praise from overseas31 but also became the model for other Pakistani generals who later achieved the presidency after a coup d'etat. Keenly aware of the fissiparous tendencies within the new state, Ayub Khan wanted to create a “strong centre.” He also wanted to take “politics” out of governing, a reaction to the inefficiencies he had observed during his tour of duty as Commander-in-Chief of the Armed Forces and a reflection of his contempt for politicians. At the time of the imposition of martial law, Khan famously declared, “The biggest weapon of a politician is his tongue, which we’ve controlled. I think things are going to be quiet for a while.”32 Khan, however, was very much aware of the democratic aspirations many of his countrymen continued to hold. All of these considerations factored into the governing structure Khan eventually crafted.

The system Khan instituted was intended to balance the imperatives for order and development with the popular desire for democracy.33 Launched on the first anniversary of the military coup, through the so-called Basic Democracies Order, it provided for the selection of the President by an electoral college consisting of 80,000 representatives (Basic Democrats), indirectly elected in a multi-tiered

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29Rizvi, pp. 69-72; Talbot, p. 145.
30Rizvi, pp. 114-115.
33Cohen, pp. 64-65.
selection process. Political parties were banned, and prominent politicians prevented from holding public office, based on conditions stipulated in two other martial law orders.\textsuperscript{34} Members of the National and Provincial assemblies were also selected by the electoral college in “partyless elections” in 1962. As Saeed Shafqat put it, under General Ayub Khan, “political institutionalization remained an illusion, while military hegemony became the reality of Pakistan’s politics.” Ayub Khan was re-elected President in the same way in 1965, when a challenge by Fatima Jinnah, sister of Pakistan’s Founder, gave legitimacy to the process.\textsuperscript{36}

The First Effort at Democracy Consolidation

Defeat in the 1965 war with India not only prompted agitation for Ayub Khan’s ouster but also provided an opening for civilians aspiring to fulfill the desire for a democratic Pakistan; however, the military’s refusal to recognize the results of Pakistan’s first post-independence general election led to war with India and the secession of East Pakistan in 1971. Shorn of its eastern wing, Pakistan, under Zulficar Ali Bhutto, experienced its longest period of democratic rule. Bhutto took advantage of the military’s diminished stature to assert civilian authority over the military. The 1973 constitution, promulgated during Bhutto’s presidency, defined as high treason any attempt to subvert the constitution, and required serving officers to take an oath forswearing participation in political activities of any kind. In addition, the Parliament passed a law providing the death sentence or life imprisonment for such a crime.\textsuperscript{37} There is no question that, in spite of Prime Minister Bhutto’s authoritarian style of ruling, Pakistan from 1971-1977, functioned like a liberal democracy. Irregularities in conducting the 1977 elections and the ensuing protests eroded the legitimacy of the new Bhutto government and afforded the military the opportunity to assume the role of referee. Already provoked by the Bhutto government’s interference with its corporate interests, the

\textsuperscript{36}Talbot, p. 160.
military used the election issue as the public justification to remove the government in “Operation Fair Play.”

General Zia-ul-Haq, who overthrew the government of Bhutto, imitated some of the practices of the Khan regime. Just as Khan had used his “Basic Democracies” system to justify his assumption of the presidency, Zia used the Islamization program he launched to legitimize his stay in power. As was the case with Khan, Zia governed without political parties. Even when he allowed elections for the National Assembly in February 1985, he stipulated that these would be on a non-party basis and, by the time he had appointed a prime minister, he had already secured an amendment to the constitution, the Eighth Amendment, which gave the President the power to dismiss the Prime Minister, to dissolve the National Assembly, and to appoint the chief of the armed forces, as well as provincial governors. There was no question about the paramountcy of the military and about Zia’s intent to disestablish political parties in Pakistan. In addition to sharing the traditional military distaste for the divisiveness of politics, Zia found a more compelling reason to dispense with political parties. Zia was committed to erecting an Islamic state. As Lawrence Ziring observes, “Secular forces were judged a mortal threat to the Islamic state, and in the zero-sum game of state-building, the one necessarily conquered the other.”

