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## **Political Evolution of the Cambodian Government (1993-Present)**

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### **ABSTRACT**

*This research is mainly based on the Constitution, the law on the organization and functioning of the Cabinet and other laws and online resources. The article reflects the process of state administration activities of the Government of Cambodia. The Paris Agreement of October 23, 1991 required Cambodia to adhere to a liberal, multi-party democracy. The government had two prime ministers and co-ministers in key ministries. In 1998, there was another coalition government. In 2003, there was another coalition government. In the 2007 election, the CPP won a landslide victory of 90 seats to form a single government. In the 2013, the CPP won only 68 seats, according to the 50% plus one formula, leading to the formation of a single government. The 2018 election is an election in the absence of the CNRP. Therefore, the CPP won in all National Assembly 125/125. The new government was formed in the form of a reform of the Royal Government, with only 45 members accountable to the Prime Minister and Parliament. The evolution of the Cambodian government from multi-party to one-party (2018) led to national and international concerns about the collapse of multi-party liberal democracy in Cambodia. The article also found that there have been six mandates of multi-lateral government except the latest one, which political deadlocks always occurs after the national elections, and how they are solved. Therefore, all political parties, including the opposition, should be allowed to participate in free, fair and transparent elections.*

**Keywords:** *political evolution, multi-lateral, government*

## **INTRODUCTION**

In 1863, King Norodom signed an agreement with the French placing Cambodia under the protection of France. This move saved Cambodia from the ambitious plans of its two neighbours to put Cambodia under their control (Mehmet, 2017). After Cambodia gained independence from France in 1953, different governments were subsequently named: the Constitutional Monarchy (1953-1970), the Khmer Republic (1970-1975), the Democratic Kampuchea (1975-1979) and the return of the Constitutional Monarchy (from 1993-present) (Ear, 2012). Between the periods from the First Constitutional Monarchy and the Second Constitutional Monarchy, Cambodia went through prolonged chronic civil wars due to the effects of foreign ideologies (Stepan, Alfred, Juan J. Linz, 2014). The 23 October 1991 Paris Peace Agreements were signed by the four warring factions to agree to the cease-fire under the witnesses of 19 countries and eventually brought an end to these conflicts.

The UN Transitional Authority in Cambodia (UNTAC) organized the first democratic election in 1993 following its mandates agreed upon in the Paris Accords (Roberts, 2016). The UNTAC's mandates were to prepare Cambodia for free and fair elections based on the democratic principles, to monitor the political progress through its special representatives and to send a special rapporteur to report on the implementation of the situation of human rights in Cambodia.

The objectives of this article are to investigate how Cambodian government was created through UN initiative, how Cambodian government has made her progress, and how Cambodian government has brought security, peace, and prosperity to the nation as a whole.

## **LITERATURE REVIEW**

An independent body is the governing body of the state and has a high level of responsibility and responsibility for the functions of each individual. According to Montesquieu (18th century), there were three major divisions of state power: the executive, the legislature, and the judiciary, and these three powers were balanced and independent. The recognition of both philosophers is intended to ensure that a state governs a state that guarantees democracy and the rule of law. The rule of law means that a society must have the right laws, understand the law and apply the law properly.

The executive branch, on the other hand, has a government that implements laws passed by parliament. As well as solving many problems, which are responsible for the economy, planning, culture, education, health, social affairs, finance, support for daily life and the needs of the people.

Government is formed to abide by the Constitution. This power shall be vested in the King or the President or the PM. Governments of different countries

in the world can adopt different political regimes: Authoritarianism, Totalitarianism and democratic regimes. Dictatorships and authoritarian regimes are a regime that oppresses the people, suppresses their rights and freedoms, or completely abolishes the freedoms and rights of citizens (Wenar, 2017). But of the above two regimes, the one that opposes the absolute freedom of the people is the Authoritarianism.

Democracy is a Greek word that means the power of the people or the people as the masters of power or the people as the leaders. Abraham Lincoln US 16th President says a democratic government is a government of the people, created by the people and for the people. In the way of life, democracy recognizes that all individuals are equal, regardless of religion, race, gender or social status. Its characteristics are: the rights and freedoms of the individual. Freedom of the press, multi-party politics, free and fair elections, pluralism and tolerance, peaceful transfer of power to the electoral party, political neutrality, three divisions of power, good relations between leaders and the people, often voters. And close and take the law seriously.

