

# Bringing politics back in: examining the link between globalization and democratization

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## ABSTRACT

This article considers current explanations of the link between globalization and democratization in light of an empirical case study: that of a 1998–99 campaign led by Egyptian NGOs against government restrictions on the freedom of association. The article calls attention to the need to ‘bring politics back in’ to theories of the link between globalization and democratization, by studying the political strategies of actors, the longer-term local, historical context against which these strategies are formed and their impact upon existing relations of power. The first part of this article reviews some of the major arguments regarding the link between globalization and democratization in order to highlight their focus on structural changes in explaining democratization. The second part proposes an alternative explanatory framework, based on the Gramscian concepts of hegemony and counter-hegemony. The third and fourth parts operationalize this framework through presenting the context for the actions of NGOs in Egypt and the case study of NGO efforts for greater democratization. Finally, the conclusion brings together the conceptual and empirical discussions.

## KEYWORDS

Democratization; globalization; civil society; NGOs; Egypt; human rights.

This article considers current explanations of the link between globalization and democratization in light of an empirical case study: that of a 1998–1999 campaign led by Egyptian NGOs against government restrictions on the freedom of association.<sup>1</sup> It argues that current theorizing of the link between globalization and democratization, while providing important insights, does not completely explain the outcomes described in the case study due to its tendency to focus on structural changes at the macro-level. Instead, the article calls attention to the need to ‘bring politics back in’ to theories of the link between globalization and democratization,

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by studying the political strategies of actors at the micro-level, the longer-term local, historical context against which these strategies are formed and their impact upon existing relations of power.

The article does not seek to present a dichotomy of agency versus structure, but rather intends to draw attention to the need to correct the current bias towards structural explanations of the link between globalization and democratization by studying the role of agency in reproducing or challenging those structures that either promote or hinder democratization. In this sense, this article is intended to complement existing literature that addresses the issue of globalization as both changing structures and new forms of agency (for example, Thomas, 2001; Wilkin, 2001; Shaw and Quadir, 2001).<sup>2</sup>

The first part of this article reviews some of the major arguments regarding the link between globalization and democratization in order to highlight their focus on structural changes in explaining democratization. The second part proposes an alternative explanatory framework that introduces the notion of agency, based on Antonio Gramsci's concepts of hegemony and counter-hegemony. The third and fourth parts operationalize this framework through presenting the context for the actions of NGOs in Egypt and the case study of NGO efforts for greater democratization. Finally, the conclusion brings together the conceptual and empirical discussions.

### THEORIZING THE LINK BETWEEN GLOBALIZATION AND DEMOCRATIZATION

Current theorizings of the link between globalization and democratization differ in their *normative* judgements of the contribution made by globalization to democratization. One approach argues that globalization threatens the prospects for democratization by, among other things, undermining the autonomy of decision-making of national governments by placing too much power in the hands of business, the International Financial Institutions (IFIs) or the richest nations of the world (for example, Cox, 1997; Amin, 1998; Hirst and Thompson, 1999). On the other hand, there are those who claim that globalization represents new opportunities for democratization through the emergence of new actors and technologies that increase pressure on national governments to become more transparent and accountable (Held, 1995; Falk, 1999; Held, 2000). Nevertheless, both sets of literature assume that structural changes attributed to globalization in the economic, social and cultural spheres determine prospects for democratization.

Below, I examine these two normative approaches towards theorizing the link between globalization and democratization. In choosing to categorize the relevant literature according to these different normative

approaches, I have grouped together writers from different theoretical backgrounds, such as liberal, Marxist/post-Marxist, realist/neo-realist, as well as writers from different disciplines – political economy, international relations, economics, development studies, comparative politics, business management, sociology and anthropology. I justify this eclecticism on the basis that it is important to demonstrate that, despite their different disciplinary and theoretical backgrounds, the current literature examining the link between globalization and democratization tends to focus on structural changes at the macro-level, neglecting the importance of agency and political strategy at the micro-level.

### GLOBALIZATION AS UNDERMINING DEMOCRATIZATION

Many authors who are critical of globalization identify the greatest danger to democratization as the loss of national government autonomy in decision-making due to the changing nature of global capitalism and the increasing power of sub-national and supra-national actors. Governments are increasingly obliged to formulate economic and social policies that will attract foreign investment, rather than meeting the needs of their own citizens (Cox, 1993; Hoogvelt, 1997: 122–5). In their bid to attract foreign direct investment (FDI), governments often suppress wages, cut taxes, reduce social expenditure and override environmental concerns in a ‘race to the bottom’ with other countries (Rodrik, 1997; Deacon, 1999; Hertz, 2001).

National governments are not only left powerless in the face of global capital mobility but they are also increasingly subject to the dictate of supranational actors who believe that unhindered capital and goods flows are beneficial for economic development. The international financial institutions (IFIs), such as the World Bank (WB) and International Monetary Fund (IMF), in addition to the World Trade Organization (WTO), promote globalization as a new ‘ideology’ (Cox, 1997: 23). These organizations have actively promoted the integration of national economies into the global market through the imposition of Structural Adjustment Programmes (SAPs) and free trade regimes on countries of the South (Cox, 1993; Hoogvelt, 1997; ‘Abd al-Shafi’ Issa, 1999).

Simultaneously, state autonomy is also challenged from below by NGOs and other non-state groups. These actors have gradually become involved in providing the welfare services that many governments are no longer able to provide because of the fiscal restraint imposed by IMF and WB SAPs (Jessop, 1997; Matthews, 1997). NGOs have been encouraged into this role by the increasing amount of aid channelled to them by Northern donors over the last decade (Fowler, 1992). NGO provision of services previously provided by the state is offered as evidence that NGOs have

become incorporated into the neoliberal orthodoxy regarding a decreased role for the state (Nelson, 1995). In addition, NGOs are also given grants by multilateral and bilateral donors in order to contribute to 'good governance' through civil society strengthening. However, some authors have questioned this whole-scale promotion of a civil society that may contain non-democratic or anti-democratic trends (Allen, 1997; Hewitt de Alcántara, 1998; Carothers, 2000; Hearn, 2001; Abdel Rahman, 2002). For those who fear the weakening of the nation state in the face of globalization, this 'non-governmental order' represents yet another blow to government autonomy and raises fears about the loss of public accountability of decision-makers (Jessop, 1997; Matthews, 1997).