After Zia’s death in 1988, the Supreme Court paved the way for multiparty elections by ruling that “partyless” elections were unconstitutional. Civilian political leaders who won those elections, however, were expected by the military to abide by “the rules of the game.” In particular, they were expected to acknowledge the sanctity of the military’s budget and the other areas of special interest to the military; namely, foreign policy and the military’s business interests, discussed later in this paper. Those who violated the rules, or, for any reason fell out of favor with the military, were removed from office through the use of the Eighth Amendment. There were three such constitutional coups between 1989 and 1997; however, the selection

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38 For an elaboration on Bhutto’s infringements on the military’s corporate interests, see Chaitram Singh, “Military Coups and the Corporate Interests Hypothesis,” *Journal of Third World Studies* (Spring, 2011), pp. 51-53.
and functioning of those governments was consistent with the definition of praetorian democracy introduced in this article.

It should be pointed out here that in none of these cases where the Prime Minister was removed did the military opt to take direct control of the government, thereby suggesting that the military, as an institution, had been content to let elected civilians staff the government as long as the military exercised oversight over the functioning of that government. Illustrative of this observation is the confrontation Prime Minister Nawaz Sharif had with Chief of Army Staff, General Jehangir Karamat over the Karamat’s proposal for the establishment of a National Security Council in order to institutionalize the military’s role in national decision-making. Prime Minister Sharif refused, demanding instead that the Chief of Army Staff resign or take over the government. General Karamat simply chose to resign.42

One could argue that in those instances in which the army’s top General assumed the presidency, personal opportunism, rather than a collective institutional inclination to govern, was the overriding consideration. In taking direct control of the government, those Generals were confident that they could count on the institutional cohesiveness of the military which, in case of Pakistan, transcends that arising from the military’s conventional emphasis on unity, hierarchy, and loyalty, and includes massive financial incentives deriving from the business enterprises set up by the military’s welfare organizations. First established by General Ayub Khan and expanded by General Zia-ul-Haq, the military’s welfare foundations operate diverse businesses ranging from smaller-scale ventures such as bakeries, farms, schools and private security firms to corporate enterprises such as commercial banks, insurance companies, radio and television channels, fertilizer, cement and cereal manufacturing plants.43 They provide lucrative careers for retired military personnel, enhance the cohesiveness of the military, and give the military a major stake in the economic affairs of the country. The Army Chief of Staff is the head of the two largest foundations, the Fauji Foundation and the Army Welfare Trust. He appoints the officers who run them, and the army is one of their customers.44

In general, the military, certainly in the post-Zia era, has been content to let civilians staff the government as long as the military exercised oversight over the functioning of that government. This reflects their accumulated power since independence, but it is also the

42Haqqani, p. 248; Shuja Nawaz, pp. 498-499; Talbot, p. 377.
44Ibid., p. 18.
best means of protecting their corporate interests; namely, their sizable budget, their enormous stake in the national economy, and their role in foreign policy, especially in regard to India and the United States. Any civilian government, which attempted to sideline the military from oversight role in the governing of the country, was likely to be evicted, as the circumstances surrounding the 1999 military coup dramatically illustrate.

**Plus ça change**

In 1997, Nawaz Sharif led his party, (the Pakistan Muslim League-Nawaz) to an overwhelming majority in the National Assembly and proceeded to take measures to secure its full term in office. Sharif used his legislative majority to negate the Eighth Amendment provision empowering the President to dismiss the elected Prime Minister. This act was seen by the military as a power grab by the Prime Minister and a corresponding diminution in their own power in the system, and was a contributing factor to the overthrow of the Sharif government in 1999. General Pervez Musharraf, who took power following the coup, restored the dismissal authority to the presidency in 2002, saying that, “If you want to keep the army out, you bring it in.” Musharraf, in essence, asserted the military oversight prerogative as a condition for permitting civilian rule, even though he did not turn over the government to civilians. Instead, he initiated a return to praetorian democracy.

In May 2000, the Supreme Court justified the 1999 coup against Prime Minister Nawaz Sharif by reference to “the doctrine of necessity,” but the Court also stipulated that national elections be held within three years. This did not stop General Musharraf from assuming the presidency on June 20, 2001. Nevertheless, under pressure, Musharraf scheduled elections for the legislative bodies for October 2002. In advance of those elections, Musharraf arranged a referendum on whether he should continue in the Presidency for another five years. The referendum, which was generally regarded as rigged, produced the desired result but left Musharraf with a legitimacy deficit, which was compounded by the fact that the legislative elections were held at a time when the leaders of the country’s two major parties were in exile overseas. Musharraf was, however, helped by a muting of international criticism, and especially American criticism, as a result of his

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45 For a fuller discussion of the 1999 coup, see Singh, 2011, p. 54-55.
46 Talbot, p. 401.
collaboration with the United States in its so-called war against terrorism and by the massive infusion of American financial aid.

