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Pakistan has had a chequered democratic history but elections in 2013 marked a second turnover in power, and the first transition in Pakistan's history from one freely elected government to another. How do we best categorize (and therefore understand) political developments in Pakistan? Is it now safe to categorize it as an electoral democracy or is it still a hybrid case of democracy? Using the Pakistani case as an example, this article argues that hybrid regimes deserve consideration as a separate case (rather than as a diminished sub type of democracy or authoritarianism), but must be categorised along a multidimensional continuum to understand the dynamics of power within the political system.

Pakistan, hybrid regimes, civil-military relations, democratization, competitiveness, civil liberties, reserved domains

How to understand Pakistan's hybrid regime: the importance of a multidimensional continuum.

Introduction

Not all countries that have undergone a transition to democracy are necessarily on the path to becoming consolidated democracies. As such, definitions of 'hybrid regimes' have proliferated. Any database search reveals an enormous number of articles discussing hybrid regimes in individual countries or in particular regions. Few of those articles discussing particular cases seek to expand our understanding of the *concept* of hybrid regime. These particulars are important for providing information to construct comparative theories, but this article seeks to do more. The analysis in this article demonstrates the limitations of one-dimensional classifications of regimes, using the case of Pakistan. Pakistan is an important case in the hybrid regime literature, although until 2008 (when many of the hybrid regime datasets end) it was classified as an authoritarian state.ⁱ Since 2008 there are important features of the current Pakistani political system that distinguish it from the 1988-1999 period, despite both periods being classified as 'party free' by Freedom House.ⁱⁱ One of these is the increased commitment of its civilian politicians to the democratic process. Yet, the armed forces remain powerful, meaning Pakistan remains in a 'gray zone' – where there are 'some attributes of democratic political life ...[but also] serious democratic deficits'.ⁱⁱⁱ However, although an obvious descriptor of Pakistan might be of a '*tutelary democracy*',^{iv} focusing only on reserved domains of power is ultimately unhelpful. Accounting for different elements in a political system is important to understand the realities (and limitations) of power, and the 'degree of institutional

variation in political regimes.’^v As Merkel has argued, it is important to have a multidimensional approach to understand if elections are meaningful.^{vi}

Comparative analysis of hybrid regimes

The literature on hybrid regimes can broadly be divided into three camps, although there are overlaps between them. The first school, including authors such as O’Donnell and Zakaria saw hybrid regimes as flawed or ‘defective’ democracies,^{vii} posing different ways in which they lacked the full attributes of democracy.^{viii} These included ‘Exclusive-’, ‘Delegative-’, ‘Illiberal-’, ‘Tutelary-’, ‘Pseudo-’ and Electoral-Democracy.^{ix} These seek to distinguish regimes by their deviation from one element of democracy e.g. civil liberties (illiberal democracy); the existence of reserved domains (tutelary democracy) or the lack of horizontal accountability (delegative democracy). The second school, including authors such as Schedler and Cassani have argued that hybrid regimes are effectively authoritarian states, and, in contrast to those scholars viewing hybrid regimes as defective democracies, stress ‘the attributes these [authoritarian] regimes possess, rather than what they lack’.^x Scholars proceeding from this assumption have proposed sub-categories of authoritarian regime e.g. electoral authoritarianism and semi-authoritarianism to understand differences between authoritarian regimes.^{xi} Distinct from these, a third school, including Bogaards, Gilbert and Mohseni and Wigell defend the hybrid regime category as being a *separate* regime type, overlapping with both authoritarian and democratic categories. Bogaards’ illuminating discussion of the different ways authors have classified hybrid regimes proposed mapping ‘contemporary regimes from both sides of the [democratic and authoritarian] spectrum’.^{xii}

However, all classifications relying on only one element, such as civil liberties in the case of Zakaria's categorising of illiberal democracy, or the extent of reserved powers of the military in the case of tutelary democracy, will limit our understanding. For example, focusing on the institutionalised prerogatives of the military may not account for informal prerogatives (and therefore underestimate the effective power of military) or ignores other elements that have changed within the political system e.g. political unity against the military. Therefore, we cannot rely on unidimensional concepts such as tutelary democracy. Some existing analyses of hybrid regimes have already advocated a two dimensional approach (e.g. Bogaards and Wiggell) or a multidimensional approach (e.g. Gilbert and Mohseni).^{xiii}

Why it is important that Pakistan is classified as a hybrid regime?

Since 2008, Pakistan can no longer be categorised as an authoritarian regime where a powerful military uses elections to legitimize itself. Opposition parties in Pakistan have not only won power, but there has been a transfer of power between the Pakistan People's Party (PPP) and the Pakistan Muslim League-Nawaz (PML-N). Additionally, the electorate has voted a democratically elected government *out* of office, the first time in Pakistan's history this has occurred.^{xiv} As importantly, these elections were categorized as relatively free and fair by independent international and national election observers.^{xv} Contestation for political office is real. But are these elections free and fair enough to categorize Pakistan as an electoral democracy as Freedom House did in 2014?^{xvi} To determine whether electoral procedures have substance, Schedler has proposed seven conditions: *empowerment* (citizens wield power to choose decision makers and there is no limited 'scope of jurisdiction of

elective offices'), *free supply* ('the free formation of alternatives' to choose from), *free demand* ('free formation' of preferences, including 'access to plural sources of information'), *inclusion* (universal suffrage), *insulation* (free expression of preferences without coercion), *integrity* ('neutral election management') and *irreversibility* (the 'winners must be able to assume office, exercise power and conclude their terms').^{xvii}

If we apply these criteria to Pakistan, as Table 1 demonstrates, it would be extremely problematic to categorize Pakistan as an electoral democracy before 2008.^{xviii} Between 1988 (when Benazir Bhutto became the first female premier of a Muslim country) and 1999 (when General Pervez Musharraf toppled Prime Minister Nawaz Sharif from power), four general elections were held in Pakistan. Power alternated between the PPP and the PML-N, but all four governments were dismissed: either by the president colluding with the military - 1990, 1993 and 1996 - or directly by the military -1999.^{xix} While the electorate voted *in* four governments during this period, they were unable to vote any governments *out*.