The increasing power of corporations, the loss of government sovereignty in national decision-making and the devolution of powers away from the state to supra-national or sub-national actors are perceived to threaten democracy within nation states because these structural changes undermine traditional mechanisms of accountability between state and citizen (Gill, 1997; Hirst, 1997: 3–10; Hertz, 2001). With regard to the Middle East, some authors have argued that exposure to the global market, through economic liberalization, may lead to increased political authoritarianism (or 'political de-liberalization') as state elites attempt to contain social unrest, generated in response to economic liberalization, that may threaten the further implementation of economic reforms or even the regime's very existence (Nelson, 1989; Kienle, 2001).

### GLOBALIZATION AS INCREASING THE OPPORTUNITIES FOR DEMOCRATIZATION

This set of literature does not ignore the negative consequences of globalization. Indeed, it accepts many of the observations regarding the growing inequalities and insecurities accompanying globalization. However, it differs from the literature above in terms of its explanation of these problems and the solutions it advocates. The authors surveyed in this section argue that globalization consists of a global redistribution of power – 'a reordering of power relations between and across the world's major regions such that key sites of power and those who are subject to them are often oceans apart' (Held and McGrew, 2000: 8). As a result of this redistribution of power, we are now witnessing new types of political, economic, social and cultural actors and processes that are transnational in nature. Based on this analysis, proponents of this thesis emphasize the opportunities for and need to create new types of governance arrangements that are not based on the principle of the territorially defined nation state.

There is a body of literature that argues that the spread of the free market, liberalization of trade, increases in FDI and privatization of

production offer new opportunities for encouraging political liberalization. For a private sector to grow successfully, there must be free-flow of information, transparency of financial institutions, an end to corruption among public officials and application of the rule of law (Richards, 1995). Privatization places more economic resources in private hands, which, in turn, provides more individuals with economic power that can be translated into political power (Huntington, 1991: 65). In the long term, the economic growth brought about by economic liberalization creates the level of affluence deemed by some to be necessary for sustaining democratic values (Diamond, 1999: 78). In addition, links with the 'outside world' through trade and cross-border investment help to introduce ideas about transparency, accountability and other good business practices that are contrary to the closed, monopolistic power of state-led economies (Huntington, 1991: 66). Finally, economic liberalization entails reforms that are painful for certain sectors of the population. Authoritarian regimes may liberalize the political sphere in order to spread the responsibility for economic reforms, thereby, protecting their own position (Richards, 1995). In this way, regimes may end up with 'democracy by default' (Ayubi, 1995: 402).

Indeed, the era of globalization has coincided with an increase in the number of democracies in the world and a trend towards decentralization of powers from central to local or regional government (Diamond, 1993; World Bank, 2000: Chapter 5). In addition to the market, an active civil society is regarded by many as an impetus for democratization and democratic consolidation (O'Donnell *et al.*, 1986; Ibrahim, 1995; Diamond, 1999; Risse *et al.*, 1999). Civil society organizations, including NGOs, contribute to political pluralism by giving voice to a myriad of different interests (Ibrahim, 1995; Fisher, 1998; Diamond, 1999: 243–4). They provide a counterbalance to the government, thereby preventing state monopoly of power and encouraging transparency and accountability (Diamond, 1999: 239–42). They are important vehicles for citizen participation in public affairs and empower individuals in exercising their civil and political rights (Ibrahim, 1995; Diamond, 1999: 242–3; 247). Civil society is also a sphere of mobilization for the normative and social dimensions of democracy. Over the last decade, civil society organizations have been at the forefront of advocating human rights, women's rights, poverty eradication and the environment at both national and international levels (Fisher, 1998; Keck and Sikkink, 1998; Falk, 1999; O'Brian *et al.*, 2000). In addition, through participation in civil society organizations, citizens learn the values of civility and tolerance, which are prerequisites for the consolidation of democracy (Ibrahim, 1995).

Globalization also contributes to democratization through the spread of new information and communication technologies (ICTs), which may act to strengthen national/regional/political or other identities by bringing

people together across time and space (Yamani, 2001). Some argue that globalization has facilitated intercultural exchanges that blur distinctions between nations and communities. This process enables new combinations of identities to be created, resulting in a 'hybrid' culture (Nederveen Pieterse, 1995). In some cases, these new identities can become a resource for the creation of transnational social movements or a movement for 'globalization-from-below' (Keck and Sikkink, 1998; Falk, 1999; Al-Ali, 2001). The blurring of hegemonic national cultures that represent the national community as homogeneous, may empower previously suppressed or ignored social groups, based on class, gender, ethnicity, religion, sexuality or other identities (Held and McGrew, 2000; Al-Ali, 2001).

The trend towards transnationalism is also encouraged by new material realities. Many contemporary problems, such as, ecological degradation, crime and the regulation of capital, cut across national boundaries. In addition, the global reach of power relations means that issues such as women's rights, labour rights and human rights have a global dimension. On the one hand, this means that national governments must cooperate with each other and through multilateral organizations in order to address these problems adequately (Falk, 1999; Held and McGrew, 2000). On the other hand, social movements must act globally in order to address rights issues. Multilateral organizations represent new forums in which governments from the South and civil society actors are able to voice their oppositions to the negative effects of 'globalization-from-above' (Falk, 1999).

In light of the democratizing potential of new non-state actors and the perceived inability of the nation state to no longer deal with the wide array of contemporary problems, some authors have advocated alternative models of governance that maximize citizen participation. David Held's model of cosmopolitan democracy (Held, 1995) and Richard Falk's 'globalization-from-below' (Falk, 1999) are examples of this.

