The Arab Spring: Looking Forward

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In December 2011, the State Security apparatus cracked down on civil society institutions, mainly human rights organizations and international foundations, contending that they pose a national security threat to the Egyptian state. This onslaught and the discourse surrounding it has been a regular issue within the Egyptian government prior to the January 25th revolution. However, after the revolution, civil society actors expected more freedoms, supported by new laws that would advance their independence from the state. The timing of the crackdowns, almost one year after the revolution, is a clear indication that civil society actors’ optimism for a democratic transition is becoming no more than a mirage. The governing elite, especially the Supreme Council of the Armed Forces (SCAF) - which holds the highest executive powers in the interim, is not willing to advance a real democratization process, which expands the public sphere for more liberties, equality, free and fair elections, and the due process of law.

This analysis will shed light on the historical development of civil society organizations in Egypt, and more specifically, the role of the state both prior to and after the January 25th revolution in

A Turkish Model for the Arab Spring?¹

By Aslı Ü. Bâli

The uprisings of 2011 have transformed the Arab world. Long-standing regimes – such as those in Tunisia, Egypt and Libya – have fallen or been radically transformed; elsewhere countries like Yemen, Bahrain and Syria face profound domestic challenges. For non-Arab regional actors the impact of these events is less clear. The Israeli-Palestinian negotiations are at a standstill, Israel is more preoccupied with Iran than the Arab world and for its part Iran’s regional equilibrium has been severely impacted as events in Syria have altered the relative positions of its key allies. Whereas Turkey seemed at the heart of events in the region a year earlier,¹ the events of 2011 have returned the Arab world to centrality, potentially returning Turkey to the periphery. Yet, as a consequence of Turkey’s earlier policy of renewed engagement, the country continues to influence the trajectory of events, although less directly.

Against the backdrop of Turkey’s recently acquired higher profile in the Middle East, the country’s relevance to the course of the Arab uprisings has at least two dimensions. First, Turkey has been identified both locally and internationally as a potential paradigm for democratic change in the Arab world. In particular, the capacity of the Turkish political system to conduct democratic elections with...
**Fuel Subsidy Reform in Post-Revolutionary Yemen: A Participatory Approach**

** Rafat Al-Akhali **

**Introduction**

It is safe to say that the Transitional Government in Yemen, sworn into office in December 2011, faces daunting political and security challenges, let alone the economic and fiscal challenges that rarely make the headlines. One of the challenges at the top of the list is the fiscal imbalance caused by subsidizing fuel products in Yemen. This paper examines the current status of the fuel subsidies in Yemen, and proposes that an inclusive, participatory approach is best to address this challenge while minimizing the social unrest typically associated with lifting subsidies.

Yemen has the highest fuel subsidy in the MENA region, representing up to 9 percent of GDP. According to the Central Bank Annual Report 2010, the fuel subsidy constituted 22.2% of the Government’s expenditure in 2009, while in comparison Capital Development Expenditures did not exceed 15%.

**The Role of Fuel Products in the Economy**

Fuel subsidies not only affect households through their direct consumption of fuel, but important activities such as transport and agriculture also indirectly use fuel. For many Yemenis, fuel subsidies are seen as an important, and sometimes essential, poverty reduction mechanism. Table 1 shows how the subsidy is used by different economic activities, which sheds light on how it affects household consumption:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Share in Total Fuel Consumption</th>
</tr>
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<tbody>
<tr>
<td>Agriculture</td>
<td>12.4</td>
</tr>
<tr>
<td>Fuel Products</td>
<td>0.5</td>
</tr>
<tr>
<td>Industry</td>
<td>29.9</td>
</tr>
<tr>
<td>Transport</td>
<td>40</td>
</tr>
<tr>
<td>Other Services</td>
<td>7.1</td>
</tr>
<tr>
<td>Households</td>
<td>10.1</td>
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Source: Petroleum Subsidies in Yemen (http://www.ifpri.org/sites/default/files/publications/ifpridp01071.pdf)

An attempt to lift fuel subsidies in 2005 led to widespread riots, causing 26 deaths and over 300 injuries before the Government decided to reverse its decision and cut fuel prices down to the subsidized rate. Since then, the Government has taken steps to gradually reduce the subsidy, with the last increase in fuel prices taking effect in October 2010. However, these reductions are sporadic, are not part of a clear and publicized strategy to eliminate subsidies, and are typically followed by social unrest and riots in different parts of the country.

**Fuel Subsidies: an Ineffective Tool for Poverty Reduction**

Although the main objective of fuel subsidies is to assist in poverty reduction by lowering the price that the end consumer pays for fuel and all other products that use fuel as an input, it has proven to be an ineffective tool in achieving that goal. The subsidy scheme benefits the rich more than the poor, as fuel consumption of the rich is greater than that of the poor. The rich tend to consume more cooking gas and electricity, they have more cars, and they buy more products. Also, subsidies in any country most frequently lead to smuggling, where cheap local subsidized fuel is sold for higher prices in other countries. This is a problem that is often cited by the media and the Government in Yemen, and the losses to Yemen are estimated in the hundreds of millions of dollars, although no sound estimate or detailed figures are available.

Given the above, it is clear that Yemen needs to adopt an alternative method for poverty reduction that delivers assistance more effectively to the people that need it the most, while allowing the government to increase its investments in infrastructure projects that deliver long-term and sustainable poverty reduction.

**Lifting Fuel Subsidies**

When discussing ways to lift fuel subsidies in Yemen, two key considerations emerge. The first consideration is whether to lift the subsidy gradually (over a period of 2 to 5 years) or to immediately lift the full subsidy all at once. Analysts and researchers have studied these two options closely and have attempted to foretell the costs, benefits and impacts of each option as it relates to poverty reduction, as well as society’s response to each option.

The second consideration is what to do with the amounts saved by eliminating the subsidy. There are three potential areas where these amounts can be channeled: 1) Budget consolidation (reducing the budget deficit); 2) direct transfers to poor households; and finally, 3) productivity-enhancing infrastructure investments. The amount of money saved from lifting fuel subsidies can be split between any of the above three options, or utilized in a single option.

This paper will not focus on analyzing these two key considerations, as the authors of the ‘Petroleum Subsidies in Yemen’ report present a good analysis of these different
options. Based on their analysis, the best option is to gradually lift the subsidy (over a period of 3 years: 33% in the first year, 50% in the second year, and 100% in the third year), using 50% of the savings to reduce the budget deficit, while the remaining savings are split between direct transfers to the poorest of the poor and productivity-enhancing investments in infrastructure (such as roads and electricity).

Such a plan is forecasted to achieve an overall reduction of poverty of over 4% in 6 years (as opposed to a 3% increase in poverty if the status quo of the subsidy is maintained). It will mitigate some of the negative impacts on households from lifting the fuel subsidy, and it will provide Yemen with a base for sustainable development and poverty reduction based on economic growth and job creation.

**Reducing Fuel Subsidies without Popular Unrest**

This paper will provide a series of concrete steps that the Yemeni Government can undertake to implement the above plan, with maximum buy-in and minimum social unrest. The Yemeni Government must carefully balance the urgency of implementing these reforms for the recovery of Yemen’s economy, with the risk of losing popular support and dragging the country into further conflict. Therefore, the recommendations below are an attempt to start thinking of more creative ways to engage the public in implementing these reforms, especially given the spirit of the Arab Spring and the aspirations of the public for more transparency and inclusion in Yemen’s public policy and administration.

1. **Establish a taskforce for fuel subsidy reform:** This taskforce will have two main objectives: First, to design and implement the most effective “Fuel Subsidy Reform Plan”, and second, to design and implement a program to engage the public in this plan. This taskforce can be made up of cabinet ministers or deputy ministers from the Finance, Oil, Electricity, Media, Industry & Trade, and Agriculture ministries. The Prime Minister can chair this taskforce, which can also include technical experts and consultants as required. The high-level membership of this taskforce will signal the urgency and significance of the fuel subsidy reform and the priority that the Government is assigning to these reforms.