Many more of the criteria have been met or partially met after 2008, and even more so after 2013. There are constraints on politicians; most notably in terms of the 'red lines' politicians cannot cross, as well as restrictions on journalistic freedom and the freedom to express preferences. By Schedler's criteria,

[p]artial compliance with democratic norms does not add up to partial democracy. Gross violation of any one condition invalidates the fulfillment of all the others. If the chain of democratic choice is broken anywhere, elections become not less democratic but undemocratic.^{xx}

Table 1: Schedler’s ‘chain’ of electoral democracy applied to Pakistan

Conditions for electoral democracy	Status 1988-99	Status 2008-13	Status after 2013
Empowerment	Partially met	Partially met	Partially met
Free supply	Met	Met	Met
Free demand	Not met	Partially met	Partially met
Inclusion	Partially met	Partially met	Met
Insulation	Partially met	Partially met	Partially met
Integrity	Partially met	Partially met	Met
Irreversibility	Partially met	Partially met	Partially met

However, we contend that competition between parties *is* real, with alternation in power and a relatively level playing field. There are important differences to the 1988-1999 period that cannot be understood using Schedler’s criteria. Schedler’s electoral authoritarianism or electoral democracy alternatives do not ‘fill the conceptual space’ between ... liberal democracy and closed authoritarianism’.^{xxi} This reveals the limitations of his dichotomous approach.

One obvious alternative descriptor of Pakistan would be that of ‘tutelary democracy’: ‘a regime which has competitive, formally democratic institutions, but in which the power apparatus, typically reduced by this time to the armed forces, retains the capacity to intervene to correct undesirable states of affairs’.^{xxii} This is less democratic than an electoral democracy. This term has been used to describe Pakistan before, e.g. LaPorte, Waseem and Levitsky and Way.^{xxiii} But the same term has been applied to very different periods of Pakistan’s history. This confirms our suspicion that it cannot capture the differences between the 1988-1999 and the post-2008

period. Some ‘tutelary regimes’ are more democratic than others. Rhoda Rabkin has argued that the concept is too elastic and that we need to rigorously improve it.^{xxiv} Part of this improvement must come from the inclusion of tutelary powers within a wider multidimensional understanding of regimes.

The rest of this article uses the example of Pakistan to demonstrate the importance of a multidimensional continuum for analysing hybrid regimes. This builds on the work of Merkel and Gilbert and Mohseni and engages with the work on regime heterogeneity.^{xxv}

Alternative descriptors of Pakistan

The literature on democratization is replete with authors advocating the importance of multidimensional understandings of regimes. One of the most useful for the purposes of this article is that of Wolfgang Merkel, who proposes understanding defective democracies along three measures; vertical legitimacy; horizontal accountability and effective government. Although his measure is not applied specifically to hybrid regimes, it draws our attention to the importance of separately accounting for reserved domains of power.^{xxvi}

Merkel’s analysis has been applied explicitly to hybrid regimes by Gilbert and Mohseni^{xxvii} Their dimensions are described as ‘competitiveness’, ‘civil liberties’ and ‘tutelary interference’.^{xxviii} Their multidimensional approach enables us to distinguish between tutelary regimes that are competitive compared to those that are not, an important distinction in relation to Pakistan and other systems transitioning from

military rule. A multidimensional approach also allows us to assess whether formal procedural political rights are matched by civil liberties, a point made by Denk and Silander in their discussion of the importance of understanding regime heterogeneity.^{xxix}

However, Gilbert and Mohseni insist on a dichotomous categorisation of their three criteria. This has the advantage of parsimony, but it conceals important differences between regimes e.g. Chile's military maintained much higher levels of formal prerogatives in the 1990s than did Pakistan's in 2008.^{xxx} A dichotomous measurement of the three dimensions does not provide sufficiently rigorous criteria by which regimes can be compared. In practice it may have limited comparative applicability, and therefore reinforces the importance of adopting continuous rather than dichotomous measures.

This article aims at classifying Pakistan along the three dimensions of Competitiveness, Civil Liberties and Reserved Domains. An extensive literature has focused on measuring democracy along multidimensional lines and this has rightly questioned the components that are included in the different dimensions^{xxxi}, the nature of scaling and aggregation^{xxxii}, whether the measures are independent of each other^{xxxiii} or the dangers of combining items that bear no empirical relation to each other.^{xxxiv} In addition of course, as Bollen reminds us, many of these indicators are subject to subjective, albeit often expert, interpretation^{xxxv} unless empirical measures such as the percentage of turnout or the percentage of seats/votes secured by the winning party are used. But many of these latter measures do not capture what we need to understand a political system.

We identify various elements to measure Pakistan on the three dimensions but accept that these are open for debate. We expect readers to differ on our inclusion (or omission) of specific elements, but given the vast literature debating the appropriate measures of democracy, it is unavoidable. What is important is that the measures are transparent.

We score each of the elements as Low, Medium and High and give these descriptions a numerical value, 0 for Low, 1 for Medium and 2 for High.^{xxxvi} We allow for cases that straddle these categories e.g. Low/Medium scores 0.5 and Medium/High scores 1.5. We then aggregate the elements in each dimension and divide by the number of elements to calculate the average score. We assume that all elements are equal. This produces a numerical value for each dimension. Importantly, we do not advocate summing these three scores and dividing them to achieve a 'score' for a hybrid regime. To understand the nature of hybrid regimes, the whole is *not* more than the sum of its parts. Unlike Merkel who creates distinct types of 'defective democracies', the concept of regime hybridity means that regimes can combine multiple characteristics. Some states, such as Pakistan, do not neatly fit into categories. It has characteristics of both a Merkel's 'illiberal democracy' AND his 'domain democracy'.^{xxxvii} This is something that a multidimensional continuum can better take account of.