### **THE CONCEPT OF POLITICS IN THEORIZING THE LINK BETWEEN DEMOCRATIZATION AND GLOBALIZATION**

The two sets of literature examined above possess very different normative approaches to the issue of globalization and democratization. The first set of literature perceives globalization to be a threat to democratization because the nation state is the only entity through which the necessary accountability mechanisms for democracy may be realized. This approach assumes that (a) the nation state is a homogeneous and well-defined political community with a shared set of values; and (b) national institutions are capable of delivering democracy within the context of a globalizing world.

As the proponents of the second argument regarding globalization

contend, nation states are not homogeneous, but consist of different interests and identities. This may mean that individuals possess allegiances to entities below or above the national level, or even multiple allegiances, that compete with and decentre national identities. Second, in many countries in the South, the nation state has become a vehicle for authoritarianism and corruption, rather than the framework for democratic institutions. Finally, the fact that the effects of globalization cut across national borders makes national institutions incapable of dealing adequately with globalization.

In recognition of the socio-economic and cultural transformations associated with globalization, the second set of literature advocates a new architecture of governance that complements the nation state and takes into account the multiple levels upon which issues may be addressed in an era of globalization. This set of literature assumes that (a) national, ethnic or religious identities do not act as a barrier to the creation of new forms of governance; (b) socio-economic differences between nation states do not act as a barrier to the creation of new forms of governance; and (c) the growth of non-state actors necessarily forces the nation state to cede powers to these actors.

The second set of literature views the pluralization and the hybridization of identities as a generally positive trend and fails to acknowledge that cultural differences may generate conflict. Such conflicts work against the creation of universal citizenship required for the functioning of cosmopolitan democracy. Moreover, socio-economic differences within and between nations are also a barrier to the functioning of a globally inclusive cosmopolitan democracy. The creation of new global institutions will not guarantee that political processes will become more democratic on a global scale. Finally, the nation state still plays a large role in influencing politics within its territorial boundaries. This influence includes the way in which nation states shape national civil society. Most obviously, civil society, as a private sphere of association, is secured (or not) by state law. Without state legislation and institutions that guarantee citizen rights to participation in the public sphere, civil society cannot operate freely (Zubaida, 1992). As a result, a growing body of literature argues that liberal assumptions about the democratizing effects of civil society are erroneous because they have failed to take into consideration the state's ability to limit civil society activities (Kleinberg and Clark, 2000). In practice, the boundaries between the state and civil society have long been blurred and the two 'spheres' are much more interrelated than are currently depicted. For example, civil society actors, such as trade unions and business organizations, have long been involved in state policy-making in many countries through corporatist arrangements (Schmitter, 1979). These arrangements have had an important effect on how civil society has developed.



Despite the fact that democratization would appear to be, first and foremost, a political process, the literature examining the relationship between globalization and democratization says very little about politics. Rather, democratization (or lack thereof) is seen to be the consequence of the creation of new political institutions or new social actors without acknowledging the struggles over power that are involved in these processes.

This omission may be seen as a result of the way in which power is conceptualized. Both sets of literature assume that power is a zero-sum game. The processes associated with globalization shift power from one actor to another, principally from the state to non-state actors (whether these are NGOs, social movements, transnational corporations or multi-lateral organizations). Depending on the normative approach to globalization, this 'power shift' is believed to be either positive or negative for democratization.

However, rather than seeing power as a zero-sum game, here, I understand power to exist only in a relationship between actors. That is, it is not merely the case that one class/group exercise power at the expense of another. The 'dominated' also contribute to and participate in their domination through their actions, which are informed through their worldview (Gramsci, 1971: 159). This relational concept of power is termed 'hegemony' by Antonio Gramsci. Hegemony exists as a consensus concerning the 'naturalness' of existing relations of power, backed by the coercion of the state apparatus (the police, courts, etc.). This consensus is diffused through the institutions of civil society, for example, voluntary associations, the education system and the media (*ibid.*: 12, 161).

Hegemony is not merely ideology existing at the level of the superstructure. A ruling group secures consent for its rule through ideological means. Yet, consent may also be secured through material realities, such as, the creation of certain political institutions, state provision of services and cultural rituals (Eagleton, 1991: 112). The 'ideological' and the material aspects of hegemony cannot be separated but, rather, constitute two sides of the same coin, the one reinforcing the other. Consequently, 'it is not enough to occupy factories or confront the state. What must also be contested is the whole arena of "culture", defined in its broadest sense' (*ibid.*: 114).

Nevertheless, the ruled are not condemned to perpetually reproduce the hegemonic consensus that maintains their subordination. Gramsci was also interested in how the 'subaltern classes' could overturn the hegemony of capitalism. He regarded civil society as the trenches in which social forces would establish their 'war of position' against capitalism (Gramsci, 1971: 229–38). That is to say, for Gramsci, civil society is not only the sphere through which hegemony is diffused, but also the terrain upon which resistance to hegemony, or counter-hegemonic projects, can be



formulated.<sup>3</sup> In the context of post-independence Egypt, there has existed a hegemonic consensus around the subordination of civil society to 'national interests'. In this context, the NGO campaign for a more democratic law, conducted upon the terrain of civil society, represents part of a counter-hegemonic project (see below for further details).

Based on this understanding of power, democratization becomes a process of struggle between actors, rather than the effect of economic, social, technological and cultural processes alone. The new resources made available by globalization, such as new technologies and transnational linkages, may be incorporated by social actors into their strategies for promoting democratization or maintaining the status quo but they are not, in and of themselves, sources of power. Rather, resources 'are the media through which power is exercised' (Giddens, 1984: 16). In order to understand how globalization impacts upon the process of democratization, we must consider the strategies of social actors, particularly those acting upon the crucial terrain of civil society, and how these strategies impact upon relations of power expressed within the hegemonic consensus. In regard to our case study, it is necessary to evaluate the strategies of the NGO campaign in relation to the hegemonic consensus it was attempting to counter.