Therefore, a legitimate government must abide by the principles of the rule of law, democracy, liberalism, pluralism, and respect for the rights of the people and by election. The Cambodian Constitution, adopted in 1993, stipulates that the King abides by the Constitution and a liberal, multi-party democracy. Powers are divided between the legislature, the executive and the judiciary (Barr, 2020). The government or the cabinet can be legitimate only with the approval of the National Assembly rozenberg 2012.

The following is an excerpt from the Royal Government of the Kingdom of Cambodia for analysis and evaluation from 1993 to the present to reflect the above theory (Anderson, Emily, 2018).

## **RESEARCH METHODOLOGY**

The qualitative research is explored through the following questions:

- How were governments of the Kingdom of Cambodia created between the periods of 1993- present?
- To what extent has the Kingdom of Cambodia made its progress?
- To what extent has the Kingdom of Cambodia made its progress regarding security, peace, and prosperity?

The scope of the study on this topic covers the development of governments only from the period between 1993 and present, not to search for detailed process of governing of the country, nor to analyse weaknesses and strengths of the government ' s functioning. This study will also partly contribute to the broadening of knowledge and to the development of human resources. This study will provide other researchers with information to substantiate their own studies, and will offer a great source of knowledge.

The methods used in conducting this research are based on the numerous secondary data, including legal documents such as the Cambodia's constitution, the law on the organization and the functioning of the Council of Ministers, and other legal documents. The study also employs analytical reviews of other academic research materials, sources of data from internet and various websites. After the gathering of relevant data, the researcher classifies and analyse those data.

## **RESULT**

The literature helps develop three chapters: Chapter1: Procedural Process of creating government: 1.1. Eligibility for the Prime Minister and other government members.1.1.1. Eligibility for the Prime Minister. 1.1.2. Government members. 1.2. Formation of government.1.2.1. Formation of government by Article 119-New.1.2.2. Creation of Government by Additional Constitution Law. Chapter 2: Roles and Functions of the RGC. 2.1 Roles of the Council of Ministers. 2.2. Functions of the Council of Ministers. 2.3. Competence of the Council of Ministers. And Chapter 3 Historical development of Cambodian governments: 3.1. The first government (1993-1998). 3.2. The second government (1998-2003) 3.3. The third government (2003-2008). 3.4. Fourth government (2008-2013). 3.5. The fifth government (2013-2018). The six government (2018-2023). Conclusions and Recommendations and Reference.

## **DISCUSSION**

### **Procedural Process of creating government**

Each government in the Kingdom of Cambodia is created by means of the general election. From 1993 to present, governments are created by two methods. The creation of government is through Article 82 of the 1993 Constitution, and new Article 119. The second way of creating government is by following the Additional Constitution of the Kingdom of Cambodia.

### **Eligibility for the Prime Minister and other government members.**

#### **Eligibility for the Prime Minister**

The eligibilities for being the prime minister (PM) are:the candidacy for the PM must be selected from one of parliamentarians, representing an electorate and from the winning party in the parliament. So, a candidate for the PM must be a parliamentarian, and is a member of and nominated by the winning party in the parliament. All parliamentarians are appointed by the Royal Kram (Royal degree) after a vote of confidence by the National Assembly.

#### **Government members**

The government is the executive body of the Kingdom of Cambodia and is tasked with planning and implementing policies and in accordance with laws and the 1993 constitution. It is responsible for implementing laws and directing general affairs of the state except those of the Legislature and the Judiciary.

The Royal Government of Cambodia (RGC) is in charge of military, police, and other armed forces, and is responsible for implementing administrative processes (Morgenbesser, 2018a), overall policies and plans approved by the National Assembly.

The Council of Ministers shall be led by one PM assisted by Deputy Prime Ministers, and by State Ministers, Ministers, and State Secretaries as members, appointed by a Royal decree after the National Assembly has given its vote of confidence.

### **Formation of government**

#### **Formation of government by Article 119-New**

At the recommendation of the Chairman and with the agreement of both the Vice-Chairmen of the National Assembly, the King shall designate a dignitary from among the representatives of the winning party to form the Royal Government. This designated representative along with other members chosen from the political parties or represented in the National Assembly, then present themselves to the National Assembly to ask for a vote of confidence. Then, vote of confidence is done, while the King shall issue a Royal Decree appointing the entire Council of Ministers. The National Assembly shall pass a vote of confidence in the Royal Government by a two-third majority of all members of the entire National Assembly membership.