Competitiveness

As has been extensively analysed, the existence of elections by themselves tell us little about a regime's democratic status.^{xxxviii} The *competitiveness* of elections is important. We use Merkel's four fold criteria to measure competitiveness; a) Elected officials, b) Universal suffrage c) Right to candidacy d) Correctly organised free and fair elections.^{xxxix}

Elected officials:

Both the 2008 and 2013 elections confirmed that citizens wield the power to choose decision-makers. In 2013 the incumbents were swept aside at the national level as well as in provinces such as Khyber Pakhtunkhwa (KPK). Nawaz Sharif, the leader of the PML-N, was voted back into power for his third stint as Prime Minister, and confounded most commentators by winning a near majority of seats.^{xi} Imran Khan's Pakistan Tehreek-e-Insaf (PTI) performed credibly but was unable to deprive the PML-N of victory. This is important. Before the 2013 election there was 'apprehension [on the part of the military] that Nawaz Sharif's government [would] be a death knell for the military's influence'.^{xii} While few commentators doubt the role of the powerful Inter-Services Intelligence (ISI) in promoting Khan's PTI, ultimately the military's preferred outcome - a divided parliament, in which it could effectively hold the balance of power - failed to materialize. Pakistan therefore must be scored as *High* on this component. However, as we will discuss in relation to reserved domains, the de-facto power of these elected officials is circumscribed.

Universal suffrage

Pakistan has universal suffrage and can therefore be said to have *inclusion*.^{xlii} The accuracy of electoral rolls were hotly disputed in 2008 but by 2013 improvements had been made, at least partially because many women had obtained a national identity card to be eligible for the Benazir Income Support Programme.^{xliii} There were areas of Pakistan, particularly in KPK and in the Federally Administered Tribal Areas (FATA) where women were prevented from voting. Although the seriousness of this should not be underplayed, these were in a minority of electoral districts and did not prevent observers from describing the elections free and fair. This component should be scored as *High/Medium* because of some restrictions.

Right to candidacy

Although Merkel does not explicitly define this element, we define it as linked to the elements of political pluralism and participation: the freedom to form and to join organizations.^{xliv} The security services have historically^{xlv} played an active role in the formation of alternative political parties and encouraging defections from existing parties but they have not been able to prevent parties from organising, in notable contrast to Turkey (until 2001). Political parties, while weakly institutionalized in the main, *are* important, and some have strong bases of support.^{xlvi} The Pakistan Taliban's (TTP) 2013 announcement that they would target 'secular' political parties, including the PPP, meant that these parties had to severely restrict their campaigning. The Chairman of the PPP, Bilawal Bhutto-Zardari was confined to making speeches via video-link. Although social media was important in this election, this was predominantly in urban areas. Thus, parties that were unable to campaign effectively were disadvantaged. However, this violence was not state sponsored as the parties

targeted were members of the *governing coalition*. The TTP could not be said to be pursuing the military's agenda given that one of the parties benefitting from the restrictions on the campaign (the PML-N) was *not* the military's preferred candidate, and neither the PML-N nor the PTI were in government at the time.^{xlvii} As Diamond has argued, violence and intimidation by themselves do not preclude a state being classified as an electoral democracy *unless* the 'political violence is clearly and extensively organized by the state or ruling party'.^{xlviii} This component should therefore be scored as *High/Medium*.

Correctly organised, free and fair elections

The 18th Amendment to the constitution in 2010 improved the impartiality of the Election Commission. This strengthened the integrity of the 2013 elections compared to those in 2008, as did the provision to introduce caretaker governments. Although the level of turnout by itself cannot be a measure of participation (for example if the election is not free and fair) when other democratic freedoms are met, it can be an indication of an effective electoral regime.^{xlix} Turnout in 2013 was 55 per cent; much higher than previous elections, despite violent attempts to disrupt the elections by the TTP. This does not mean that 2013 was fraud free. Several polling stations returned turnout in excess of 100 per cent^l and as noted, some women were prevented from voting. However, the overall picture was that the elections were relatively free and fair, re-polling was ordered in only six National Assembly seats. In addition, although we disagree with Gilbert and Mohseni's contention that a turnover in power is *necessary* to categorise an election as competitive^{li}, the alternation of power in both the 2008 and 2013 elections demonstrated that the electorate's preferences *do* matter. This differs from competitive authoritarian states, where elections do not pose a

serious threat to the incumbents and institutions are a façade ‘in order to conceal (and reproduce) harsh realities of authoritarian governance’.^{lii} In some areas, notably the tribal regions, there was an expectation that voters would vote en masse for powerful leaders, ‘on whom rural voters are socio-economically dependent [using]... their control over land and people’s livelihoods to tell them how to cast their vote’.^{liii} However, in other areas of Pakistan, such as the Punjab, voters are free to express their preferences without coercion, although patronage politics is alive and well (as Mohmand puts it ‘ideological, class- or party-based identification is trumped by the need to access essential goods and services’).^{liv} On the level of institutional procedures, the election should be scored as *Medium* despite some irregularities.

On the dimension of competitiveness, Pakistan performs relatively well as Table 2 demonstrates.

Table 2: Competitiveness

Elected Officials	High	2
Universal Suffrage	High/Medium	1.5
Right to Candidacy	High/Medium	1.5
Free and fair elections	Medium	1
Overall average score		1.5

Civil Liberties

Civil liberties are important elements of a political system going ‘beyond the right to vote’, and ‘ensuring that the right to vote is meaningful’.^{lv} We score Pakistan on three

criteria for this dimension, using Merkel's category of 'Political Rights', which includes *Press Freedom* and *Freedom of Association with the Rule of Law*.