### EGYPTIAN NGOS AND THE POST-INDEPENDENCE HEGEMONIC CONSENSUS

Before introducing the case study, this section provides a background to the operation of NGOs in Egypt and their relationship to the post-independence hegemonic consensus. In Egypt, NGOs (or civil associations as they are termed) come under the jurisdiction of the Ministry of Social Affairs (MOSA) and are regulated by Law 84/2002, which grants the authorities extensive powers to intervene in the affairs of NGOs. This law replaced Law 153/1999, the campaign against which this case study examines. Law 153/1999 was repealed in June 2000, following a decision by the Supreme Constitutional Court, which deemed the law unconstitutional. From June 2000 until June 2002, Law 32/1964 was reinstated.

Officially, the number of NGOs in 1996 was recorded to be 15,000 (MOSA, 1998), yet a more recent study of the Egyptian economy gave a figure of 28,000 (Weiss and Wurzel, 1998). However, it is estimated that up to half of the officially recorded NGOs are inactive. The vast majority of civil associations work in community development or welfare-oriented activities.<sup>4</sup> Community development associations (approximately a quarter of all NGOs, MOSA, 1998) are generally viewed as extensions of the state bureaucracy, greatly relying on MOSA for their funding and staffing. Almost all other types of NGOs are welfare-oriented and a significantly large number of these are religious in character (principally Islamic

but there are also a number of Coptic Christian-run NGOs). An informal 1991 estimate put the number of Islamic NGOs at 43 per cent of all welfare NGOs (cit. in Zaki, 1995: 59). They are often well-staffed by volunteers and well-funded through private philanthropy and grants from international Islamic NGOs or governments of Islamic countries. Welfare-oriented NGOs tend not to enter into direct conflict with the state and often rely on personal contacts within the state bureaucracy to help negotiate MOSA's strict regulations regarding fund-raising and types of permitted activities. Some business people's associations are also governed by Law 84/2002 but tend not to be subject to the same degree of state interference as other NGOs due to their high profile membership.

Human rights NGOs (here, meaning those NGOs that advocate the rights of citizens or particular groups, such as women, workers or children) constitute a very small percentage of the total number of NGOs and are mainly based in Cairo. In 2000, there were less than forty such NGOs. Due to the nature of their activities, which involves highlighting rights violations by the Egyptian authorities, they have been subject to various episodes of official harassment, ranging from being prevented from holding seminars to certain individuals being arrested. In March 2003, an appeals court finally overturned the charges against Saad Eddin Ibrahim, an Egyptian pro-democracy activist who had spent fourteen months in prison since first being arrested in June 2000. He had been charged with receiving funding from abroad without the permission of the authorities and 'tarnishing Egypt's reputation abroad' by publishing reports on the political situation in Egypt.<sup>5</sup>

Until the change in the law in 2002, most human rights NGOs circumvented state interference by registering as non-profit, civil companies. This loophole has now been closed and all entities carrying out activities deemed to be those of an NGO must register with MOSA or face a penalty of six months imprisonment and a fine of LE2000 (Article 76).<sup>6</sup> At the time of writing, MOSA had granted a permit to the Egyptian Organization for Human Rights (established in 1985) but not to the New Woman Research Centre (established in 1991) or the Land Centre for Human Rights (advocating the rights of workers and peasants, established in 1996).

Until June 2002, NGOs were governed by Law 32/1964 (except for a brief period between May 1999 and June 2000 in which Law 32/1964 was replaced by Law 152/1999). This law exemplifies the constituent elements of the post-independence hegemonic consensus. This law (and, similarly, other laws governing professional associations, trade unions and political parties) subjugates civil society organizations to the executive in the interests of the nation (as defined by the executive) through the creation of specific (corporatist) institutions, the control of finances and the creation of penalties to criminalize those activities that transgress the hegemonic consensus. The fact that the vast majority of NGOs have abided by the law

signifies the degree to which it may be considered to reflect a consensus (backed by coercion). Both subsequent laws (Law 153/1999 and Law 84/2002) are very similar to Law 32/1964 (and, therefore, represent a continuation rather than a departure from the hegemonic consensus). The major difference is that they have aimed to close the loophole that enabled NGOs to operate under the rubric of non-profit civil companies and to make it illegal for NGOs to join international federations, unions or networks without MOSA permission. Both these measures constitute an attempt by the government to re-adjust its control in response to changing conditions at the global and local level.

### **Corporatist arrangements**

The 1964 law organized civil associations into a strict, monopolistic hierarchy, with the Ministry of Social Affairs (MOSA) at the apex of the pyramid. Associations, which form the base of the pyramid, are organized into two mandatory types of federation: one of 26 regional federations, according to geographical location, and one of 12 specialized federations, by type of activity. An association is only permitted to work in one of twelve designated types of welfare work or in community development (Article 4) and an association is not permitted to conduct any activity outside of its geographical area (Article 26). If MOSA considers that there would be a duplication of work in a certain area, it may refuse the registration of another association (Article 12).

The different levels within the hierarchy are controlled by the executive through their appointment of the boards of different federations. The regional and the specialized federations are supervised and coordinated by the board of the General Federation of Civil Associations, which is principally made up of MOSA officials, other ministry officials, representatives of the ruling party and other members selected by MOSA from the regional and specialized federations (Article 85; Presidential Decree 1301/1969, Article 1). The Minister of Social Affairs is chair of the General Federation board. The organization of civil associations into compulsory, non-competitive, hierarchically ordered and functionally differentiated categories, which are controlled by the state, approximates the typical model of corporatism, as defined by Philippe Schmitter (1979: 13).

### **Financial dependency**

The Law controls the financial operations of civil associations in order to maintain their material dependency upon the executive. An association must seek prior approval from the executive before collecting funds or soliciting donations from any source – whether ‘foreign’ (Article 23) or

domestic (Article 25). A 'Support Fund', which is controlled by the executive, disburses state funds to civil associations (Article 91). Only about 35 per cent of civil associations receive an annual average sum of LE3000 from the Support Fund, and the majority of these are 'public status' associations, that is, associations implementing MOSA projects (Ibrahim, 1996: 32).