The Transition to Democracy

Musharraf’s “re-election” to the presidency in 2007 proved to be more problematic. Whereas in the 2002 legislative elections, neither of the two main opposition parties had won a majority, or even a plurality, in the National Assembly, their prospects in the upcoming elections seemed considerably better. His own popularity had dissipated, a consequence of a lengthy war, a sluggish economy, and public anger at U.S. unmanned drone strikes, which killed Pakistani civilians. Intent on securing reappointment as President before those elections, but concerned about a protest boycott of the National Assembly by opposition parties, thereby accentuating the perception of illegality of the presidential appointment, Musharraf opened a dialogue with Benazir Bhutto, leader of the Pakistani People’s Party. General Musharraf met Benazir Bhutto twice in Abu Dhabi in 2007. Musharraf was interested in Bhutto’s return to Pakistan and her participation in the political process within the circumscribed limits, legitimizing a government over which he would preside. Bhutto insisted that Musharraf shed his military uniform and his position as Chief of Army Staff, allow free and fair elections, lift the ban on twice-elected prime ministers seeking a third term, and drop charges against parliamentarians of all parties, including corruption charges against her and her husband. With assurance of compliance from Musharraf, Bhutto returned to Pakistan in September 2007 to reassert her leadership over the Pakistan People’s Party (PPP). Bhutto was followed by Nawaz Sharif, former Prime Minister and leader of the Pakistani Muslim League-Nawaz (PML-N).

In October, however, Musharraf arranged for his re-election as President by the country’s outgoing electoral college just before new legislative elections were to be scheduled. When constitutional questions were raised about the legality of his status as President, Musharraf declared a state of emergency on November 3, 2007 and dismissed the Chief Justice of the Supreme Court and other Supreme Court justices opposed to the method of presidential selection. The emergency order was eventually lifted on December 15, after Musharraf

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had amended the constitution to ensure himself of immunity from prosecution for actions taken during the period of emergency rule.\footnote{Ibid., p. 218; Carlotta Gall, “Musharraf-Bhutto Accord Sets Stage for Pakistan Vote,” \textit{The New York Times} (October 5, 2011), p. A. 15.}

New elections for the National Assembly, whose term ended on November 15, 2007, were scheduled for January 8, 2008. On December 27, however, Benazir Bhutto was assassinated, and those elections were postponed and eventually held on February 18, 2008. An additional understanding which General Pervez Musharraf had with Bhutto was that he would continue as President, which meant that the highest office open to the political parties would be that of Prime Minister. Because the 17th Amendment to the Constitution empowered the President to dismiss the Prime Minister and dissolve Parliament, an elected government would operate within fairly circumscribed parameters but remain cognizant of a past in which five elected prime ministers had been removed by the occupant of the presidency.

In what appeared to be free-and-fair elections, the Pakistani People’s Party (PPP) led by Bhutto’s husband, Asif Ali Zardari, won 242 of the contested seats, and the Pakistan Muslim League-Mawaz (PML-N), led by Nawaz Sharif won 66 seats. These two parties along with the Awami National Party (ANP) formed a coalition government in which Yousaf Raza Gilani, a PPP stalwart from Punjab was selected to be the Prime Minister. Not long after the new national and provincial assemblies were convoked, the pressure began to remove Pervez Musharraf from the presidency. Beginning on August 11, 2008, resolutions for the impeachment of President Musharraf were passed in each of the provincial assemblies. With the political parties buoyed by popular support and the army disinclined to intervene, Pervez Musharraf resigned the presidency in a national broadcast on August 18, 2008. The electoral college was then convened to select a new president and, on September 6, chose Asif Ali Zardari.\footnote{Jane Perlez and Carlotta Gall, “Pakistani Voters Deal Musharraf a Crushing Defeat,” \textit{The New York Times} (February 19, 2008) p. A1; Jane Perlez, “Musharraf Set to Resign in Days, Officials Assert,” \textit{The New York Times} (August 14, 2008) p. A. 1; Salman Masood, “Party Picks Bhutto Widower for Pakistan President,” \textit{The New York Times} (August 22, 2008) p. A. 1.}