Press Freedom

Musharraf liberalized the satellite television market.^{lvi} During the 2008 election the governing party (the PML-Q) benefitted from increased access to the media,^{lvii} but this did not prevent opposition parties from 'disseminating their campaign messages'^{lviii} and ultimately winning the election. Reporters Without Borders did not raise the same concerns over differential access in the 2013 election although they noted 'the threats to freedom of information posed by the waves of violence sweeping Pakistan'.^{lix} However, serious issues remain. There are certain subjects (such as criticising the ISI) on which it is unsafe to write, and pressure is placed on editors to ensure their staff fall into line.^{lx} Several journalists were attacked in the spring of 2014, including a vocal critic of the TTP, Raza Rumi, and later, the prominent Geo TV news anchor and critic of the ISI, Hamid Mir.^{lxi} Geo's explicit naming of the ISI as the probable culprits resulted in the army demanding its closure.^{lxii} Nawaz Sharif visited Hamid Mir in hospital in a show of solidarity, but the station was shut down for 15-days in June 2014 and army induced pressure continues upon the owner.^{lxiii} The debate can be read as a proxy for the wider civilian and military tussle for power, which is still being played out, but demonstrates that access to plural sources of information is imperfect. Pakistan currently stands in the bottom eighth (159/180) of the Press Freedom Index.^{lxiv} Maya Tudor correctly argues that '[a]ny future coup plotters will find that "seizing the media" will be harder than it once was',^{lxv} especially as broadcasting in languages other than Urdu or English has proliferated, and many of the TV stations broadcast from the Gulf rather than from inside Pakistan.

Taken together with the proliferation in social media (which successfully reported many election irregularities in real time during the 2013 election, notably in urban areas such as Karachi), it is much harder for the army and intelligence agencies to control the *dissemination* of content, but pressure on those responsible for producing the *substance* of the content remains a threat to press freedom.^{lxvi} As the military has taken a step back from formal control, Siddiqa argues that it has ‘systematically manufactur[ed] opinion that would benefit the military as an institution.’^{lxvii} An alleged example of this was a Newsweek article on the new COAS, entitled ‘Raheel Sharif: Man of the Year’.^{lxviii} This component must therefore be scored as *Medium*.

Freedom of Association

Although some parties were targeted by the TTP during the 2013 election, political parties are permitted to form and to operate. However, violence, much of which is perpetuated by the TTP, restricts civil and political liberties in certain areas of Pakistan, with implications for freedom of association. As the Human Rights Commission of Pakistan (HRCP) note ‘[t]error attacks remain ... a major threat to ... freedom of assembly, targeting prayer congregations and funerals.’^{lxix} This has recently escalated, as seen in Balochistan, on both ethnic and sectarian grounds.^{lxx} In addition, although many NGOs critical of the government are permitted to operate,^{lxxi} the INGO, *Save the Children*, was banned from the country in June 2015 (the ban was retracted under pressure from the US).^{lxxii} The fall out from the association of the polio vaccination programme with the assassination of bin Laden continues, and has led to the killings of almost 70 polio workers. Many other organizations, such as those ‘devoted to female education and empowerment’ are also attacked by the TTP.^{lxxiii} This component must therefore be scored at *Low*.

Rule of Law

In relation to the rule of law, an essential requirement for ‘the state...to uphold its laws effectively and to act according to clearly defined prerogatives’^{lxxiv} there are clear issues in Pakistan. The judiciary has become more politically active in recent years – the standoff between the Chief Justice Iftikhar Chaudhry and Musharraf was the catalyst for the departure of Musharraf. Chaudhry had drawn attention to the issue of the ‘disappeared’ in Balochistan, a reference to the thousands who have gone missing, often, it is assumed, at the hands of the security services. However, although the willingness of the senior judiciary to speak up on their behalf was a welcome development, the disappearances still continue and in general,

...the police, the military, and the intelligence services enjoy impunity for indiscriminate or excessive use of force. Extrajudicial killings, enforced disappearances, torture, and other abuses are common.^{lxxv}

In addition, the personal animosity between Zardari and Iftikhar Chaudhry clouded relations between the judiciary and the executive.^{lxxvi} Judicial activism continued after Nawaz Sharif was elected. As the HRCP noted in their 2013 report, ‘[h]aving convicted a prime minister for contempt of court the previous year, the SC continued in 2013 to aggressively hand down contempt notices to politicians criticising it.’^{lxxvii} The HRCP also noted that despite 20,000 cases pending in the Supreme Court (and many more in the lower courts), they were concerned about the use of *suo moto* (on its own initiative) powers by the court ‘as legal experts highlighted lack of guidelines governing how the court took up and prioritised such matters’.^{lxxviii} Although an

independent judiciary is an important element of a democratic political system, a *politicised* judiciary is not.

In addition, the killing of 132 children in a school in Peshawar in December 2014 led to the passing of the 21st Amendment. This amendment empowers military courts to try those accused of terrorism offences. HRCP has expressed concerns that certain groups will become targets, undermining civil liberties, and it will undermine the ‘independent and strong judicial system’.^{lxxix} Despite increased judicial activism, the politicised nature of the activism and the passing of the 21st Amendment means that this component of civil liberties needs to be scored as *Low*.

Table 3: Civil Liberties

Press Freedom	Medium	1
Freedom of Association	Low	0
Rule of Law	Low	0
Overall average score		0.3

Reserved Domains

The third dimension is the existence (or otherwise) of reserved domains. This element has often been included within the competitiveness dimension, with scholars arguing that this effectively restricts the electoral regime. As Hadenis and Teorell remind us, although the procedural traits of democracy may be present, we need to also question how ‘these institutions actually function’.^{lxxx} However, there are many dimensions

to a 'tutelary regime' which require a separate analysis of the ways in which reserved domains operate.

If we assess whether there is a limited 'scope of jurisdiction of elective offices',^{lxxxix} Pakistan certainly shows limitations in this area. No 'formal fencing off' of policy domains exists unlike in other former military regimes e.g. Chile after Pinochet, which constitutionally 'guaranteed a number of reserved policy domains and reserved positions in the Senate to military appointees'.^{lxxxii} However, there are so called 'red lines' which democratically elected politicians would be wise not to cross.

Croissant et al have proposed a continuum to measure how these institutions function. They classify civilian control over five issue areas; elite recruitment, public policy, internal security, external defense and military organization^{lxxxiii} with the specific intention of 'aggregating the results' to assess the degree of civilian control.^{lxxxiv} This has the merit of assessing both formal and informal powers. Thus, although civilian autonomy has increased, a nuanced understanding demonstrates that although Nawaz Sharif has asserted civilian control in several key areas, the military's prerogatives remain high in others.