2. **Implement a Deliberative Polling process.** To achieve the second objective of public engagement, the taskforce can begin by implementing a Deliberative Polling process to understand public opinion on the issue of fuel subsidies, inform and educate the public on the trade-offs involved in this issue, and learn how public opinion would change if people were more informed about the issue. As a participatory strategy, Deliberative Polling originated in the work of Professor James Fishkin of Stanford University in 1988. In Yemen, this process would start by contracting a specialized polling center to poll a random, representative sample of Yemeni citizens on the fuel subsidy issue. After establishing a baseline poll, members of the sample will be invited to gather at a single place for a weekend to discuss the issue. The participants will be given materials and presentations that explain all sides of the fuel subsidy debate in great depth. They will then participate in small group discussions with trained moderators before engaging in dialogue with experts and political leaders. Parts of the weekend events will be broadcasted on television for public viewing. After these deliberations, the same sample of people will again be polled on the fuel subsidy issue, and the changes in opinion would represent the conclusions many within the public would reach if they had more opportunities to become more informed and more engaged by the issues.

3. **Launch a public dialogue and deliberation campaign.** Building on the lessons learned from the Deliberative Polling process, the taskforce needs to design a public dialogue and deliberation campaign to engage the public at the grassroots level. The taskforce should partner with civil society organizations to design and implement such a campaign across Yemen. The campaign must include a media component to educate and inform the public on the fuel subsidy issue, the proposed Fuel Subsidy Reform Plan, and the alternatives the Government is proposing to reduce the impact of lifting the subsidy. Given that over 70% of Yemen’s population live in rural areas, and the only available media they can access is local television and radio operated by the Government, these two forms of media must be used heavily to deliver the information, along with other media outlets such as newspapers, online news websites and social media.

Local dialogue and deliberation sessions should be held across the country, and coincide with the media campaign proposed above. Local civil society organizations and elected local councils must coordinate and implement these sessions with training and guidance from the taskforce. The sessions will start with a presentation on fuel subsidies in Yemen and its advantages and disadvantages, as well as the different approaches to address this issue and the preferred approach highlighted by the Government’s Fuel Subsidy Reform Plan. Led by trained moderators, participants will then “work through the issue by considering each approach; examining what appeals to them or concerns them, and also what the costs, consequences, and trade-offs that would be incurred in following that approach.” This process is modeled after the National Issues Forums methodology. Civil society organizations will collect the output of these sessions and feed it back to the taskforce to finalize the design of the Fuel Subsidy Reform Plan before implementing it.

4. **Establish a public board.** The taskforce needs to establish a public board that could be named the “Fuel Subsidy Reform Public Board.” The board’s membership will consist of one member from each of the elected local councils across the country. The mission of this board should be to advocate for the Subsidy Reform Plan, address any concerns from citizens, and follow the implementation of the Subsidy...
Reform Plan on the ground. For example, if the plan ends up having a component of direct transfers to the poorest of the poor, the board can receive, investigate and work with the concerned authorities to rectify any complaints from poor families who were not included in the direct transfer program. The board and its members can also serve as a channel to continue delivering information and updates from the Government to the people and vice versa after the initial dialogue and deliberation sessions are completed.

Conclusion

In conclusion, fuel subsidies are a major challenge that the new Yemeni Government will need to address in order to lay the grounds for a prospering Yemeni economy. The main threat in addressing this challenge is the public uproar expected in response to increasing prices. That is why the recommendations presented in this paper focus on addressing this threat by proposing a deliberative and participatory approach that will include the public in the design and implementation of the Fuel Subsidy Reform Plan, and engage them in understanding the necessity of this reform for future growth. Being included and engaged will encourage citizens to believe that they have some control over policies that will affect them. This is important, since psychologists have shown that even small amounts of individual control over adverse stimuli will reduce a person’s opposition to these stimuli. Although some of the techniques recommended in this paper (such as Deliberative Polling and National Issues Forums) are new to Yemen, they will serve as a signal of commitment to transparency and inclusion, which will surely be welcomed by the Yemeni public.

Rafat Al-Akhali is a youth activist, co-founder and Executive Director of Resonate! Yemen. Resonate! is a youth foundation that aims to bring the voices and ideas of young Yemenis to Yemen’s public policy discourse and support youth action on issues of national and international significance.

Endnotes


6 Ibid.


Military Decision-Making During the Arab Spring

BY DANIEL STEIMAN

Introduction

As the mass protests of the Arab Spring spread from country to country throughout the Arab world, the regimes in question had an array of options to choose from in how to handle the growing unrest within their borders. The use of security forces to impose repressive violence against the protesters was a popular choice across the board for those regimes facing serious upheaval. However, another important decision these regimes were faced with was whether or not the military would be brought in to crush the demonstrations. This, of course, was a choice not always made solely by the leadership of the regime, since the military leadership in some Arab regimes enjoy a significant degree of autonomy from (and in some cases, control over) the central civilian leadership.

The decision to use the military option varied among the different regimes under threat. The Tunisian and Egyptian militaries did not use military force against the demonstrators, and dictators Zine El Abidine Ben Ali and Hosni Mubarak were ousted from power. In Libya, Bahrain, and Syria, the military chose to intervene. However, this did not mean that the use of military force led government success against the dissidents: in Libya, the rebels (with NATO assistance) successfully defeated Qaddafi; in Syria, there is as of this analysis no end in sight to the conflict between the regime and its opponents, though the acceptance by the government and the opposition of a peace plan proposed by Kofi Annan may be on the horizon; while in Bahrain, the military (with Saudi Arabian assistance) crushed the protest movement.

Therefore, an important question we must ask is why the military chose, or chose not to act during the uprisings. For this there is a flurry of explanations, ranging from international factors to the perception of the military in society. However,

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this article proposes that the decision to act, or not, was based on pragmatic and strategic reasoning by the military leadership on whether they deemed the survival of the regime to be in their best interest. In short, the decision by the military to intervene in protests in the Arab Spring was dependent on the relationship between the military and the regime, which determined whether or not the military leadership concluded that the ruling regime was worth saving. If the military leadership viewed the survival of the regime to be indispensable to their own survival, they chose to use repressive force against the protesters. If the military leadership concluded that they could survive the overthrow of the regime, or if they deemed that they would perhaps benefit from the regime's fall, they refrained from using force against the protesters.

This article focuses on the following countries: Tunisia, Egypt, Libya, Syria, Bahrain, and Yemen. These states were certainly not the only Arab countries to have experienced sustained protests during the Arab Spring; in fact, nearly all Arab countries had some level of protest during this period. However, these Arab states experienced what can be termed as massive dissident movements that clearly threatened the stability of the ruling regime, and caused the ruling government to undertake drastic measures. These were also states where the military was deployed in some capacity during the uprising. The protest movements in other Arab states never rose to such a level where the military option was considered or utilized, or they were sufficiently crushed early on by the government's security services.

States where the Military choose not to act against the Protests: Tunisia and Egypt

Tunisia

In contrast to other authoritarian Arab republics, the military in Tunisia never developed a cozy, economically reinforcing relationship with the ruling regime. Without any major threats or past wars (unlike in the cases of Egypt and Syria) the military has historically been an obscure and unimportant institution in Tunisian political life. Compared to the Egyptian military, under Ben Ali's rule Tunisia's military was relatively small, less politicized, and less professional. It was mostly concerned with matters such as border security and emergency relief. Furthermore, as demonstrated by Wikileaks documents, it would appear that the only political elites who benefited from the corruption of regime was Ben Ali, his immediate family and his small circle of cronies, and not the military hierarchy.

Based on these factors, it is logical to conclude that a small military force with no apparent close links to Ben Ali would not choose to crush the demonstrations. When Ben Ali ordered the military to fire on the protesters, the army chief, General Rachid Ammar, refused. General Ammar is also believed to have urged Ben Ali to leave the country. In the immediate aftermath of the revolt, the military arrested top security figures, established order in Tunis, and proclaimed itself "the guarantor of the revolution." General Ammar became a very popular figure in the aftermath of the revolution, and the military emerged as the only strong political institution left standing. At least for the time being, it is obvious that the military as a whole benefited from the fall of the Ben Ali regime.

Egypt

As stated above, the Egyptian military, in contrast to its counterpart in Tunisia, has been a powerful, highly professional, and well-respected institution in Egypt. During his rule, Hosni Mubarak largely succeeded in co-opting the military leadership by giving it access to lucrative land and business deals. Therefore, it seemed paradoxical when the military chose not to intervene in the revolts in Egypt, and eventually forced Mubarak to step down. Yet we can better understand this decision-making within the context of the military's self-interest. Within the last ten years, Mubarak lost the military's favor by cultivating a distinct civilian class of crony capitalists within his regime, and by laying the groundwork for the eventual transfer of power to Gamel Mubarak, Mubarak's son and heir apparent, a decision highly unpopular with the military brass. As Taylor et al (2011) state, "the generals felt their influence slipping away as Mubarak disregarded their economic interests, ignored their advice on ministerial appointments, and organized a campaign to transfer power." The decision to oust Mubarak has allowed the military leadership to impose a managed form of democracy that did not initially erode its popularity, and allowed it to regain its formerly privileged position. Further evidence of this is the military's campaign of arrests against members of Mubarak's inner circle of business elites, which is both highly popular among Egyptians and weakens threats to the military's power.