The tight regulation of the financing of civil associations has led many associations to attempt to mitigate the stifling effects of the Law through various 'survival strategies'. For example, many associations have hired high-ranking bureaucrats as 'project consultants' in order to secure approval for grants from foreign donors (*ibid.*: 32). In addition, associations may utilize informal relations with MOSA, through the fact that MOSA officials sit on the boards of many associations, to facilitate negotiation of the highly bureaucratic processes.<sup>7</sup>

### **Penalties**

Law 32/1964 stipulates a number of penalties, which reinforce the boundary of permissible associational activities. The most significant aspect of these penalties is that an association's board members and managers possess criminal liability and, consequently, are subject to the Penal Code, whose penalties are often harsher for the offences listed in the Law (Article 97). Article 92 of the Law lists seven different offences, punishable by up to six months in prison and/or a fine, or any stricter relevant penalty from the Penal Code. These offences include operating as an association before receiving a licence; carrying out activities not specified in the association's by-laws; and fund-raising without permission.

These penalties are rarely imposed (Zaki, 1995: 61). Yet, their ideological implications are clear regarding the subjugation of associations to the executive and the supposed potential dangers that associations pose to society. Indeed, MOSA does not need to resort to politically costly coercive practices when it can use the everyday stipulations of the Law as a means of maintaining its hegemony over associations, such as excessive inspection procedures, vetoing decisions and denying fund-raising permits (Ibrahim 1996: 25).

### **Ideological representation**

The above elements of the Law have an ideological dimension in that they clearly represent civil associations as subordinate to and dependent upon the executive, in the national interests. The Explanatory Memorandum of Law 32/1964 identified the ideological intentions of the Law as an instrument of state-directed modernization. It refers to the importance of

'subjecting the efforts in the social field to proper co-ordination within a general comprehensive plan – supervised, directed and monitored by the state' (Explanatory Memorandum, p. 34, cit. in Ibrahim, 1996: 18).

The state is able to control the scope of NGO activity by restricting NGO activity to the sphere of socio-economic welfare and criminalizing autonomous action in the political sphere. The Law defines a permissible civil activity as community development or one of 12 designated welfare activities, such as social assistance, family planning and welfare of the aged. MOSA may refuse to grant a permit to an association whose activities are considered to constitute a threat to 'national security' or an attempt to operate an illegitimate political party under the pretence of an association.<sup>8</sup> As part of the registration procedure, a copy of all necessary documents must be sent to the State Security Department for approval (Presidential Decree 932/1966, Article 4).

Even after an association successfully registers with MOSA, the executive continues to closely monitor the association's activities and members, with the implicit assumption that such close scrutiny is necessary to protect society. The Law grants MOSA powers to supervise, monitor, dissolve, suspend and merge civil associations and foundations, to appoint and remove the officers of associations and to review and annul the decisions of associations, including their internal elections. The Law also provides strict rules concerning the internal governance of associations, including membership, the general assembly, elections of the board, book-keeping and reporting. Nothing is left to the discretion of an association's members.

Yet executive control is, primarily, about the mobilization of social resources for the purpose of modernization, rather than the restriction of associative life (although the latter is certainly a consequence of the Law). Where associations undertake welfare activities and keep their records in order, they are not prevented from working. Nevertheless, when the executive considers certain activities to be politically sensitive to the government, the executive can use Law 32/1964 to harass an NGO. For example, the Association for Health and Environmental Development was denied permission to receive a grant from abroad following its participation in the NGO Coalition against the NGO Law.

In the post-independence period, the state has attempted to mobilize not only civil associations, but also workers, peasants and middle-class professionals as a 'popular' coalition of working people in support of national development. Until the early 1970s, the national development strategy was one of Import Substitution Industrialization (ISI), which relied on domestic production by the urban workforce and extraction of capital from the agricultural sector in addition to mass consumption of domestic products (Richards and Waterbury, 1991: 27). In order to mobilize a populist/ISI coalition, the regime extended socio-economic

benefits (such as, universal healthcare and education, guaranteed employment, subsidized food and rent controls) to all citizens. It also incorporated trade unions, professional associations, peasant associations and other groups into the state through corporatist arrangements (Bianchi, 1989; Ayubi, 1995). Despite the shift away from ISI towards a more liberalized economy, the regime still relies on the mechanism of incorporation to maintain its hegemony. Conversely, where the regime has attempted to withdraw certain benefits, it has faced fierce public opposition, demonstrating society's belief in the legitimacy of the post-independence hegemonic consensus. For example, from 1991 onwards, public sector workers have struck against privatization and tenant farmers have staged protests against the removal of land rent ceilings.

### **THE CASE-STUDY: EGYPTIAN NGOS CAMPAIGN AGAINST RESTRICTIONS ON FREEDOM OF ASSOCIATION<sup>9</sup>**

The events represented in this case study constitute probably the most intensive moment of civil society mobilization and activism in Egypt since the pro-democratization student movement of the early 1970s. The NGO-led campaign against government restrictions was remarkable because, for the first time, it brought together NGOs working on human rights with those working in less politically-sensitive areas of social welfare and development. The mobilization of Egyptian civil society against proposed legislation that would restrict the freedom of association of NGOs came within the context of a general upsurge in Egyptian NGO activity following their massive participation in the UN International Conference on Population and Development (ICPD) held in Cairo, in 1994. In preparation for the conference, different NGO activists had the unprecedented opportunity of meeting each other and working together. In addition, during this conference the Egyptian government came under pressure from domestic and international actors to amend Law 32/1964.

However, NGOs were shocked when they finally saw a leaked version of the draft legislation in February 1998. Egyptian human rights NGOs began to mobilize opposition to what they perceived as government attempts to continue, rather than lift, restrictions on the freedom of association of NGOs.

By May, there were rumours that the government would submit the draft law to parliament for discussion before the end of the parliamentary session on 11 June 1998. In response, on 27 May 1998, 19 NGOs and one individual active in civil work signed a position paper, criticizing the government for excluding concerned parties from the drafting process and for:

tightening government control over NGOs by filling the loopholes in Law 32/1964 [the existing legislation] and extending the law to include, and stifle, all forms of civil work.

(Nineteen organizations, 1998: 1-2)

This was the first time that human rights NGOs and development/welfare NGOs had made a joint public statement against government actions and, therefore, the position paper was a significant turning point in the campaign for a more democratic law.