External defence

In relation to their criteria of *External Defence*; civilian control remains low, despite the fact that the 2008-13 'parliament ... [took] important strides toward becoming more active in foreign and defense policy'.^{lxxxv} The PML-N 2013 manifesto committed 'to maintain democratic oversight of all aspects of foreign, defense and national security policies'.^{lxxxvi} Grare notes, the 'civilian role in foreign policy is not

absent, but its scope [is] ... carefully defined'.^{lxxxvii} Therefore Nawaz Sharif attended Indian prime minister Modi's inauguration over the objections of the military. However, Sharif has been unable to expand trading relations with India because of military opposition^{lxxxviii} and relations with Afghanistan temporarily improved primarily because of negotiations initiated between the new Afghan president, Ghani and Raheel Sharif, the COAS, *not* Nawaz Sharif. This element must be scored as *low*.

Internal Security

In relation to *internal security*, Sharif's ability to promote negotiations with the TTP (even though they ultimately broke down) and the differences in approach to Balochistan challenged military control over internal security policy. Although the talks with the TTP were a failure, and the army launched the Zarb-e-Azb military operation in June 2014, the fact that these talks were held despite the concerns of the new army chief was indicative of the changing civilian-military nexus. However, intelligence agencies continue to operate with near impunity, and disappearances continue, especially in provinces such as Balochistan, as discussed in the civil liberties section. This element must therefore be scored as *Medium/Low*.

Military organization

Legally, the civilian regime possesses control over military appointments and the supreme command of the armed forces is constitutionally vested in the president on the advice of the prime minister. In practice, the military fiercely guards control over military appointments and promotions, also dominating senior bureaucratic appointments in the Ministry of Defence. However, Nawaz Sharif appointed his preferred COAS, Raheel Sharif (no relation) as Chief of Army Staff in November

2013 over two more senior officers (including former COAS Kayani's preferred successor of Rashad Mahmood). In addition, although Musharraf's indictment in March 2014 for treason and his 'judicial and public humiliation [was] an important first in Pakistan',^{lxxxix} laying down the important precedent that generals can be held accountable for their actions (even if Musharraf is unlikely to be convicted)^{xc} Siddiqa argues that, 'an indictment [of Musharraf] is neither here nor there. The military remains powerful and capable of defending its key interests'.^{xcii} In addition, civilian control is very limited in other areas of military organization such as force size or hardware procurement, although the National Assembly now debates a limited version of the military budget. This means that civilian control must be measured as *medium* in this area.

Public Policy

Although the majority of decisions are in civilian hands, civilian control cannot be scored as high, because when civilian preferences relate to India, the military retains a veto e.g. preventing Sharif from improving trade relations with India. However, the changes introduced as a result of the 18th Amendment (and the associated National Finance Commission (NFC) award) in 2010 made radical changes to the structure of power. The recommendations of the all-party Special Parliamentary Committee on Constitutional Reforms (SPCCR) in April 2010, implemented as the 18th Amendment, went far beyond its original remit, introducing important constitutional changes in the distribution of powers between the centre and the provinces. It also removed the controversial power of the president to unilaterally dissolve parliament or dismiss the prime minister.^{xciii} This had been used in the past to remove governments under pressure from the military. It vested the executive authority of the federation with the

prime minister rather than the president and required the president to act on and in accordance with the advice of the Cabinet [or the Prime Minister]'. This included 'advice' on appointing the heads of the military services as well as the provincial governors.^{xciii}

Agreement was also reached on vertical and horizontal transfers of resources in the NFC in 2009. Both the NFC and the 18th Amendment made radical and important changes to the structure of power in Pakistan.^{xciv} That political leaders were able to reach agreement on these extremely divisive issues that had plagued the politics of Pakistan for decades signalled an important change about the willingness and ability of politicians to cooperate. Significantly, although many of the decisions were deeply antithetical to the army, the latter was unable to prevent this agreement from being made. They appear to have assumed civilians would not be able to reach agreement on these thorny issues and made a belated (although unsuccessful) attempt to derail it.^{xcv} In addition, the 2008 government of Pakistan confounded many expectations and concluded its term, the significance of which should not be underestimated. Civilian control over public policy must then be scored at *Medium*, depending on whether 'domestic' public policy infringes on aspects of external security.

Elite recruitment

Where Croissant et al's criteria markedly differ from Stepan's previous work on military prerogatives after a transition^{xcvi} and add a crucial dimension for understanding Pakistan and other regimes transitioning from military rule, is their focus on elite recruitment; where the '[m]ilitary dominate rule setting, process and outcomes of elite selection'.^{xcvii} It is in this area that the civilian part of the equation

has particularly asserted itself in Pakistan since 2008. In particular, the ability of the military to launch a coup has been reduced by civilian unity. Despite major differences between the PML-N and PPP concerning the reinstatement of Chief Justice Iftikhar Chaudhry, the two parties demonstrated their ability to work together on wider issues. This *radically differed* from the 1988-99 situation when the military was able to play off the civilian elites against each other.^{xcviii}

The reluctance of the majority of the democratically elected politicians to side with the army for narrow political gain indicates that space is being given to the democratic process.^{xcix} Politicians are aware that using the army to remove their opponents from power will undermine democracy. This is a vitally important difference from the 1980s and 1990s when alliances between the army and politicians tainted large sections of the opposition with ‘collaboration’, a situation not conducive to engendering trust, necessary for democratic consolidation.^c As Hussain Haqqani observed, during this period, ‘Bhutto and Sharif’s real failing was their inability to work together, which in turn allowed Pakistan’s security services to exploit their differences and discredit them both’.^{ci} The comparative literature on democratic consolidation has pointed to the difficulties in increasing the autonomy of the civilian regime if politicians are willing to use the army as a means to undermine their opponents.^{cii} The PML-N’s decision not to ‘go along with the military when the latter tried to evict Zardari from the presidency’ in 2012^{ciii} increased the democratic ‘space’. The support given to Nawaz Sharif in August-September 2014 by opposition parliamentarians in the face of the military supported Tahir ul Qadri and Imran Khan ‘siege’ of Islamabad reflects the importance placed on the democratic process over and above short-term party political calculations.^{civ} This element must be scored as

High civilian control. This contrasts to previous decades^{cv} and sets Pakistan apart from states such as Thailand where the military manipulate elite divisions. The longer that the military remain out of government, the more likely it is that they will lose their status as the ‘natural leaders’ of Pakistan.