By law, a government is formed in the following procedures. First, an election must be held to determine all members of the National Assembly. A competing party must be determined as “the winning party”. Then, the King designates a dignitary or the president of the winning party to form a government. Normally, the party’s president is elected by the party members to run for the candidacy of PM (Getty, 2013). Next, the head of the party presents designated members of the Council of Ministers to the National Assembly (Peou, 2019). When the National Assembly has given a vote of confidence to the request by a two-third of all members of the National Assembly, the King will issue a Royal decree appointing the whole cabinet.

However, in 1993 election, FUNCINPEC was the winning party, and entered into a coalition government with CPP. Then, the King designated “two dignitaries” to form the government as a result of the political compromise to ensure that a new government could come into existence (Yilmaz, 2018). Then, the two dignitaries were appointed by a Royal decree dated 24 September 1993 as the first PM and the

second PM gilded 2017. The same coalition run by CCP and FUNCINPEC was created again after the 1998 election.

The formation of the RGC under Article 119 is in line with the democratic theory that stipulates that after the validation of the members of the National Assembly and the internal elections to elect the Chairman, the Vice-Chairman of the Commission and the Vice-Chairman of the Committees of the National Assembly.

### **Creation of Government by Additional Constitution Law**

Where the procedures stipulated Article 82 and Article 119-New of the Constitution cannot be applied, the National Assembly will resort to the application of procedural provisions stipulated in the Additional Constitution Law at the request of the party winning the most seats in the National Assembly. Under these procedures, the National Assembly will proceed with a package vote to elect a President and Vice-Presidents of the National Assembly, as well as Chairpersons and Vice-Chairpersons of the Commissions of the National Assembly and simultaneously hold a vote of confidence in the Royal Government (Novotný, 2020).

A list of the President and Vice-Presidents of the National Assembly, Chairpersons and Vice-Chairpersons of the Commissions of the National Assembly will be prepared and presented to the oldest member of the National Assembly (Treib, Oliver, 2019). The request shall be agreed upon by winning political parties to enter into a coalition government.

The package voting shall be conducted without debate or discussion and no explanation is required after the result of the package voting is released. Members of the National Assembly may only vote, in favour of or against the package list submitted by the oldest Member of the National Assembly. The package voting shall be conducted by a show of hands. The package vote requires adoption by an absolute majority vote (50 +1) of all Members of the National Assembly. In the event that the first round of voting is not successful, the same procedure shall be applied to the next round.

This system of elections seems to run counter to the theory of democracy: forming a National Assembly and forming a government at the same time.

## **Roles and Functions of the Royal Government of Cambodia**

### **Roles of the Council of Ministers**

The RGC or the Council of Ministers shall be responsible for formulating and implementing the state's policies following the Constitution. It means that the RGC is responsible for overall policies and its own conduct. Each member of the Royal Government shall be individually responsible to the PM and the National Assembly for his/her own conduct.

### **Functions of the Council of Ministers**

The main function of the government is to direct general affairs of the state, responsible for affairs of the national defence. It governs, commands, and uses the military, police and armed forces. The government maintains public orders, infrastructures, and supplies of electricity and water (Schwenkel, 2015). The government sets out national policies and plans for ministries regarding environment, agriculture, economy, and so on, unless otherwise recommended by the National Assembly. The Council of Ministers issue rules, regulations, and directives, approved by the National Assembly (Majone, 2019). The Executive branch is tasked to implement laws and policies approved by the National Assembly. Administrative legal instruments include sub-decrees, circulars, declarations, and other directives.

In most democratic countries in the world, the executive branch exercises its power under the administrative law. The administrative law is the law created by government agencies within the jurisdiction of the executive branch. The aim of administrative law is to abide by laws in accordance with the constitution and approved by the national assembly. The executive branch does not the power to create or amend laws approved by the national assembly.

### **Competence of the Council of Ministers**

When at the termination of the mandate of the Parliament, or when changing of the royal government, which is to leave the office, shall only have duty to conduct day-to-day works until a new royal government is appointed.

Sometimes the incumbent government leaves office and replaced by the new government as soon as the National Assembly has voted to create a new government. In this transition period, the incumbent government shall make sure that the functioning of the country proceeds as normal. Therefore, the new government born out of the free and fair election shall be allowed to solve challenges.

On the other hand, the PM has the right to propose to the King to appoint, change and terminate the position of Minister, Deputy Prime Minister, Advisor and Assistant to the rank of Director General or higher.