The military’s dealings with the Zardari-Gilani government, which came into office after the February 2008 elections, are consistent with the notion of military paramountcy. The army high command was never happy with the appointment of Asif Ali Zardari as president because of his past reputation for corruption, on account of which he had served a prison sentence. Now ailing, President Zardari’s past corruption cases have been reopened by the Supreme Court, which is known to be
friendly toward the military. Furthermore, the Chief of Army Staff, General Ashfaq Parvez Kayani, has called on the Supreme Court to investigate the government’s role behind a memorandum allegedly sent to the U.S. government by Pakistan’s ambassador to the U.S., Husain Haqqani, soliciting American assistance in curbing the Pakistani military’s influence in domestic politics. The Supreme Court also decided to abrogate an agreement President Musharraf had signed with Benazir Bhutto and to reopen a corruption charge against President Zardari. It ordered the Prime Minister to write a letter to Swiss authorities requesting they reopen an investigation into Zardari’s past financial dealings there. When the Prime Minister refused, he was indicted for contempt and dismissed from his position by the Court, an unprecedented action in Pakistani history. President Zardari decided not to contest the decision and appointed a new Prime Minister in hopes that the Court would be appeased.  

What Type of Political System?

What, then, is the state of democracy in Pakistan? Or, put differently, in what sense can Pakistan be described as a democracy? First, it appears likely that this elected government headed by President Asif Ali Zardari will complete its term of office in spite of the fact that it is a weak government, hounded by the Supreme Court, and constantly being pressured by opposition forces for an early election. Success in serving out its elected term would be quite an achievement since it would be the first time since the 1970s. Clearly, this is an electoral democracy.

The military, however, is still not under civilian control, and a clumsy attempt by the civilian government to get United States assistance in leveraging the Pakistani military out of politics ended with the dismissal of the Prime Minister and with the government on the defensive. The military continues to be highly respected in the country.

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and, while this institution appears reluctant to take direct power especially in light of the strategic challenges facing the country, it has not relinquished the oversight role bequeathed to it by General Ayub Khan. Oversight also affords the military the best way to secure its “corporate interests,” among them continued assurance of the sanctity of the military budget, a role for the military in the management of the economy owing to its substantial business interests, and a determinative role in foreign affairs, especially in regards to India, Afghanistan, China, and the US.

On the other hand, the 2008 elections were free and fair, and there appears to be no reason to doubt that the next set of elections would be otherwise. The Supreme Court has not only been asserting its independence but also exceeding its powers by dismissing an elected Prime Minister as it did in 2012. The media appears to be free even though it has been subject to censorship by the military, during periods of military rule, and also by civilian politicians when they have been in charge of the government. People enjoy freedom of expression because, as Stephen Cohen has pointed out, the military permits criticism but not organization. Clearly, then, there are elements of democracy present in

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56The Polity IV Project places regimes on a 21 point scale of democracy ranging from -10 (authoritarian regimes) to +10 (consolidated democracies). Polity IV also tracks changes along the scale over time. In the case of Pakistan since 1947 we witness a roller-coaster trajectory with extremely sharp and sudden swings. For several of the years tracked, Pakistan’s government actually qualified by Polity IV’s criteria as a democracy including the most recent measurement of 2010. On the other hand, Pakistan has suffered through periods in which it came perilously close to authoritarianism. http://www.systemicpeace.org/polity/pak2.htm. Retrieved February 3, 2013.

57Seymour Martin Lipset suggests that a host of facilitating factors that contribute to democratization and consolidation. These include, among others, a prospering market economy, the development of democratic norms in the culture, and efficacy in solving social and economic problems. See, Seymour Martin Lipset, “The Social Requisites of Democracy Revisited: 1993 Presidential Address” in American Sociological Review, Vol. 59, No. 1 (February, 1994) pp. 1-22. “With respect to preconditions,” Huntington argues, “the emergence of democracy in a society is helped by a number of factors: higher levels of economic well-being; the absence of extreme inequalities in wealth and income; greater social pluralism, including particularly a strong and autonomous bourgeoisie; a more market-oriented economy; greater influence vis-à-vis the society of existing democratic states; and a culture that is less monistic and more tolerant of diversity of existing democratic states; and a culture that is less monistic and more tolerant of diversity and compromise.” See Samuel P. Huntington, “Will More Countries Become Democratic?” in Political Science Quarterly, Vol. 99, No. 2 (Summer, 1984), p. 214.
contemporary Pakistan; however, the military controls certain domains of power, which is why this system can more precisely be described as a praetorian democracy. It is an illiberal democracy, but an example of a democracy subtype nonetheless.