Table 4: Reserved domains

External Defence	Low	0
Internal Security	Medium/Low	0.5
Military Organisation	Medium	1
Public Policy	Medium	1
Elite Recruitment	High	2
Overall average score		1

Conclusion:

This article has demonstrated that a one-dimensional dichotomous measure to categorise a regime is inadequate. Under a dichotomous measure such as Schedler’s, Pakistan would be classified as an electoral authoritarian state, but we contend that it is important that we classify Pakistan as a hybrid regime. To deny that democratic contestation has become more real, and civilian autonomy is wider than the 1988-1999 period would be mistaken. There *is* real competition for political office, resulting in alternation in power between different coalitions of political parties.

To establish this we have adopted a framework that takes into account different facets

of a regime and acknowledges the importance of understanding regime heterogeneity. This article has advanced our understanding of regime categorisation by rejecting Gilbert and Mohseni's dichotomous categorisation of competitiveness, civil liberties and tutelary powers through a more nuanced analysis adapted from Merkel. Through an examination of the three dimensions of Electoral Regime, Civil Liberties and Reserved Domains, it has been demonstrated that it is important to identify *differences* within these three dimensions. This is because it is important to acknowledge that regimes may have a middle ground that falls between 'fair' and 'unfair' competition, the presence or absence of effective civil liberties or different extents of reserved powers. This could either be in the areas that are formally reserved for the military, such as seats in the legislature e.g. in Indonesia until 2004; countries where there is no real prospect of an alternation in power e.g. Mexico under the period of PRI rule under 2000; or those in which military power has been constrained but there has been a reversal of other democratic gains, such as Turkey.^{cvi}

A continuum, especially a multidimensional one detracts somewhat from parsimony but as Bogaards has argues, 'in the real world mixed forms are expected'.^{cvii} This type of assessment allows for the fact that there can be *overlaps between regimes*.^{cviii} This approach enables us to score Pakistan (and other regimes) on three different dimensions while retaining a degree of parsimony.^{cix} It also enables us, following Denk and Silander's discussion of regime heterogeneity, to move away from a discussion simply focusing on 'electoral processes (and consider)... political institutions in general'. Their approach uses the standard deviation of Freedom House scores to assess 'the degree of institutional variation in political regime'.^{cx} Adapting their approach using the scores in this article, by summing the categorical values of the

component values and calculating the standard deviation, we can see that Pakistan has a high degree of heterogeneity, 73% when the standard deviation of all the components are measured. When the aggregated components are summed (so the Electoral Regime receives a score of 1.5, Civil Liberties 0.3 and Reserved Domains 1) the variation decreases, but is still 52%.

Table 5: Pakistan’s hybrid regime

Electoral Regime				Civil Liberties			Reserved Domains					Standard Deviation	Degree of heterogeneity ^{cx}
2	1.5	1.5	1	1	0	0	0	0.5	1	1	2	0.72	73%
1.5				0.3			1					0.60	52%

As Table 5 demonstrates, Pakistan’s hybrid regime can be classified as competitive, with increasing civilian control, but with a very low level of civil liberties. This is a framework that facilitates comparison with other hybrid regimes and helps us understand where the challenges to further democratisation lie. A low score on one dimension, such as civil liberties, can also undermine the reality of an electoral regime, but it is important to have separate categories so we can understand where the challenge comes from. As such, this article has revealed that the nature of the current transition in Pakistan, while not secure, may be more sustainable than previous transitions precisely because of the increased civilian unity, reducing the military’s ability to influence elite recruitment. However, the real challenge comes in relation to the civil liberties of citizens, under challenge not from the elected parts of the regime, but those that are unelected (such as the security services) and the TTP. A focus solely on electoral processes would not reveal this challenge, why is why it is

important to acknowledge the existence of regime heterogeneity.^{cxii}

It is too soon to determine whether Pakistan will remain a hybrid regime. The military formally returned in Bangladesh after sixteen years of democratic rule and it is possible that the same will happen in Pakistan. However, unlike Turkey where military power was maintained partially because there was ‘elite disagreement on the basic rules of the regime and unwillingness to defend democratic rules’^{cxiii} the major politicians have learnt the lessons of the 1980s and 1990s. Whether civilian unity significantly challenges the existing balance of power is, however, contested. To assume that Pakistan is on a path to consolidation would be a misreading of the power structures within the country that are unlikely to change in the short to medium term. Pakistan is likely to remain as a hybrid regime for the foreseeable future.