An argument heard early on during the protests about why the Egyptian military choose not to use force because it wanted to preserve its image as a legitimate and professional institution, as well as maintain its high level of popularity among the among the Egyptian people. This argument could also be used for the Tunisian military, which is also popular among average Tunisians. However, in October 2011, Egypt experienced its highest levels of violence since the Supreme Council of the Armed Forces (SCAF) took power, when Egyptian soldiers unleashed a bloody crackdown on Coptic Christian protesters. This has led to a general feeling of shock among Egyptians, and eroded the military government's legitimacy in the eyes of the Egyptian people. This incident, which has been followed by several other violent crackdowns on protesters by the security forces, demonstrates that the Egyptian military is not afraid to use violence against civilians when it benefits their interests.

States where the Military acted against the Protests: Yemen, Libya, Syria, and Bahrain

Libya and Syria

Although the Libyan regime under Muammar Qaddafi, and the Syrian regime under Bashar al-Asad are vastly dif-
different regimes, both their militaries have striking similarities. Unlike Tunisia and Egypt, the military in Libya and Syria is not an autonomous institution, but rather part and parcel with the ruling regime. In Libya’s case, throughout his forty-year rule, Qaddafi never built truly modern or autonomous government institutions. He secured his rule through brutal repression and through tribal alliances. His sons headed his most important military units, and these were pivotal in suppressing the revolt. Thus, there is no question whether the military would have eventually moved to violently repress the Libyan protesters. The regime and military leadership were essentially one and the same: Qaddafi, his family, and his circle of cronies. In this instance, the survival of the military was of course connected to the survival of the regime.

Following his 1970 coup, Hafez al-Asad created a regime that privileged his family, tribe, and members of the Alawite religious sect of which he belonged. Under his rule, a minority religious group considered heretical by mainstream Sunni Islam dominated Syria, which has a Sunni-majority population. The upper ranks of Syria’s military, intelligence, and security services were either members of al-Asad’s family, or members of his tribe, al-Matawirah. These institutions collectively had one all-encompassing goal: to protect the stability and power of al-Asad’s regime and the Alawite community. With the exception of personnel changes, the nature of the regime has not changed one iota under Bashar al-Asad’s leadership. Under Hafez’s rule, Syria’s second most powerful man was his brother, Rif’at al-Asad, who commanded the regime’s elite Defense Units, who was also largely responsible for carrying out the Hama massacre in 1982. Today, Syria’s second most powerful man is Bashar’s brother, Maher al-Asad, who heads the elite Republican Guard, and he has been a key figure in directing the violent repression of the protest movement in Syria. Therefore, as in Libya, the military’s survival is equivalent to the survival of the regime as a whole, and this explains the military’s decision to use force against the protesters.

In the ensuing months since the start of the Syrian uprising, the steady stream of defections from the Syrian military finally coalesced into a genuine guerrilla force against the Syrian military. While the top military leadership is almost solidly Alawite, and has seen virtually no defections, the majority of foot soldiers in the Syrian army are Sunni Muslims who almost certainly make up a majority of the defections. These army defectors certainly do not see the value in massacring their fellow Sunnis in the cities of Homs and Hama for the sake of an Alawite regime that disenfranchises them. However, self-interest, in terms of power, may also be a motivating factor. Certainly mid-level army defectors, like Colonel Riad al-Asaad, who heads the largest anti-government guerilla force, the Free Syrian Army, may foresee a prominent role in a post-al-Asad family Syria. Therefore, army defections among officers may be motivated, as in the case of Yemen below, by the prospect of achieving power if the Baathist regime were to fall.

**Yemen**

The 32-year old regime of Ali Abdullah Saleh shares remarkable similarities with the previously mentioned regime in Libya. Like Libya under Qaddafi, an authoritarian strongman ruled Yemen for decades, maintaining power through tribal alliances and brute force. Also like Qaddafi, Saleh never built modern institutions but relied on tribal governing structures for national institutions, including in the military. As one Yemenite political analyst remarked: “In Yemen we don’t really have a military as an institution, we have tribal factions in uniform, many of whom can be bought over to the other side”.

The protests in Yemen began in February 2011. The movement had similar characteristics compared to other Arab Spring uprisings: peaceful protesters demonstrated for political reform and a change in leadership, primarily in the capital city of Sana’a. However, within the span of a month the uprising quickly transformed from a protest movement to a conflict between Yemeni’s loyalist and opposition tribal groups. On March 18th, 2011, loyalist snipers fired on unarmed demonstrators. The ensuing national anger prompted a high number of military defections, including the president’s half-brother, General Maj. Gen. Ali Mohsen. The fact that several of the military defectors subsequently joined opposition tribal groups, which shortly afterwards began engaging in violent street battles with the loyalist Republican Guard, makes it likely that defections were done in the interest of self-preservation, rather than just simply revulsion with the regime. Or as Stier (2011) states, “Major General al-Ahmar’s announcement opened the floodgates to military defections… He has been instrumental to keeping Saleh in power and this calculated move has set him up in a position where he and other upper ranks will be able to maintain their positions in a future government.”

Although the numerous tribal conflicts and alliances within the military created divergent interests even within the military leadership, the thesis of this article still holds in this case. The loyalist forces within the Republican Guard and the Mountain Brigade are under the command of Saleh’s sons, while his half-brother heads the air force, and elements of the special security forces are led his nephews. The other part of the military is now in the opposition camp, having joined forces with the protesters and the most important tribal group, the Hashid tribe, headed by the powerful Al-Ahmar family. Emblematic of the situation in the months after the protests began were the street battles in Sana’a between Republican Guard units led by Saleh’s son, Colonel Ahmed, and the tribal militia of Sheikh Sadeq Al-Ahmar, a member of the Al-Ahmar family. Therefore, while military forces may be divided within the country, their motivations are still determined by self-interest, namely power and survival. These interests are in turn determined by the overall relationship between the military leaders and the Saleh re-
gime. Despite Ali Abdulla Saleh’s abdication of power and his departure from the country on January 22nd, 2012, the presence of family members in top positions in the government, particularly his half-brother who heads the air force, may perpetuate the ongoing conflict in Yemen between the loyalist and the opposition forces.

**Bahrain**

Bahrain is an unusual case in comparison to the other regimes already discussed. During the first month of the protest movement there were notable incidents of violent repression by the Bahraini security services. The Bahraini military was deployed mostly to secure the capital city of Manama, but there are claims that it engaged in violent clashes as well. However, the decision to crush the demonstrations did not come solely from either the Bahraini regime or the Bahraini military, but also from Bahrain’s neighbors, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates, which collectively form the Gulf Cooperation Council (GCC). The GCC voted to send military forces (primarily armed forces from Saudi Arabia) to Bahrain, which succeeded in crushing the revolt. Therefore, while the Bahraini military was certainly complicit in the GCC’s decision to put down the demonstrations, it is unknown whether the military would have decided to crush the revolt on its own, although there is a strong possibility that it would have. The uprising in Bahrain was essentially a Shia-majority country rising up against a Sunni-minority government, and the military and security services of Bahrain are dominated by Sunnis, both local Bahrainis and foreigners. Therefore, one could guess that as in Libya and Syria, the Bahraini military leadership would have likely concluded that they would have no future if the royal family was overthrown.

**Conclusion**

As stated in the introduction, in the cases of the recent uprisings, the military’s decision to act or not was wholly determined by the self-interest of the military leadership. The top brass of the military at some point during the uprising probably asked themselves this question: does the continued survival of the current regime benefit the long term interests of the military? In considering the case countries, two types of self-interest can be identified which likely influenced the military’s decision-making:

1. Power and material gain
2. Survival

The militaries that did not fire on protesters to save the regime did so because they believed that if the old government fell, their power, autonomy, and perhaps material wealth would improve. This was certainly the case for the Egyptian military, and more than likely, the Tunisian military as well. Thus the first type of interest was significant for these two militaries. For the militaries that violently repressed demonstrators, not only power but the long term survival of military as an institution, depended on the survival of the regime. This is true for the Libyan, Syrian, and Bahraini militaries. Therefore, the second type of interest applies in these cases, survival. In the case of Yemen, where the military hierarchy is currently divided, self-interest in the form of survival applies to the loyalist military leaders, while the first type, power and material gain, applies to the opposition force.