Whether Pakistan will adopt liberal democracy in the foreseeable future is unknowable, but it would seem extraordinarily unlikely. Scholars disagree on what conditions are necessary or sufficient—or merely propitious—for establishing liberal democracy. One explanation holds that democratization is tied to elite action by way either of principle or self-interest, or both. Elites may favor democratization as long as it serves their interest, but when elite rule is threatened or becomes fractured, elites may respond with political oppression instead of political liberalization. Pakistan’s military elites have pursued both strategies multiple times in its relatively brief history. According to John Higley and Michael G. Burton, such oscillations between democracy and authoritarianism reveal the existence of dis-unified

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59 Ibid., p. 706. When oppression is unlikely to suppress discontent or restore elite power, then elites may democratize or liberalize politics or increase the level of public spending as a way of consolidating (i.e. purchasing) public support.


61 Some praetorian regimes such as those that existed in Uruguay, Brazil, and Chile have made more-or-less successful transitions to democracy. Turkey has made significant strides toward democracy and is classified as a democracy by Polity IV but remains classified as a “hybrid regime” by Democracy Index. The fate of Egypt is altogether unknown even in the short-term, though recent developments appear to be a setback to military rule but a boon to theocrats. [http://www.systemicpeace.org/polity/Turkey2010.pdf](http://www.systemicpeace.org/polity/Turkey2010.pdf). Retrieved February 3, 2013.


64 Lipset, p. 17. Lipset argues that “what new democracies need, above all, to attain legitimacy is efficacy.”

65 In some tribal-led areas of Pakistan, conditions have degenerated into a “rights free zone.” “Amnesty: Tribal Pakistan is a ‘rights-free zone.’” [http://www.bbc.co.uk/news/10280687](http://www.bbc.co.uk/news/10280687). Retrieved February 3, 2013.
national elites. On the other hand, the fact that in Pakistan’s case electoral participation can be scaled back seemingly at will suggests that no non-military set of elites is both powerful and effective enough to challenge military rule.

It is likely that many other factors, not simple elite calculations, determine the likelihood of a successful transition from a praetorian regime to liberal democracy. Dahl maintains that several preconditions facilitate democratic success: absence of strong foreign control hostile to democracy; a modern market economy; control of the military and police by elected officials; commitment to the rule of law; prolonged peace; democratic beliefs and political culture; and weak subcultural pluralism.

To make a prima facie case that Pakistan’s praetorian democracy, as described here, is likely an enduring sub-type, consider the prospects of Pakistan’s democratic consolidation in light of Dahl’s multiple criteria for democratic success. While Pakistan’s prospects may look moderately promising with regard to its economy and the absence of foreign control, other criteria reveal a considerably less roseate picture. Three of Dahl’s criteria for democratic consolidation—namely: control of military and police by elected officials, commitment to the rule of law, and prolonged peace—have been discussed at length in this paper and need not be revisited here, apart from noting that they do not bode well for Pakistan’s democratization. With regard to sub-cultural pluralism, we merely note that presently Pakistan is far more ethnically, linguistically and religiously fractionalized than either Turkey or Egypt, and these nations’ paths to democracy are far from sure. Indeed, Pakistan is one of the most fractionalized nations in the world. The extreme sub-cultural pluralism of Pakistan highlights a related issue, governability, and it is this challenge that arguably poses the most daunting impediment to the democratic consolidation. The ever-present threat of secessionist or separationist movements, along with threats posed by extremist elements and the reality of tribal rule in significant areas of the country, make it virtually impossible for the central government to provide quality of life services, to maintain order, or to establish rules for a healthy economy. These political realities pose problems for any manner of effective governance, to say nothing of liberal democratic governance.

In short, it strains credulity that Pakistan’s transition to liberal democracy is inevitable. A slide toward authoritarianism seems at least as likely as a burst of liberal democracy in Pakistan, and more likely still is a continuation of what has been observed for the past few decades—oscillations between periods of electoral democracy, along with military oversight, and direct military rule, with dramatic curtailment of civil
liberties. Pakistan’s enduring blend of electoral democracy and military oversight presents a kind of regime worthy of its own label in accordance with its particular features. This kind of regime can properly be called a praetorian democracy.

References