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- ⁱ Merkel, 'Embedded and Defective Democracies', 51; Ekman, 'Political Participation and Regime Stability' 10-11; Morlino, 'Are there Hybrid Regimes?' 284
- ⁱⁱ The 1988-1998 period was classified as an electoral democracy by Freedom House, but only the 2013+ period has been categorized in the same manner. Freedom House, 'List of Electoral Democracies'
- ⁱⁱⁱ Carothers, 'The End of the Transition Paradigm.', 9
- ^{iv} Levitsky and Way, *Competitive authoritarianism* ., 14
- ^v Denk and Silander, *Regime Heterogeneity*, 3
- ^{vi} Merkel, 'Embedded and Defective Democracies', 35
- ^{vii} Ibid., Merkel and Croissant, Conclusion: Good and Defective Democracies.
- ^{viii} O'Donnell, 'Delegative Democracies', Zakaria, 'The rise of illiberal democracy'.
- ^{ix} See the table in Bogaards, 'How to classify hybrid regimes?', 411 as an example.
- ^x Cassani, 'Hybrid what?', 544
- ^{xi} E.g. Schedler, 'The menu of manipulation.', 'The logic of electoral authoritarianism.', Levitsky and Way. *Competitive Authoritarianism*, Diamond 'Thinking about Hybrid Regimes'.
- ^{xii} Bogaards. 'How to classify hybrid regimes?', 410, Wigell, 'Mapping Hybrid Regimes', Gilbert and Mohseni, 'Beyond Authoritarianism'
- ^{xiii} A multidimensional approach has also been advocated to understand democracy (e.g. Merkel 'Embedded and Defective Democracies', Coppedge and Gerring, 'Conceptualizing and Measuring Democracy', 248; Hustink and Denk 'The 'Black Box' Problem', 212
- ^{xiv} Previously, governments were dismissed either by the military or the president.
- ^{xv} EU Election Observation Mission, *A competitive and improved election process in Pakistan*, FAFEN, 'General Election 2013.'
- ^{xvi} Freedom House, 'Freedom in the World 2014.'
- ^{xvii} Schedler, 'The menu of manipulation.', 39-41
- ^{xviii} Even though Freedom House did so. Freedom House, 'List of Electoral Democracies'
- ^{xix} Talbot, *Pakistan: A modern history. Third Edition*.
- ^{xx} Schedler, 'The menu of manipulation.', 41
- ^{xxi} Ibid., 37
- ^{xxii} Przeworski, "Democracy as a contingent outcome of conflicts.", 61
- ^{xxiii} LaPorte, 'Pakistan: A nation still in the making.', 47, Waseem, 'Functioning of Democracy in Pakistan.', 182 Levitsky and Way, *Competitive authoritarianism* ., 14
- ^{xxiv} Rabkin, 'The Aylwin Government and 'Tutelary' Democracy: A Concept in Search of a Case?..', 173-4
- ^{xxvi} This is a dimension that is included in other classifications, such as Freedom House's element looking at the *Functioning of Government* (although this includes additional criteria such as the level of corruption) and Schedler's criteria of *empowerment* and *irreversibility*. Schedler, 'The menu of manipulation.', 39-41
- ^{xxvii} Gilbert and Mohseni, 'Beyond Authoritarianism.', 287
- ^{xxviii} Ibid., 284
- ^{xxix} Denk and Silander, *Regime Heterogeneity*, 21
- ^{xxx} It is beyond the scope of this article to discuss the validity of their measurements for competitiveness and civil liberties. It must be noted that their definition of competitiveness in terms of 1 turnover in 4 electoral cycles (which Pakistan meets) is questionable, as turnover in power may be absent even in democratic regimes (such as India until the decline of Congress dominance).
- ^{xxxi} Denk and Silander argue that Polity focuses too much on electoral institutions and recruitment than therefore risks overestimating the degree of democracy. 'Problems in Paradise?', 28. Coppedge and Gerring have questioned whether a discussion of social and economic rights is appropriate for measuring Polyarchy, 'Conceptualizing and Measuring Democracy'
- ^{xxxii} Denk, 'How to measure polyarchy'
- ^{xxxiii} Coppedge and Gerring, 'Conceptualizing and Measuring Democracy'
- ^{xxxiv} Schneider and Schmitter, 'Liberalization, transition and consolidation', 69
- ^{xxxv} Bollen, 'Political Democracy', 17

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- ^{xxxvi} It would be possible to give more nuanced scores but for the cause of parsimony we confine ourselves to 3.
- ^{xxxvii} Merkel, 'Embedded and Defective Democracies', 49
- ^{xxxviii} Gandhi and Lust-Okar, Elections under Authoritarianism
- ^{xxxix} Merkel, 'Embedded and Defective Democracies', 42. This corresponds somewhat to the components included within Freedom House's definition of 'Political Rights' which include both elements of *Electoral Process* and *Political Pluralism*, although their additional criteria of *Functioning of Government* is not considered here, but under the separate third dimension of reserved domains. Merkel additionally includes press freedom and freedom of association within his dimension of Vertical Legitimacy but as our dimension here is *competitiveness*, we move this discussion to the section on civil rights.
- ^{xl} And an overall majority once 19 independents joined the PML-N - it is common in Pakistan elections for independent candidates to join the winning party after the election.
- ^{xli} Siddiq, 'Naya Pakistan.'
- ^{xlii} Although members of the Ahmadiya community have been effectively excluded from casting their ballots. Tanveer, 'Ahmadis still out of electoral process'
- ^{xliii} Almeida, 'Sharif and the boys.'
- ^{xliv} Bollen 'Political Democracy', 11
- ^{xliv} Although Mehmood Achakzai of the Pakhtunkhwa Milli Awami Party (PKMAP) a Pakhtun nationalist party based in Balochistan argued the ISI was responsible for the PKMAP doing badly in the 2002 election (Interview Islamabad May 2005).
- ^{xlvi} Mohmand, 'Losing the connection.'
- ^{xlvii} While in the past the TTP could have been viewed as state proxies, since the crackdown in 2007 on the Red Mosque in Islamabad, they have systematically targeted both political *and* military targets within Pakistan, and are hostile to the state. The December 2014 attack on an army run school in Peshawar was simply the latest demonstration of this.
- ^{xlviii} Diamond, 'Thinking about Hybrid Regimes.', 38
- ^{xlix} Hadenis and Teorell, 'Assessing Alternative Indices of Democracy', 20
- ^l FAFEN, 'General Election 2013: FAFEN Observation Key Findings and Recommendations.'
- ^{li} Gilbert and Mohseni, 'Beyond Authoritarianism', 278
- ^{lii} Schedler, 'The logic of electoral authoritarianism.', 1 Levitsky and Way, *Competitive authoritarianism.*, 6
- ^{liii} Ibid., 11
- ^{liv} Mohmand, 'Losing the connection.', 18
- ^{lv} Merkel, 'Embedded and Defective Democracies', 38.
- ^{lvi} Bolognani, 'Virtual Protest with tangible effects?', 403
- ^{lvii} Reporters Without Borders, *Clear bias in favour of Pervez Musharraf allies.*
- ^{lviii} Schedler, 'The menu of manipulation.', 42
- ^{lix} Reporters Without Borders, *Historic elections need strong support for freedom of information.*
- ^{lx} The torture and murder of the journalist Saleem Shahzad in 2011 was widely believed to have been carried out by the ISI in retaliation for writing about links between the military and the Taliban, Sethi, 'Hats off to Abbotabad Commission.'
- ^{lxi} Rumi and Mir survived the attacks but 29 other journalists in 2014 (and Rumi's driver) did not.
- ^{lxii} Boone, 'Geo TV's face-off with ISI spy agency.'
- ^{lxiii} Zahra-Malik, 'Pakistan TV mogul gets 26 years' jail for blasphemy.'
- ^{lxiv} Reporters without Borders, '2015 World Press Freedom Index.'
- ^{lxv} Tudor, 'Renewed Hope in Pakistan.', 117
- ^{lxvi} Ansari, 'Not fit to print'.
- ^{lxvii} Siddiq, 'The Pakistan military: searching for state and society'.
- ^{lxviii} Ahmed, 'Man of the year: Gen. Raheel Sharif'.
- ^{lxix} HRCP, 'State of Human Rights in 2013', 5
- ^{lxx} HRCP, 'HRCP's alarm over sectarian, ethnic violence in Balochistan'
- ^{lxxi} Freedom House, 'Freedom in the World 2015: Pakistan'
- ^{lxxii} Ali, 'Under US Pressure, Pakistan lifts NGO ban'
- ^{lxxiii} Freedom House, 'Freedom in the World 2015: Pakistan'
- ^{lxxiv} Merkel, 'Embedded and Defective Democracies', 39
- ^{lxxv} Freedom House, 'Freedom in the World 2015: Pakistan'