*What this Means for the Future of Military Decision-Making in the Region*

Arab regimes that have successfully weathered the Arab Spring so far have undoubtedly taken note of the actions of the Egyptian and Tunisian militaries, and they will probably take steps to prevent such an outcome from occurring within their borders if in the future they too are faced with large, destabilizing demonstrations. In the future, we may see dictatorships in the Arab world and elsewhere take note of what occurred in Egypt and Tunisia and take measures to prevent such an outcome from occurring within its borders. Arab governments may take steps to further ensure the loyalty of their military leadership through closer ties with the regime and through incentives like economic benefits. Regimes may also take steps to decrease the institutional autonomy of the military to make sure that it will never go against the decisions of the regime. The desired outcome for the regime will be that when it comes time for it to order the military to fire upon protesters, the military leadership will not refuse. To combat what occurred has occurred in Syria and Yemen, the thousands of foot soldiers who deserted the military and joined the opposition, Arab regimes in the future may undertake harsh measures in order to maintain discipline among the lower ranks of the armed forces. Saddam Hussein employed an efficient solution to this problem. In the mid-1990s, the Baathist regime in Iraq imposed cruel punishments, including ear amputation, for the crimes of desertion and draft-dodging, following the 1991 Shia and Kurdish uprisings which saw whole military units defecting to the opposition.

Understanding the regime-military relationship may also provide an understanding of the military’s behavior in states in which popular revolutions are eventually successful. Of course, in the cases of Libya and Syria, the military leadership will have no role to play as they and the regime leadership are practically one in the same. They are likely to flee into exile along with the political leadership. In the case of Egypt, observers can see that the military government is pursuing the same interests it had under Mubarak: it is seeking to preserve its privileges, autonomy, and power within Egypt. This has proven detrimental to Egypt’s path to democratization. Along with business rivals, the military has brought more than 7,000 people before closed military tribunals, including journalists, bloggers, and protestors. It has also recently appeared to have declared war against U.S.-funded pro-democracy groups; ordering raids on offices of several NGO’s in December, arresting dozens of officials
from organizations such as Freedom House, the International Republican Institute (IRI), and the National Democracy Institute (NDI) in February. The numerous protests since October 2011 have also shown that the military is prepared to use violent force against civilians as a means to preserve order. And finally, the military leadership is also taking the steps to ensure that the future Egyptian constitution will not require strong civilian leadership and oversight of the military.

This is, of course, nothing new. During the wave of democratization that brought to an end numerous military juntas in the southern cone of South America, the generals in several of these countries succeeded in preserving their privileges through intimidation during the constitution-drafting process. Hopefully such behavior will be discouraged from taking place in post-revolution Arab states by both domestic forces and by international allies. Strong civilian leadership over the military should be encouraged, as well as policies that prevent the military leadership from forming an alliance with the government based on crony capitalism, as witnessed under Mubarak’s Egypt and other Arab regimes. Policies like these have helped ensure that authoritarian states in the Middle East remain stable for decades.

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Endnotes


2 Bruce Maddy-Weitzman, “Tunisia’s Morning After.” Middle East Quarterly 18, no. 3 (Summer, 2010): 11-17.


State-Society Relations after the Arab Spring: New Rulers, Same Rules

Sarah E. Yerkes

Introduction

The Arab Spring has brought into question long-held assumptions about the nature of state-society relations in the Arab world. During the protests and uprisings of 2011, regimes that were once thought to be invincible were taken down by the very societies to which they had become impenetrable. Sparked by the courageous act of one man, as in Tunisia, vocally supported by a united international community, as in Libya, or inspired by the successes of revolutions of its neighbors, as in Egypt, the Arab Spring represented a shift in the relationship between citizens and their governments. There is no doubt that the success of the revolutions that toppled Ben Ali, Qaddafi and Mubarak is due in large part to the ability and willingness of Arab societies to defy traditional roles, crossing redlines and violating taboos along the way.

Approximately a year after the revolutions, has the relationship between state and society in the Arab world improved? Are the citizens of the Arab world on a more equal footing with their governments? Or do the governments that replaced the long-standing Arab autocats continue to use civil society as a tool for regime stability, without relinquishing any real control to their citizens? This analysis will examine the nature of state-society relations pre and post-Arab Spring in one country: Egypt. Nowhere has the shift in state-society relations been more pronounced than in Egypt during the past 12 months. Based partly on interviews with civil society actors both shortly before and after the Egyptian Revolution of 2011, it will argue that while civil society has become more emboldened, and many boundaries have disappeared since Mubarak was ousted, Egypt has not experienced a drastic and permanent shift in popular sovereignty, or in the ability of society to make demands upon the State. Rather, Egyptian civil society is experiencing the latest cycle of liberalization-deliberalization, a tool often used by hybrid regimes in the past to maintain control over their citizens.

Examining state-society relations through the prism of Mubarak’s Egypt

The literature on the persistence of authoritarianism in the Arab world has helped us understand the specific mechanisms and strategies that Arab leaders used to bat down both formal and informal opposition to their rule. The realities of the 2011 revolts and revolutions have confirmed some of the main theses of this literature, particularly the idea that Arab autocrats are smart, strategic and flexible rulers who continuously adjust their behavior to changing conditions on the ground, as well as the idea put forward most convincingly by Eva Bellin, that the explanation for the lack of democratic reform in the Arab world lies not in a litany of missing prerequisites, but rather in the “will and capacity” of the coercive apparatus of each Arab State.

Through this body of literature we are familiarized with some of the top-down strategies used by Arab autocrats to manage civil society. These include divide-and-rule strategies, random and discretionary application of civil society or associations laws (cracking down on both legal and illegal organizations), limiting or refusing funding of civil society organizations (CSOs), and, less frequently, harsher acts of repression (such as arresting civil society actors). Thus, there are two primary ways the regimes interact with civil society under authoritarianism: the first is as a pressure-release valve, in which opposition groups (including CSOs) represent a way for individuals to "blow off steam [without] undermining the regime's ultimate control"; the second is as a form of social control. Due to the harsh legal environment in which CSOs operate and the arbitrary application of rules and laws, the regime is able to “monitor and regulate” the activities of civil society actors and groups. By maintaining strict surveillance over civil society activity, Arab autocrats can ensure that, despite the appearance of a free and open society, the regime is never truly threatened.

Egypt provides a compelling arena in which to examine the relationship of civil society with the state both before and after the Arab Spring. Egypt has a long and vibrant history of civil society activity, with the largest civil society sector of any Arab State, and one of the largest sectors in the developing world. Prior to the 2011 revolution, the Mubarak regime deployed a strategy of selective repression, common to the hybrid regimes of the Middle East, in which opposition groups (including CSOs) were targeted, limiting or refusing funding of civil society organizations, random and discretionary application of civil society or associations laws (cracking down on both legal and illegal organizations), and, less frequently, harsher acts of repression. Thus, there are two primary ways the regimes interact with civil society under authoritarianism: the first is as a pressure-release valve, in which opposition groups (including CSOs) represent a way for individuals to "blow off steam [without] undermining the regime's ultimate control"; the second is as a form of social control. Due to the harsh legal environment in which CSOs operate and the arbitrary application of rules and laws, the regime is able to “monitor and regulate” the activities of civil society actors and groups. By maintaining strict surveillance over civil society activity, Arab autocrats can ensure that, despite the appearance of a free and open society, the regime is never truly threatened.