Following this unprecedented mobilization of human rights and welfare/development NGOs, the government began to take a more conciliatory tone towards the NGOs. On the evening of 3 June, prior to a press conference by five human rights NGOs in which they would condemn the draft law, the government withdrew the legislation from that parliamentary session. On 15 June 1998, the minister of social affairs called a consultative meeting in Cairo, to which were invited approximately eighty NGOs, including some of those that had signed the protest statement. Another meeting was held in Alexandria on 18 July 1998. Following these meetings, the minister announced that she would repeal the article that gave the minister the power to appoint up to half the members of an NGO's board and review the items banning political activities and concerning penalties.<sup>10</sup> In addition, the NGOs could claim a mini-victory in that the minister appointed four NGO representatives to the 'consultative committee' responsible for advising the drafting committee for the law.<sup>11</sup>

The original 19 organizations that signed the position paper in May 1998 managed to gather more support. On 20 August 1998, 69 NGOs established the Forum for the Promotion of Civil Society (FPCS). All members signed a declaration of principles, as a founding charter, which consisted of a framework for the right to freedom of association. This framework interrogated both existing and proposed legislation. First of all, the freedom to form associations was considered a human right guaranteed by the Egyptian Constitution, rather than a privilege granted by the government. It was argued that this right should exist for all groups of individuals acting for collective purposes and not-for-profit (and not only for those deemed to be politically legitimate by the government). The declaration asserted that associations must be independent from the state and must be able to decide their own policies, priorities and organizational framework. Any obstacles placed in the way of free association or any intervention in the affairs of associations should be considered illegitimate. Only an association's members and those directly affected by its work should have an interest in or a right to monitor the activities and budgets of the association. Associations should be free to do work considered 'political', such as lobbying of decision-makers. Associations should



not be penalized by exceptional penalties but should be subject to the Civil Code. Finally, associations should have the right to freedom of movement, expression and creativity (FPCS, 1999: 10–11).

In addition, the FPCS issued a number of recommendations to be included in a new NGO law. These included the freedom of NGOs to carry out new activities without prior approval from MOSA, ensuring the sovereignty of an association's general assembly, ensuring the right of freedom of association for all citizens, repealing criminal penalties for associations and guaranteeing the freedom of associations to form/join unions or federations (FPCS, March 1999: 33–4). These recommendations were sent to the minister for social affairs (FPCS, September 1998).

The rights and freedoms demanded by the NGO campaign could be considered a direct challenge to the executive's control over civil society enshrined in Law 32/1964, countering the hegemonic consensus regarding civil society's subjugation to 'national interests'. Nevertheless, the declaration of principles failed to mention the freedom of an association to fund-raise, whether domestically or internationally. This freedom is also absent in the follow-up declaration.<sup>12</sup> This absence is significant in light of the fact that the unmonitored receipt of funds from abroad was one of the main points of criticism used by proponents of restrictions on NGOs. In particular, government officials together with a significant section of Egyptian civil society have consistently used the argument that NGOs are potentially 'fifth columns' on the pay list of Western donors, whose aim is to undermine the Egyptian nation. In addition to using the subject of 'foreign funding' to delegitimize NGOs, the government can also control NGO fund-raising abroad as a way of controlling NGO activities, since the majority of active NGOs rely on funds from abroad for the bulk of their work.

Between June 1998 and May 1999, a significant number of articles appeared in the Egyptian press arguing for legislation to restrict foreign funding to NGOs. To this day, this issue remains the most talked about aspect in relation to NGOs. Within the context of the post-independence hegemonic consensus, the 'foreign funding debate' may be understood as a discourse for exercising authority over NGOs and regulating their relations with the 'West' in an era in which transnational linkages between non-governmental and governmental actors are significantly increasing.

The delegitimization of Egyptian NGOs' relations with the 'West' is a necessary part of maintaining the hegemonic consensus underpinning government control of the political sphere. In order to maintain its control over the national political sphere, the government must maintain the boundaries of the nation. This means that it must prevent any blurring of the nation's boundaries, such as, the creation of linkages between Egyptian civil society actors and actors beyond the nation's boundaries. By advocating executive supervision of fund-raising abroad, the

government, and others within civil society, attempted to delegitimize transnational linkages by representing 'foreign funding' as a threat to the nation.

The construction of foreign funding as a threat is rooted in Egypt's historical ambiguity towards the geographical West as a representation of modernity, whilst simultaneously a former colonizer. On the one hand, the government itself accepts large amounts of aid from bilateral and multi-lateral donors (approximately \$1,255 million in 2001) and has a generally pro-US foreign policy (although, the relationship between the US and Egyptian governments has been strained at certain times due to the situation in Israel/Palestine and the recent war on Iraq). Moreover, many Egyptians are consumers of Western goods, cultural products and services (such as jeans, McDonald's meals, Hollywood films and education in European and US universities). On the other hand, leftist, nationalist and Islamist political trends in Egypt depict the 'West' as imperialist, corrupting and decadent (Al-Ali, 2000: 26–33). In addition, there is widespread condemnation within society of Western foreign policies towards the Middle East (for example, the large demonstrations against the recent war on Iraq).

By representing the geographical West as fundamentally dangerous to Egypt, consequently, any links with individuals or organizations located within the geographical West are also considered to be fundamentally dangerous to Egypt. This discourse does not recognize the possibilities for transnational linkages that empower Egyptian citizens. The only legitimate possibility for links between Egypt and the 'West' must be channelled via the Egyptian government, as the sole, legitimate representative of the 'national interests'. The continuing validity of this discourse about the geographical West enables the Egyptian government to maintain its hegemony over the Egyptian political sphere and, hence, over Egyptian civil society. Many sections of civil society support this hegemony because they see it as part of the post-independence order, from which they have benefited.