### **Historical development of Cambodian governments**

#### **The first government (1993-1998)**

The first government is a coalition government created by FUNCINPEC, CPP, and BLDP, and is also called the two-headed government. It means that the government was run by two PMs (co-prime ministers). Prince Norodom Ranariddh was the first PM, and Samdech Hun Sen was the second PM. Some ministries were also managed by two ministers (co-ministers). This coalition government was formed due to the political compromise by the two big parties-FUNCINPEC and CPP. This initiative was attributed to King Norodom Sihanouk, who tried to end

the political crisis. The formula to create the government was by a 45+45+10 principle. By this formula, FUNCINPEC and CPP, received 45% of all the national assembly's seats each, while BLDP got 10% of the seats (Weiß, 2020).

In 1997, there was a political crisis in Cambodia, which led to the bloody conflict on 04-05 July 1997 (Davis, Tess, 2019). The fighting broke up on the accusation that Prince Norodom Ranariddh secretly imported weapons into Phnom Penh. The prince was stripped of his parliamentary immunity on 6 August by the National Assembly with 98 out of 99 votes.

### **The second government (1998-2003)**

CPP won the July 26, 1998 election. However, this success did not get 2/3 majority in the National Assembly (82 votes), which could form the new National Assembly and approve the formation of the government itself. Of the 122 seats, the CPP won 64 seats, FUNCINPEC 43 seats and the Sam Rainsy Party 15 seats. The result of this election requires the CPP to find a partner to form a new government (Peou, 2017). However, the problem now is that FUNCINPEC and the Sam Rainsy Party are not participating in urging the National Assembly to continue its work and form a new mixed government.

To break the political stalemate, the three parties, with the King's encouragement, held seven meetings with a little successful result. At the November 12-13 summit, both the CPP and FUNCINPEC applauded the agreement that Samdech Krom Preah would be the President of the National Assembly. Samdech Hun Sen will be the PM. These are the solution of the division of power for the harmony between the two parties and leave the Sam Rainsy Party as the opposition (Peang-Meth, 2017).

On November 30, 1998, the National Assembly voted in favour of the composition of the Royal Government of the second mandate led by Samdech Hun Sen and the political program of the Royal Government. The second government consists of Samdech Hun Sen as PM, with key ministries such as the Ministry of Interior, the Ministry of Defense, and Co-Ministry, and about 60 percent of cabinet positions to the CPP and 40 percent to FUNCINPEC.

### **The third government (2003-2008)**

The National Assembly and the Royal Government for the third term were formed on July 15, 2004, after 11 months of political stalemate. It should be noted that the formation of the third government of the Royal Government according to the formula of a package election in accordance with the additional Constitutional Law (Lijphart, 2012). The additional constitution requires the election of the President of the National Assembly, the Vice-President of the National Assembly, the Chairman and the Vice-Chairman of the National Assembly committee at the same time and the confidence in the Royal Government.



Political Solution on June 26, 2004, CPP and FUNCINPEC fully agreed on the formation of a new government in a surprise secret meeting between Samdech Norodom Ranariddh and Hun Sen at Royal Veal Svov house at Kandal Province. The two Samdechs agreed to divide the management of the ministries by the CPP to control 15 ministries and one secretariat, and FUNCINPEC received nine ministries and one secretariat. The other two main ministries, the Ministry of Defense and the Ministry of Interior, must have ministers from both parties.

### **The fourth government (2008-2013)**

On September 25, the Election Commission announced the results of the 2008 general election, with the CPP winning 90 seats, the Sam Rainsy Party 26 seats, the Human Rights Party 3 seats, the Norodom Ranariddh Party 2 seats and FUNCINPEC 2 seats. The huge success of the 90-seat CPP is no longer an obstacle to the formation of the National Assembly and the government for the fourth term, because the opening of the first legislature of the National Assembly under the 1993 Constitution requires a two-thirds majority. Open only in this mandate, CPP has up to 90 seats, it is more than necessary.

On the other hand, the amendment of the Constitution on March 15, 2006, the 50% +1 formula was approved by the National Assembly with 101 out of 123 members of the National Assembly, which means that  $123/2$  equals 61.5, considering  $62 + 1 = 63$  able to form a government without the need for vote from other parties, just meet some of the conditions stipulated in the Constitution (Etim, 2020).

Almost all of the 2008 cabinet compositions came from the CPP and a small number from FUNCINPEC as Deputy Prime Minister Nhek Bun Chhay and Senior Minister Kol Pheng, Ly Thuch, Veng Serey Vuth in charge of a special mission.