The legal environment under which CSOs operate in Egypt is highly restrictive and complex. The CSO sector is regulated primarily by the Associations Law (Law 84 of 2002), but it is also influenced by the Political Parties Law, the Penal Code and the Emergency Law. The Associations Law, which is still in operation today, gives the Ministry of Social Solidarity (MOSS) the power to dissolve CSOs, to restrict CSO activities and funding and to regulate the
The Egyptian Revolution of 2011, which resulted in President Hosni Mubarak resigning after 30 years of rule, ushered in a period of euphoria for civil society actors who previously suffered under the constraints described above. Organizations which earlier only addressed charity and development issues began creating programs to take advantage of the post-Mubarak environment and the prospects for democratic reform, including undertaking voter registration drives, parliamentary training programs, and campaigning manuals. Youth-led CSOs took particular advantage of the lax legal environment in the months following Mubarak's ouster, explicitly working on democracy and political issues that were considered redlines in the previous regime. In the midst of the post-revolutionary chaos, the Egyptian government, run by the Supreme Council of the Armed Forces (SCAF), largely ignored civil society to deal with the larger issues of the political transition and basic security. This allowed CSOs to function with little supervision for a while, and it erased virtually all of the redlines that existed under Mubarak. A second outcome of the revolution was the creation of numerous CSO networks. Under Mubarak, these official and unofficial organizations of CSOs were seen as a particular threat and thus heavily discouraged by the regime. Post-Mubarak, CSOs that had previously isolated themselves and refused to share resources and best practices for fear of regime reprisal, joined not one but multiple networks to connect with others as widely as possible across the civil society spectrum. This newly emboldened civil society was willing both to question the government in new and louder ways than ever before and to work together to present a stronger and more united front to the Egyptian regime. As a result the SCAF began to adopt several of Mubarak's strategies to reign in civil society, including unofficial security oversight and strict controls over CSO funding.

A few months after the revolution, in the summer of 2011, a second shift occurred in the relationship of civil society and the Egyptian state. The protesters in Tahrir Square began to turn their attention toward the SCAF, recognizing that while the rules governing civil society were not being enforced, they still remained in the books. Civil society actors reported that the State Security apparatus, which had officially been dissolved as part of the revolution, was still operating behind the scenes, with security officers quietly making it known to civil society actors that they were still watching the behavior of CSOs.

At the same time, the Egyptian government, in an attempt to gain domestic legitimacy and distract focus from these criticisms, turned its attention toward what it has called foreign interference in Egyptian civil society, opening a far-reaching investigation into civil society groups receiving foreign aid. The investigation resulted in the trial of 40 Egyptian and foreign CSO workers (including 16 Americans). Egyptian government officials, particularly Fayza Abul Naga, the Minister of Planning and International Cooperation, have gone so far as to call for the end of foreign funding for CSOs altogether. This represents an attempt by the post-revolutionary Egyptian government to impose controls over CSOs that are even more strict than those of the Mubarak era.

There have been some positive signs on the legal front. The Egyptian government has hinted at a new Associations Law to replace Law 84 of 2002 with even stricter controls over civil society and a particular focus on restricting foreign funding, but after much outcry, the law was eventually withdrawn. This signals that Egyptian society today may have more power to protest against the state than it had under Mubarak, considering previous efforts by civil society to alter the Associations Law have largely failed. Nevertheless, the support by both the SCAF and the newly-elected Parliament to the severe crackdown on CSOs receiving foreign funding.
and the ratcheting up of rhetoric against these organizations have clear echoes of Mubarak-era repression, or worse.

**Prospects for the Future**

As it has been just one year since the start of the Arab Spring, it is still far too early to tell definitively whether the revolts of 2011 will result in a permanent shift in state-society relationships in the Arab world. As the case of Egypt shows, what is clear is that civil society has become more emboldened, refusing to acknowledge or accept the redlines of the old regimes. This has given society a voice that was previously silenced, as well as the confidence to use that voice. However, civil society actors are still severely restricted in their ability to challenge the State in any meaningful way. The old legal restrictions on civil society are still in place and they are still arbitrarily applied. The security apparatus is still ever-present, albeit in an even less official capacity. And the post-Mubarak regime has restricted foreign funding to an even greater extent than the Mubarak regime. Thus, the dynamic relationship between state and society in the Arab world has not drastically improved as a result of the Arab Spring. Rather, while the rulers who oversee civil society may have changed, the rules under which they operate remain by and large the same.

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**Endnotes**


5 While the exact number of CSOs in Egypt is impossible to determine, estimates for the number of registered civil society organizations in Egypt in 2010 ranged from 20,000-30,000.


7 The permit process is long and arduous, requiring numerous documents such as a list of the names, ages, nationalities, professions, and addresses of all of the founders of the association, an occupancy deed for the physical presence of the association and a mandatory deposit into the Fund for Support of Non-Governmental Societies and Associations. Nada Mobarak Ibrahim, Aurelie Lachant, and Lara Nahas, *NGOs as Civil Society Actors on Media Policy Change in Egypt: Capacity Building within a Contextual Framework* (London: London School of Economics Development Studies Institute, 2003); *Non-Governmental Organizations Sector Study in Egypt*, (Cairo, Egypt: Japan Bank for International Cooperation and Egyptian NGO Support Center, 2006).

8 “Law No. 84 of the Year 2002 on Non-Governmental Organizations (Associations and Non-Governmental Institutions), ed. Government of Egypt (Cairo, Egypt. 2002).

9 Kausch, *Defenders in Retreat: Freedom of Association and Civil Society in Egypt*.

10 Ibid. This was confirmed by civil society activists whom I interviewed in October 2010.

11 Interview with CSO actor. Cairo, Egypt. June 2011. This is due to the low level of bureaucrats who are responsible for making funding decisions within MOSS. These bureaucrats frequently are not acting out of malice, but out of ignorance combined with the fear of making a decision that could upset higher ups. Several CSO actors whom I interviewed noted that MOSS officials would much rather sit on money and never disburse than make any sort of decision, regardless of the level of threat of the CSO or its officials.

12 According to conversations with civil society actors, the only redline that remained after Mubarak’s fall was the military. Civil society groups were now able to question and insult the Egyptian regime, bring to light issues of sectarianism and police brutality, but could not address the military in any negative light. Interviews with civil society actors. Cairo, Egypt. June 2011.


15 The Western NGO workers were allowed to post bail and the travel ban was lifted, but the trial is still ongoing. As of today (3/30/12), the workers are expected to return to Cairo in late April for the remainder of the trial. That will likely change given that the U.S. has agreed to certify the $1.3 billion in aid to Egypt, but no official announcement has been made ending the trial or dropping the charges.

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**Political Islamists: Trojan Horse at the Gate? Democratization in the Aftermath of the Arab Spring**

**Luciana Storelli-Castro**

Democratic regimes mushroomed under the “third wave” of democratization, as authoritarian regimes were increasingly abandoned for the institutionalization and consolidation of democratic procedures, processes, and structures. Notably absent from this third wave, however, has been the Middle East and North Africa (MENA). In the limited cases where democracy has seeped through MENA regimes, the over-
Political Islamists • Storelli-Castro

whelming result has been a restricted form of democracy for which democratic principles concerning human rights, contestation, and freedom of speech hold tenuously.

Although frequent elections and a relatively high voter turnout are commonplace in many MENA states, political liberalization is not synonymous with democratization. Neither entirely dictatorial nor democratic, MENA regimes fall into what Thomas Carothers terms “the gray zone.” For incumbent regimes in this nomenclature, democracy is little more than a cosmetic treatment that goes on each morning, gets increasingly smeared by day, and washes off at night. Wielding an exceptional coercive apparatus, robustly authoritarian regimes throughout the MENA region have proven adept in selecting from a “menu of manipulation” as a means to securing their place in the gray zone. What little opening incumbents have allowed for civil society has often been devoid of any meaningful contestation, with states placing stringent conditions on opposition groups, or co-opting them in exchange for shares of state patronage.

In the aftermath of the Arab Spring, there is renewed hope for a more legitimate brand of democracy. However, much to the consternation of pro-democracy western governments, free and fair democratic contestation in countries emerging from the Arab Spring would in all likelihood mean the ascendance of political Islamist groups. Indeed, some analysts contend that political Islamist parties in the MENA region, particularly in Egypt and Tunisia, have long been poised to win elections. Reflecting both their high-level of organizational adroitness and the particular socio-cultural dynamics of the countries they represent, had credible elections taken place over the last two decades in these countries, there is little doubt that political Islamists would have captured power. The broad-based appeal of political Islamists is perhaps best understood when taking into consideration their pragmatic modus operandi: “The main reason for Islamists’ popularity is their hatred of corruption, the scourge of secular dictatorships throughout the region, and their promotion of justice and dignity, words that have resonated in the Arab spring even more than democracy. The Islamists appeal to the poor, often by providing a rudimentary welfare system via the mosque when state provision has been lacking. Their political appeal lies in their ability to get things done.” Already in Tunisia, the moderate Islamist political party, Ennahda, has made significant inroads: In the October 2011 elections, they won 89 out of 217 seats (40 percent of the vote) in the Tunisian Constituent Assembly. In Egypt and Yemen, political Islamist parties are predicted to hold similar sway: The Egyptian Muslim Brotherhood claimed 40 percent of parliamentary seats in elections held in early January 2012, while Al-Islah, the main Islamist party in Yemen, makes up 40 percent within the main opposition coalition.