The FPCS campaign ignored the thorny issue of Egyptian NGO transnational linkages, particularly that of fund-raising from abroad. Instead, it argued that freedom of association was necessary in order for NGOs to contribute effectively to national socio-economic development and democracy (for example, Fahim, 2 September 1998 and Abu Zahra, 3 September 1998).<sup>13</sup> This argument utilized the concept of NGO participation that was prevalent in the recommendations of various UN conferences throughout the 1990s.<sup>14</sup> It was not too dissimilar from the government's own rationale for amending existing legislation in order to co-opt NGO efforts more effectively into state modernization plans. Indeed, one of the reasons behind the new legislation was to enable NGOs to contribute more effectively to the government's modernization plans

(National Committee, 1998).<sup>15</sup> The FPCS choice to focus on the contribution of NGOs to socio-economic development and democracy in its campaign should be understood within the context of the consensus that exists in Egyptian society concerning civil society links with the 'West'. The FPCS took a strategic choice to play down the issue of foreign funding in order to mobilize the largest possible support within Egyptian society for its campaign.

Yet, in many ways, the FPCS campaign appeared to put the Egyptian government on the defensive. The NGO coalition organized a high-profile public campaign to mobilize opinion in support of a 'democratic law'. It managed to mobilize other NGOs, the local and international press, political parties, professional syndicates, members of parliament and the international community, including Cairo-based foreign embassies. By May 1999, the FPCS had expanded to include 105 NGOs and its campaign had managed to place the debate over freedom of association in the public spotlight.<sup>16</sup> Moreover, the FPCS demands for freedom of association were supported by a general global consensus around the need to increase NGO participation in public affairs, as promoted by UN conferences during the 1990s.

Without warning, the final draft of the law was presented to the cabinet on 16 May 1999. The timing and the content of the final version came as a surprise to all and it was disowned by the four NGO representatives on the consultative committee for drafting the law (Members of the drafting committee, 1999). The imminent passage of the draft law from the cabinet to the People's Assembly (PA) sparked a flurry of intense activity among FPCS members, who organized a series of high profile actions. Meanwhile, both domestic and international civil society actors expressed their opposition to the law.<sup>17</sup> The protests failed to halt the passage of the bill, which was passed by the PA on 26 May 1999, with only 11 opposing votes from among opposition and independent members. The bill had been enthusiastically supported by many parliamentarians on the basis of protecting national security. Human rights NGOs were particularly attacked for receiving unmonitored foreign funding, which was perceived to be a danger to Egyptian 'national security' (Schade-Poulsen, 1999: 11).

In a press conference, the minister of social affairs argued that opposition to the new law was coming from human rights groups alone; that the Ministry of Social Affairs (MOSA) had conducted a dialogue with the representatives of about four hundred NGOs, including human rights groups; that 13 representatives of NGOs had been involved in the drafting committee; that MOSA had adopted a number of recommendations put forward by NGOs; and that the 'state has the right to protect its political system and national unity' (*al-Hayat*, 28 May 1999). Her arguments demonstrated that NGO participation in the process of drafting a law had become a new form of government co-optation of civil society, rather than

a challenge to the post-independence hegemony of state control over civil society. In the end, government control of NGOs, particularly their finances, was deemed legitimate in order to protect the 'national interest' and 'national security'.

In many ways, the NGO campaign was successful. It managed to mobilize both local and international support for its cause. However, the failure of the FPCS to address the crucial issue of transnational linkages may be seen as the most important factor leading to the government's ability to pass the law. This is because the government's ability to control civil society's transnational linkages represented a significant aspect of the government's ability to maintain hegemony over the political sphere. Other aspects of the FPCS campaign concerning the importance of freedom of association in contributing to national development and democracy were appropriated by the government into the consensus surrounding civil society's subjugation to national interests. By failing to win the argument on transnational linkages, the campaign did not address the major aspect of the government's control over civil society.

Sidestepping this issue also had implications for the coalition's continued existence. The majority of coalition members were welfare/development NGOs that had hardly experienced harassment from the government. Existing legislation had made their lives difficult and had forced them to find ways to circumvent bureaucratic rules and regulations but it had not prevented them from existing (Ibrahim, 1996). The majority of these NGOs were concerned less with challenging the hegemonic consensus surrounding the subjugation of civil society to the executive and more with the drafting of less bureaucratic legislation.<sup>18</sup> On the other hand, human rights groups had different interests in changing the law. Existing legislation did not ban the formation of human rights NGOs but no independent human rights NGO had ever succeeded in being formally recognized by the government. Human rights NGOs had managed to bypass these limitations by registering as non-commercial civil companies. This group of NGOs had the most to gain from the passage of a more democratic law governing associations. Consequently, they were at the forefront of the NGO campaign.

However, once the law was passed, human rights NGOs operating beyond MOSA control (and, consequently, beyond the hegemonic consensus) were targeted by the government and its supporters as potentially a danger to 'national interests'. Consequently, it is not surprising that it was those members of the FPCS who felt that their positions were most vulnerable to the accusation of challenging 'national interests' that were the first to break away from the NGO coalition. On 4 June 1999, a group of six human rights NGOs and one individual from a human rights NGO issued a joint statement in which they implicitly accused other human rights NGOs of being unpatriotic for threatening to establish an office

abroad and refusing to comply with the new law (Legal Research and Resource Center, 1999). This statement came on the same day that some of these organizations had met with a MOSA official to express their intent to register under the new law. This meeting effectively delegitimized and split the coalition against the law. This move may be interpreted as an attempt by some human rights NGOs to accommodate their position in order to secure their location within the post-colonial hegemony and, thereby, secure their continued existence.

Despite the actual passage and ratification of the new law and the split within the coalition, some activists felt that there were still avenues available for opposing the law, including, challenging its constitutionality before the Supreme Court, non-compliance with the law, forming a new coalition for political reform with political parties and calling the Egyptian government to account before the UN Committee on Economic, Social and Cultural Rights. The FPCS even continued working on proposals for the law's implementing regulations. However, by the beginning of 2000, its work had more or less come to a standstill. A particular blow to the FPCS was the removal of Amin Fahim as the head of the Upper Egyptian Association for Education and Development in April 2000, on the basis of allegations of financial wrongdoing. However, no formal charges were ever made against him and it is generally believed that the government played a part in his removal. Mr Fahim had been an important figure within the FPCS, representing one of Egypt's largest and longest established welfare NGOs.