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- lxxvi Waseem, 'Judging democracy in Pakistan', 29
- lxxvii HRCP, 'State of Human Rights in 2013', 22-3
- lxxviii Ibid., 3
- lxxix HRCP, 'HRCP alarmed at setting up of military courts'
- lxxx Hadenis and Teorell 'Assessing Alternative Indices of Democracy', 9
- lxxxi Schedler, 'The menu of manipulation.', 39
- lxxxii Wigell, 'Mapping 'Hybrid Regimes', 247
- lxxxiii Al Stepan's categorisation of 11 institutionalized prerogatives of the military^{lxxxiii} was the pioneering approach to assessing military power after a democratic transition. Stepan's criteria were applied to the 2008-2013 parliament by Aqil Shah, who identified that the military retained high prerogatives over 9 out of the 11 areas during this period. Shah, 'Constraining consolidation: military politics and democracy in Pakistan (2007–2013).', 1018, Stepan, 'Rethinking Military Politics'.
- lxxxiv Croissant et al, 'Beyond the fallacy of coup-ism', 955-8
- lxxxv Fair, 'Pakistan on the Brink of a Democratic Transition.', 131
- lxxxvi PML-N, 'National Agenda for Real Change: Manifesto 2013.', 81-2
- lxxxvii Grare, 'Pakistan's foreign and security policies after the 2013 general election: the judge, the politician and the military.', 999
- lxxxviii Although it also reflects the unwillingness of the new Modi regime to engage with this approach.
- lxxxix Zaidi, 'The Old and the New in Naya Pakistan.'
- xc Hussain, 'Pakistan may drop Pervez Musharraf case to placate Army.'
- xcii Siddiqi, 'The Musharraf Drama.'
- xciii Unless a vote of no confidence is passed in the National Assembly against the Prime Minister.
- xciv Government of Pakistan, *The Constitution of the Islamic Republic of Pakistan 1973: As amended by The Constitution (Eighteenth Amdt. Act, 2010 (Act No. X of 2010))*.
- xcv Adeney, 'A Step Towards Inclusive Federalism in Pakistan'.
- xcvi Conversations with Pakistani politicians and civil society activists including Bushra Gohar of the ANP, June 2011, allege that the conflicts between the judiciary and the parliament that followed the introduction of the 18th Amendment were engineered by the army. These conflicts are discussed in detail by Waseem, 'Judging democracy in Pakistan: Conflict between the executive and judiciary.'
- xcvii Stepan, 'Rethinking Military Politics'.
- xcviii Croissant et al, 'Beyond the fallacy of coup-ism', 972
- xcix Hoffman, 'Military extrication and temporary democracy.', 89
- cx Imran Khan's PTI has been more willing to play the military's game as seen in his support for a ban on Geo TV. Shahid, 'Tug of War.'
- c Wilkinson, 'Democratic Consolidation and Failure: Lessons from Bangladesh and Pakistan.', 209
- ci Haqqani, 'History repeats itself in Pakistan.', 111
- cii McLaren and Cop, 'The Failure of Democracy In Turkey.', 504-5
- ciii Grare, 'Pakistan's foreign and security policies after the 2013 general election.', 991
- civ Adeney, 'Shadow of military looms large over Pakistan street protests.'
- cv This view is prevalent within many sections of society within Pakistan –expressed to the author during numerous trips to Pakistan in the last fifteen years.
- cvii Bogaards, 'How to classify hybrid regimes'. 404.
- cviii Wigell, 'Mapping 'Hybrid Regimes', 231, 233
- cix Although we accept Hadenis and Teorell's point that trichotomous indicators (although preferable to dichotomous ones) still lose a lot of information and have issues of reliability, this article uses trichotomy to illustrate the argument and retain an element of parsimony. Hadenis and Teorell 'Assessing Alternative Indices of Democracy', 13-14
- cx Denk and Silander, *Regime Heterogeneity*, 3, 125
- cxii The maximum value of the standard deviation for the number of components is 1.04. Therefore 0.76/1.04 equals 73% of its maximum value, a high degree of regime heterogeneity. Denk and Silander, *Regime Heterogeneity*, 50.
- cxiii Turkey has managed to curtail tutelary interference (to the extent of convicting hundreds of military officers for attempting a coup), but has become more authoritarian on other measures. Thanks to Natalie Martin for discussing this with me.
- cxiv Denk and Silander, *Regime Heterogeneity*
- cxv McLaren and Cop, 'The Failure of Democracy In Turkey.', 514