Analysts skeptical of political Islamists have warned against political taqiyya, accusing political Islamists of parroting rhetoric that fuels the impression of a genuine commitment to democracy only to abandon their democratic principles and institute a policy of “one-man, one-vote, one-time” once they have assumed power. In essence, political Islamists are suspected of being for democracy what the Trojan horse was for the Trojans: an undermining ploy cloaked in political correctness. In the same manner that allowing the Trojan horse to enter their dominion did not bode well for the Trojans, it is argued that opening the democratic field to political Islamists will yield comparatively similar consequences for democracy.

Examining The Trojan Horse Hypothesis

Below, the premises that underlie the Trojan horse hypothesis are reviewed. Several key assumptions are made, including:

1. All Islamists are militant. Distinctions between political and militant Islamists are often blurred, causing many to accept the hasty overgeneralization that all Islamists engage in terrorist acts of violence as a form of resistance against their governments. However, collapsing these diverse actors into one grouping is an egregious simplification of their nuanced nature. Whereas both actors ultimately seek to establish an Islamic state, political and militant Islamists differ in their methods of achieving this end. In contrast to their militant counterparts, political Islamists have renounced violent methods, preferring instead to participate in the political process as a means to affect change.

2. Islamist parties suffer from an undemocratic internal structure. Many observers of political Islamist parties have cited an intraparty democratic deficit as troubling. Party structures are generally arranged into hierarchical, centralized organizations with top-down decision-making procedures. Concomitant with this structural composition is a lack of transparency, further shrouding the inner workings of these parties. This raises the question, how can democracy be feasible without democrats?

3. Religious parties produce pluralism concerns. The MENA region is replete with a diverse array of religious minorities, including Coptic Christians, Kurds, and Druze. It is argued that in countries that host minority groups, the establishment of an Islamist state could prove especially problematic because religious identity would be weighed over national identity. Many states, such as Egypt and Turkey, have opted to ban religious parties for fear that communal tensions would be inflamed and compound into large scale civil strife, as was the case in Lebanon between 1975 and 1989 involving that country’s religious factions.

4. Islamists have a troubling human rights record. Political Islamist parties with previous ties to violence, such as Egypt’s Islamic Group (al - Jama’ a al - Islamiyya), have often been criticized for their human rights abuses. The obfuscation
of political Islamists as militant has also contributed to this commonly held belief. Paradoxically, because of a contrived or sincere fear of political Islamism, authoritarian regimes in the MENA region have cited a political Islamist threat as a pretext for suspending or flagrantly violating human rights standards. In Egypt, for instance, opposition groups are routinely harassed by security forces and particular members sent to prison for an indeterminate period of time on botched charges.

5. Political rights and civil liberties will be curtailed under political Islamists. The implementation of an Islamist state grounded in sharia or Islamic law has raised concerns about how it will affect political rights and civil liberties. Already, the status of these rights and liberties in most MENA states are precarious at best. It is argued that institutionalizing sharia, which has been found to discriminate against women and non-Muslims, would further diminish the fundamental rights and liberties necessary for democracy.

6. Islamists represent a regional and international security threat. After the events of September 11, 2001, attention was focused on the increasing radicalization and politicization of Islam in the Middle East. Misconceptions of political Islamists as militant, coupled with the treatment of Islamic activism as unintelligible extremism, rather than a social movement, have culminated into concerns that Islamists pose a regional and international security threat. Attendant views regarding political Islamist opposition to U.S. foreign policy in the Middle East, such as support of Israel, the occupation of Iraq, and a large U.S. military presence in the Persian Gulf have further cemented these fears.

7. Islam is incompatible with democracy. An explanation that is often posited for the lack of democracy in the MENA region holds that Islam is a priori undemocratic. It is maintained that Islam, not only as a doctrine of faith, but a way of life, is responsible for the MENA region failing to establish democratic state structures and polities. Empirical data collected from Polity surveys and Freedom House scores have consistently demonstrated that, compared to other countries, Muslim states tend to show a diametrically opposed trend when it comes to democratization. A corollary argument claims that violence and intolerance are inherent within Islam, which has led some analysts to consider jihad as the sixth pillar of Islam. While an in-depth analysis of whether Islam is inhospitable to democracy falls beyond the purview of this analysis, it is worth noting that the use of violence has been found to be spurred by particular political and socioeconomic conditions. As Najib Ghadbian observes, “[the] political environment of repression and dictatorship, coupled with the use of coercion by most regimes in the Middle East, is conducive to violence and counter-violence by the disenfranchised and the marginalized groups in society.”

There is also a tendency to apply political culture as a residual variable in explaining phenomena. In the context of Islam and democracy, John O. Voll identifies the aforementioned methodological strategy as the standard debate format, whereby a definition is given for “Islam” and another for “democracy,” followed by arguments oscillating between the definitions’ complementary or contradictory nature. Voll argues that the standard debate format provides inconclusive results as “the debates become circular because the conclusion depends more on the initial definition, than on any real analysis.”

Conclusion

In Dankwart A. Rustow’s seminal writings on democracy, he emphasizes that democracy is a trial and error process that does not require “a lukewarm struggle, but a hot family feud.” In the MENA region, to a large extent there is a democratic deficit, because the kind of hot family feud that Rustow wrote about is missing. Ruling regimes in the MENA region have monopolized the bully pulpit, effectively drowning out the opposition through repression, intimidation, or co-option. Paraphrasing Lisa Anderson, Vickie Langohr writes, “Although we do not have sufficient evidence to argue that Islamists are not committed to democracy, we have ample proof that incumbent and ostensibly secular regimes are not.”

Until a delicate balance of power is struck between incumbents and opposition groups that does not severely disadvantage one group over the other, a hot family feud will never be feasible. Political Islamists present a welcoming challenge to incumbent regimes and offer a chance to unleash that hot family feud that has long been absent from the political landscape in the region. While it is difficult to measure the intentions political Islamists may have in store for democracy, and the Trojan horse hypothesis illuminates some legitimate concerns, democracy in the MENA region will continue to be a sham if the political process is not opened to all contenders who wish to participate in that hot family feud.

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Endnotes

The number and proportion of democracies in the world more than doubling since the 1970s. See Larry Diamond, “Thinking About Hybrid Regimes,” Journal of Democracy 13 (April, 2002), 21 – 34.


5 Eva Bellin gives a detailed account of how Middle Eastern incumbents have maintained an ironclad grip on political power through employment of an exceptionally robust coercive apparatus. See Eva Bellin, “The Robustness of Authoritarianism in the Middle East,” Comparative Politics (January 2004), 139 – 153.

6 Incumbents have resorted to excluding competitors from the political process by hand-tailoring electoral laws, banning candidates or parties, and through systematic violence and intimidation of the opposition. See Andreas Schedler, “The Menu of Manipulation,” Journal of Democracy 13 (April, 2002), 36 – 50.

7 Glenn E. Perry, “Arab Democracy Deficit: The Case of Egypt,” Arab Studies Quarterly 26 (Spring, 2004), 91-107.


19 Anonymous, Imperial Hubris: Why the West is Losing the War on Terror (Washington DC: Brassey’s Inc., 2004).


21 Ruth Lane, “Political Culture: Residual Category or General Theory?” Comparative Political Studies 25 (October, 1992), 362 – 387.


Justice Party (FJP), may lead to a chamber characterized by no rotations of power and low accountability. This analysis will explore how Egypt’s party system poses the risk of generating polarized pluralism in the People’s Assembly.

**Background: The Composition of the People’s Assembly**

Leading the People’s Assembly is the chamber’s speaker, Mohammed Saad al-Katatni, who belongs to the largest party in the People’s Assembly, the Freedom and Justice Party (FJP). The political wing of the Muslim Brotherhood, the FJP’s political alliance cruised to an impressive 47% plurality in the 2011-2012 elections.