### **The fifth government (2013-2018)**

The fourth term of the government began on September 24, 2013. In this term, the party that won the election, so far this year, only two parties, the CPP won 68 seats and the CNRP won 55 seats (Morgenbesser, 2018).

In the fifth term of the Royal Government, there is the addition of another ministry, the Ministry of Civil Service, with Mr. Pich Bunthen as Minister. Previously, the new ministry was limited to the Secretariat of Civil Service, subordinate to the Ministry of the Office of the Council of Ministers only. In particular, in this mandate, there are significant reforms, such as changing 11 ministers to young ministers with potential in their work. There are 14 councils, 19 commissions, 10 authorities, 7 units, with the head of each unit having the same status as the Minister, Senior Minister or Deputy Prime Minister.

**The sixth government (2018-2023)**

The first session of the National Assembly was held on September 5, 2018 under the of King Norodom Sihamoni presidency of the King of the Kingdom of Cambodia to be sworn in. Then, on September 6, 2018, the National Assembly convened to vote for a new leadership of the National Assembly and the Royal Government (Weatherbee, 2019). On September 7, 2018, the Council of Ministers officially opened its first meeting. The new members of the Royal Government are Samdech Hun Sen as PM, 10 Deputy Prime Ministers, 17 Senior Ministers, 29 Ministers, and the Secretaries of State is not included in this government. Since the formation of the government, at least 1,118 people have been directly appointed by the Samdech. This problem is also a bad consequence of the rule of law.

**CONCLUSION**

From the first election of the National Assembly and the formation of the government to 2021, the Cambodian government has been in power for almost 30 years. Cambodia was formerly known for using guns to seize power and to change governments. The country has now become a country that adheres to the principles of liberal, multi-party democracy through regular, free, fair and just elections. Moreover, the people have the full right to elect their representatives and leaders of the country in accordance with the principles of the rule of law and the Legal principles, and as a sovereign state with full independence and territorial integrity.

For almost 30 years, RGC has successfully implemented, taking Cambodia to the next level, on the path of socio-economic development, achieving a high economic growth rate of about 7% per year on average. RGC ensures peace, political stability, security and public order. Such as promoting the rule of law, promoting the rights and dignity of the people, and the firm implementation of liberal, multi-party democracy. In particular, the promotion of national prestige on the regional and international stage, the unwavering protection of national sovereignty, national unity and territorial integrity.

Along with the many advantages, there are also some challenges in the formation of the RGC and the leadership, as well as, the conduct of the RGC are as follows:

From one mandate to another, from the first to the sixth mandate, there are political deadlocks that make it difficult to form a national assembly and a government. This problem may be due to capacity of the Election Commission, a lack of transparency in voter registration and counting, which has led to many people suspicions of vote rigging, and protests have erupted, and also asked for a recount, but there is no solution every time you vote.

Each mandate has a large number of cabinet members, all mandates that use the national budget from the payment of people's taxes are not transparent, accurate, wasteful, spend the national budget excessively on the leading officials.

The Council of Ministers alone has 300 to 400 members in the previous mandate, not counting the advisers and assistants in the various offices. Despite the new term, only 46 members of the Council of Ministers have been amended to take charge of parliament, however, the appointment of Secretary of State, Advisor to the Secretariat of the Council of Ministers is more than 1,118, and this number is so large that some officials only have names that never come to work or come to work but are irregular.

In 2017, the collapse of the main opposition party by the dissolution of the Supreme Court, which made this party unable to participate in the 2018 election, therefore, the CPP won all the elections of 125/125 seats.

The rise to the complete success of CPP, without lacking this worthy opponent, it is a bad sign which more or less, national and international opinion has assessed that the Paris Peace Accords, based on the principles of free, fair and democratic elections, could die from now on and a fetter.

## **RECOMMENDATIONS**

Cambodia should organize the National Election Commission to become an independent institution for all political parties, who contest the election and the voters, national and international organizations have confidence in the ability to organize elections in Cambodia. A well-organized election commission leads to the reduction of crisis disputes at each election, and the losing parties are willing to accept the election results.

The RGC should reduce the number of ministries, number of secretaries of state, undersecretaries of state, councils, advisors, secretaries, committees, authorities to a minimum so as not to use too much of the national budget. All political parties, including the opposition, should be allowed to have the opportunity to participate in free, fair and transparent elections.

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