## CONCLUSION

In this paper, we have attempted to understand the outcomes of an Egyptian NGO campaign for democratization. According to the literature that argues a positive correlation between globalization and democratization, this campaign should have led to a widening of the margins of freedom for Egyptian civil society. Not only did it mobilize local support, but it also had the backing of international human rights NGOs and many foreign governments and donors. This degree of transnational movement support for Egyptian NGOs in their campaign should have been sufficient to pressure the Egyptian government to promulgate a more democratic NGO law. Yet, this was not the case.

The literature arguing that globalization undermines democratization would predict that pressures from transnational capital, IFIs and other non-state actors would undermine the traditional mechanisms of accountability within nation states. Contrary to these expectations, globalization, experienced in this case as an increase in transnational civil society linkages, did not ultimately undermine post-independence governance structures (which, although hegemonic, were not democratic). This is because

the government was able to draw on a general suspicion of the 'West' to discredit NGO links with donors and other actors located in the geographical West. The delegitimizing of transnational linkages represents an important mechanism for maintaining government control over the political sphere and, thereby, maintaining its control over civil society.

By taking a strategic choice to underplay the issue of foreign funding, the NGO campaign was able to mobilise wide domestic support but it also avoided addressing the key issue of transnational links. This gave the government and other trends supporting controls over NGO activity an advantage in the debates over the content of a future NGO law. The issue of foreign funding has continued to plague discussions over the degree to which the government should oversee NGO work. Following the repeal of Law 153/1999 by the Supreme Constitutional Court in June 2000, a new NGO law was passed in June 2002 (Law 84/2002), which maintained government control over NGOs. One parliamentarian (from an opposition party) argued in favour of the law, saying that the government had the right to crack down on NGOs that 'receive funding for preparing reports contrary to the national interests' (Essam El-Din, 2002).

It is not sufficient for NGOs and other political actors struggling for democratization to oppose only certain elements of the hegemonic consensus, such as the government's institutional subordination of civil society. It is also necessary to wage a 'war of position' against the ideological subordination of civil society to the concept of 'national interests'. The basis for the construction of this concept is rooted in the continuing, widespread suspicion of the 'West'. By not addressing this issue (for example, by drawing attention to the fact that the West is not a monolithic bloc and that there are movements of opposition within the West to the war on Iraq, the occupation of Palestine and global economic inequalities) the NGO campaign failed to fully challenge the hegemonic consensus that underpins authoritarian politics in Egypt and, thereby, indirectly contributed to reproducing it. Whilst structures at the macro-level provide an important context for political action, the case study presented here demonstrates that the outcome of democratization efforts is also contingent upon the degree to which actors' chosen strategies contribute to either reproducing or challenging the relations of power between civil society and the state.

## NOTES

- 1 This case study is one part of fieldwork conducted in Egypt from 1999 to 2000 and supported by an ESRC studentship. The author would like to thank Salwa Ismail, Robert Vitalis, Charles Tripp, Kamil Mahdi, Ray Bush and Nadjé Al-Ali for their comments at various stages of this research project. In addition, I thank the three anonymous reviewers for their comments.
- 2 I thank one of the anonymous reviewers for identifying the necessity of clarifying this point.



- 3 Gramsci never used the term 'counter-hegemony'. This term is generally used to describe the creation of an alternative hegemony on the terrain of civil society in preparation for a 'war of position'. For a development of the concept of 'counter-hegemony', see Boggs (1984).
- 4 For further details on the operation of NGOs in Egypt, see Salem (1991); Kandil (1995b); Ibrahim (1996); Pratt (2001); and Abdel Rahman (2001 and 2002).
- 5 See <http://www.democracy-egypt.org/indexe.htm> for more details of this case.
- 6 At the time of writing, the rate of exchange was LE9.72 to the pound sterling.
- 7 The fact that associations attempt to resist state hegemony through informal mechanisms would support James Scott's work (1990). However, contrary to Scott, I argue that this type of 'infrapolitics' does not undermine hegemony. The informal networks rely on state bureaucrats and, in this way, maintain the moral-ideological supremacy of the state (even if individuals within associations intend the opposite).
- 8 This gives the executive wide scope to prevent the formation of associations since the proscribed activities are not enumerated in any other law.
- 9 Unless noted otherwise, the following sequence of events relies on the written and spoken testimonies of my anonymous interviewees in Cairo. A summarized version of these events is contained within Schade-Poulsen (1999).
- 10 Nevertheless, the minister refused to review the principle of subjecting infringements of the NGO law to criminal rather than civil law.
- 11 While holding out some hope that their input could make a positive contribution, nevertheless, some NGO activists talked about their unease concerning the appointment of the four individuals. Their participation could be used by the government as proof that there had been a democratic drafting process – when, in reality, the inclusion of the four NGO activists was merely '*décor*' (cosmetic decoration).
- 12 This is despite the fact that, in the introduction to their book, the FPCS supported the right to collect international funding (FPCS 1999: 8–9).
- 13 Both authors are FPCS members.
- 14 Throughout the 1990s, the concept of NGO participation in UN conferences became mainstreamed. Alongside NGO participation in the conferences themselves, the final conference Programmes of Action also promoted the participation of NGOs in implementing conference recommendations. Nevertheless, one can argue that these UN documents are more concerned to co-opt NGOs into implementing conference recommendations, rather than promoting the concept of freedom of association for NGOs.
- 15 The National Committee for Development and Social Services is a specialized committee within the president's office.
- 16 FPCS, May 1999. Prominent national newspaper columnists wrote in support of the NGO campaign for freedom of association.
- 17 FPCS activities included a press conference, a public protest outside the People's Assembly and a five-day hunger strike by three FPCS members. The public protest was particularly noteworthy in light of the fact that public gatherings are illegal in Egypt under the emergency law in place since 1981. This and the hunger strike attracted a lot of local and international media attention.
- 18 This became apparent during a workshop held by the FPCS in Minya, Upper Egypt, on 30 November 1998.



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