The second largest entity in the chamber is Hizb Al-Nour (The Party of Light), which represents right-wing Salafi Islam. Al-Nour managed to capture around 26% of the seats in the chamber. The emergence of Al-Nour as a political force was almost as surprising as their strong showing in the polls. Al-Nour formally rejects democratic institutions, claiming they are anti-Islamic. Their participation in electoral politics could be compared to that of Communist parties in Europe. They are anti-system, but as leading Salafi leader Yasser El Borhamy made clear, they are willing to participate in its institutions in order to not leave the process to secularists.

On the left of the political spectrum lie what many have dubbed the “liberal” parties. This term, however, is somewhat inaccurate as the fractionalized left encompasses a range of ideologies that includes communists, socialists, and Arab nationalists. A more accurate term would be secular parties, although it is fair to group them on the left of Egyptian politics. The secular parties fared much worse than their rivals in the recent election, with only two — Al-Wafd and the Free Egyptians — winning meaningful support.

Al-Wafd, Egypt’s oldest political party, captured 7% of seats. Ostensibly neo-liberal in nature, it had been one of the few tolerated political parties that were active during President Mubarak’s rule. Founded in 1919 by the revolutionary Sa’ad Zaghloul, it effectively ceased to exist during the Nasser and Sadat years, only reemerging in 1978 with the liberalization of the political system.

The Free Egyptians Party was established by Naguib Sawris, a prominent telecommunications tycoon, in an attempt to unite the left and provide a secular alternative to the Muslim Brotherhood. Although Sawris declined to run as a candidate for either the Presidency or Parliament, he has thrown his considerable financial support behind the organization (Sawris is worth an estimated U.S. $2.5 Billion). While Sawris has stated his party was created to unite liberal Egyptians of all stripes, so far his support has been concentrated almost exclusively among the Coptic Christian minority. The Free Egyptians were the leading party in the Egyptian Bloc, which garnered fewer than 9% of seats in the 2011-2012 elections.

Altogether, this leaves a Parliament where the FJP holds a commanding plurality, but just under the necessary seats to pass legislation unilaterally.

**Polarized Pluralism**

Aside from a plurality of seats, the FJP enjoys another great advantage in Egypt’s new political space: the nature of their opposition. This is because the placement of the other large groups makes the FJP the de facto moderate party in Parliament. One would not argue that they hold views that would typically be considered moderate in Western democracies, but that, with the largest opposition blocs on their left and right, they occupy the literal center of the political spectrum.

Ideally, divisions in parliament should consist of, broadly speaking, a left and a right coalition. This allows voters to evaluate the performance of the coalition in power and chose an alternative if they are dissatisfied in the next election. Under the current party system, however, this is impossible for Egyptians. In addition to a bilateral opposition to the center party (the FJP), the two outside poles of Egyptian politics are literally two poles apart. In other words, Al-Nour voters and secular party voters are too far away from each other in terms of ideology to form a governing coalition (Figure 1).

**The Difficulty of a Broad Coalition**

With Al-Nour and the left too far apart for a coalition, the only alternative for a large coalition is if either side join forces with the FJP. Al-Nour, in particular, would seem a
natural coalition ally for the FJP. In fact, given the intricacies of Egypt's electoral system, it's quite possible that many voters chose both FJP and Al-Nour candidates during the election. However, although the FJP initially expressed a desire to create a national coalition government, they have followed through on this only to a limited extent. The party dominated the parliamentary committee elections, and heads nine out of the nineteen committees. While granting some committee chairs to MPs from other parties, the FJP ensured they controlled the most influential ones. In particular, FJP MP Essam El-Erian was selected as head of the Foreign Affairs Committee; Saad El-Husseiny for Budget and Planning; and Abbas Mekheimar for Defense and National Security.

This shouldn't be surprising, as the FJP has very few incentives to form durable alliances with any of its rivals. Secular parties are simply too far apart from the FJP to form a coalition with and most of them are too small to wield any influence. Al-Nour is in a much stronger position, both regarding ideological positioning and size, but both of these could be a liability. In fact, Al-Nour's size and extreme positions may make a permanent coalition with the FJP impossible. Combined, the two Islamists parties comprise just under three-fourths of all of the People's Assembly. While this number may seem to provide some flexibility in passing legislation, it would actually prove a huge liability for the FJP. The larger the alliance, the more demands placed on it through its individual members. Accommodating the ideological and patronage demands of so many Al-Nour MPs would place a great strain on the FJP, especially as it tries to maintain its coveted center position. The FJP's success came in part because of local relations with its constituents. While they will no doubt try to bring government resources to their members' districts, this will be made more difficult if they must do the same for an additional large party.

Furthermore, the FJP probably realizes that most Al-Nour seats came at their expense in the last election. In the proportional representation tier of seats, there is a moderate, but significant, negative relationship between Al-Nour and FJP seat total. Figure Two shows that a 1% increase in Al-Nour vote share is associated with an 11% decrease in FJP vote total.

Moreover, most of the runoff elections in the nominal (individual) tier of seats were between the FJP and Al-Nour candidates. This should be extremely troubling for the FJP as they only won 38% of the list tier seats, while capturing 65% of seats in the nominal tier. In fact, besides the small Al-Adle party (which only won one nominal seat) the FJP was the only party to over perform in the nominal tier in comparison to the list tier (Figure Three). This only increases the incentive for the FJP to consolidate resources among its members, as a slight decrease in nominal tier performance could have significant consequences in the next election.

Aware of all of this, the FJP has little incentive to give its Islamist rival too many resources to use in the next election. Instead, the FJP may find that it is optimal to form what William Riker dubbed a "minimum winning coalition": just enough votes to pass legislation, without the burden of a large coalition. This will require short lived alliances to pass substantial legislation, but nothing durable that could benefit another party.

**Conclusion**

The fact that the FJP's two main opponents, Al-Nour and the secularists, are incapable of forming an alliance, makes it difficult for a challenger to threaten their control of the Parliament. The bilateral nature of the opposition means they can remain a "center" party by default. This, in turn, can create two irresponsible opposition groups that continue to promise the world, knowing they may never win enough seats to be asked to deliver. The governance implications for this situation are clear: a traditional rotation of power will become nearly impossible and parties will not offer viable alternative governing platforms. This presents challenges for the Parliament as Egypt's political parties already suffer from low public confidence. Public opinion surveys conducted post-revolution showed that most voters were either undecided or planned on voting
for none of the parties they’ve heard of until nearly the last month before the election. Furthermore, a large number of Egyptians strongly disapprove of the FJP. Combined with the presence of a potential anti-system party in the form of Al-Nour, Egypt’s current party system creates the potential for what Giovanni Sartori described as polarized pluralism.10

In spite of these challenges, the FJP may be successful at balancing itself between its two opposing poles. They will make small concessions to Al-Nour on issues they already agree on, while rejecting the more radical measures. They may also be able to make deals with liberal parties such as Al-Wafd and the Free Egyptians on economic issues. Their economic policy will be centrist, while ensuring protection of their patronage network. By ensuring that they stay in the middle of the Egypt’s two outside poles, the FJP can effectively prevent a governing alternative in the People’s Assembly.

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Endnotes


3 Egypt's mixed system gives every elector three votes. They must choose one party in the list tier, and two candidates in the individual, nominal tier of seats. In theory, this allows each voter to pick up to three different parties.


6 166 MPs are elected by absolute majority vote through a two-round sys- tem. In this nominal (individual) tier, every district contains two seats and electors are given two votes. If no candidate receives an absolute majority in the first round, a second round is held one week later.


8 American Political Science Association, “Toward a More Responsible Two-Party System: A Report of the Committee on Political Parties.” APSR 44, no. 3, Part 2 (1950). The document lays out four characteristics of a responsible political party: 1) make policy commitments to electorate, 2) carry them out in office 3) when out of office, come up with alternatives to current policies, and 4) be sufficiently different to offer voters a real choice.


Introduction: Dreams Deferred After the Revolts

A dream haunts the people of the Middle East. Since the decline of the Ottoman Empire, this dream has motivated movements seeking collective dignity, whether nationalist, internationalist, right wing, left wing, Islamist, secularist, or others. In the midst of the anti-colonial revolts in the 1960s and 1970s, this dream was articulated as that of independence, self-reliance, self-sustenance, equality, and justice. This dream was never realized for reasons beyond the scope of this article.

One’s dreams are harder to tame than one’s body. The dreams of people throughout the Middle East are part of the affective structures that keep them going, that inspire their everyday resistance, and alarm regional leaders to build ever more extensive security states. This past decade we witnessed new movements brewing amidst these lost dreams, movements that became visible to the rest of the world when they exploded in open revolts across Tunisia, Egypt, Yemen, Bahrain, Syria, Morocco, Algeria, Oman, and Iran.

As people march in the streets and occupy main squares, their dreams are in danger of being deferred once again. The form that many of the revolts took, combined with the interests and strategies of the U.S. and other Western powers, make the revolts susceptible to co-optation by elites. This assertion might be premature given that these struggles are currently unfolding; these processes are neither finished nor inevitable. This analysis is not an attempt to explain, describe in full, or in anyway fully represent the different movements. Rather it aims to sound a preliminary alarm given observations of common trends across the region.

Common Strategies of the Revolts

There are three traits shared by many of the revolts in the past year: 1) They were relatively spontaneous; 2) A single
party or leader did not lead them; 3) Last, they used unifying slogans focusing on political demands.¹

Last year, those who showed up on the 25th of January in Tahrir Square in Cairo, or on the 14th of February in Benghazi, never imagined they were going to a protest that would eventually call for, and eventually bring down, their respective governments. The revolts in 2011 started with seemingly uneventful protests that organically grew into movements of masses of people. And yet, to call these protests “spontaneous” or an “awakening” ignores the more complex nature of reality in the Middle East. The revolts are more accurately described as relatively spontaneous. Relative, because they were based on the infrastructure built by earlier protests movements, and the everyday resistance of people that went unnoticed.²

The revolts were not initiated by a specific party or a leader. This is also a relative statement, given that while groups like the April 6th movement in Egypt, the Wefaqq party in Bahrain, union activists in Tunisia, and countless human rights groups were part of the protests, the mobilizations outgrew any organization or party and their capacities to control the throngs of people. It is thus hard to speak of any of these movements as having a party or leader at their inception. This made the movements hard to tame initially, since there were no leaders to buy off, imprison or eliminate.

Lastly, the demands of the revolts were broad enough to include a wide array of social groups and classes. The protesters were direct in their demands: “the people demand the fall of the regime.” Their political objectives aimed at the pinnacle of power to unify society under the movement. This enabled the revolts to include everyone — rich, poor, leftist, secular, and Islamist.

These common characteristics are some of the factors responsible for the success of the revolts, particularly in Egypt and Tunisia. However, for every tactic and strategy of a movement, there is also a weakness. Therefore we must ask what the interests are of the U.S., the European Union, NATO, and other transnational governing bodies in the region, and how these interests guide their policies moving forward.

Foreign Interests in the Region

There is no doubt that short term geopolitical concerns drive part of American foreign policy. There is a reason why the United States treated Bahrain and Yemen differently from Iran or Syria. But beyond geopolitics, at a political economic level the United States’ foreign policy goals not only aim to further their strategic interests, but ultimately they aim to maintain and further entrench global capitalism.

Global capitalism refers to the current phase of capitalism, which was arrived at through the process commonly referred to as “globalization.” Globalization is defined here as the drastic neoliberal restructuring of the state and the economy.¹ The result was the development of global, transnational capitalism — global because production has become global, as assembly lines are no longer housed in one factory, one city, or even in one country, but rather they span the entire world in a global commodity chain.¹ The U.S. state apparatus — particularly its diplomatic and military power — has evolved to protect and promote the process of neoliberal globalization.⁵

Short and medium term geopolitical interests are part of larger economic goals. We cannot understand them separately. At the current juncture, the forms of political organization in a state— whether monarchical, dictatorial or democratic— or the state’s social and cultural issues, such as the role of religion in the polity, are secondary to the economic question of integration into global capitalism. Thus the underlying operative concerns, from the vantage point of the U.S., are: 1) Do particular states favor and work towards integrating themselves into global capitalism? 2) Are they able to provide enough stability to allow for capital accumulation?

To better illustrate this point, let us imagine a state, fully integrated globally, with an export driven economy open to global investors. This state, regardless of its political form, is accountable to and disciplined by the “market forces” of global capitalism.⁶ If the political elite of the state attempt to introduce socialist policies or Islamist ethics that would oppose financial products, there would be no need for the U.S. to stage a coup d’ état to replace the elites. Rather, investors would pull their capital, government bonds would plummet, the cost of loans would skyrocket, the currency would lose value, imported products would become expensive, and, since the economy doesn’t produce for national demands, the commodities that the public depends on would become inaccessible. This is how the market disciplines a state in our time.

Thus, if our interests are the promotion and maintenance of global capitalism and capital accumulation, the most efficient way to control a state is no longer to colonize it, or to prop up puppet regimes, but rather to implement neoliberal reforms. Global market discipline can take care of the rest.

Unfortunately, these circumstances aren’t hypothetical, and they are very real. For instance, the strategy of the U.S. occupation in Iraq followed this scenario. Between 2003 and July 2004 the U.S. enjoyed full control over the Iraqi state. It implemented a transitional constitution, imposed 112 laws, and heavily interfered in the drafting and negotiating of the permanent Constitution.⁷ The laws passed, which were meant to outlast the occupation, focused on the economic foundations of the country. Questions of religion, Islamism, and governance were left to Iraqis, while they rewrote laws regarding the economy such as banking, investment, taxes on foreign goods, stock exchange laws, patents and trademarks, to name a few.⁸ They built a state vulnerable to market disciplining, a state that would do the economic bidding of global capitalists, regardless of whether it was...
formally dominated by Islamists, communists, or members of the Iraqi Chamber of Commerce.

U.S. policy makers were just as surprised by the 2011 uprisings, along with the now toppled Arab leaders. Given the situation, the U.S. attempted to influence the direction of the outcome by tapping into the civil society networks it had developed over the years, and by promoting elites favorable to transnational integration from amongst the ranks of the protesters.

Civil Society Networks

Secretary of State Hillary Clinton often derides her Russian or Chinese counterparts by urging them to get “on the right side of history.” In contrast, the U.S. position is summarized as follows: “don’t be on the wrong side of history, be on all sides of it.” U.S. policy makers for quite some time have known that authoritarian regimes are susceptible to rebellions and are untenable in the long term. Since many of these governments are allies, the U.S. did not want to hasten the inevitable, so it hedged its bets, supporting these governments while opening American diplomatic fronts to work with civil society.

Prior to the revolts, the U.S. used democracy promotion programs to directly or indirectly fund civil society groups, some of whom were critical of their governments through organizations such as the National Endowment for Democracy (NED), the National Democratic Institute (NDI), the International Republican Institute (IRI), and Freedom House. This is not to suggest that civil society groups in countries such as Egypt, Tunisia, or elsewhere became stooges of the West once they initiated any contact with, or received funding from Western governments or civil society organizations. These groups exercise their own agency to use all resources available to them without necessarily being beholden to foreign interests. However, from the U.S. state perspective, funding civil society organizations is not an exercise in altruism, but part of its larger foreign policy goals. The hope is that, in case a large revolt occurs, the United States can use the relationships, networks, and influence it develops within the opposition to attempt to influence or channel the outcome towards its interests.

Promoting Transnationally-oriented Elites

The promotion of transnationally-oriented elites through military and economic aid is the second form of intervention by the U.S. This strategy is common in situations where protesters seek foreign support, such as in the case of Libya. In these situations, the rebels have to put forth a leadership, even if their movement had none initially, to ask for and receive support. To appeal to the U.S. or other western countries, this leadership has to be favorable to those countries’ interests, in the sense of favoring transnational integration. In return, the U.S., NATO, or the UN meet with these leaders and fly them to foreign capitals to attend “friends of” conferences, making them synonymous with the revolts. These figures then became the faces of the revolts. Beyond increased visibility, these elite factions are given material support through “aid” and the power to distribute that aid. All of the sudden, an elite faction is created amongst the rebels, anointed as their leader, and empowered through external support. This promotion process sidelines other factions that would be opposed to transnational integration.

Co-optation

The possibility of co-optation stems from the separation of economic and political demands, which is usually the initial strategy to keep movements unified. This enables rising transnationally-oriented elites, hampered by the cronyism of previous regimes, to build alliances with the U.S. or other transnational bodies. This alliance gives these elites increased visibility and material power. Given that these movements were leaderless, a visible and well-resourced elite faction could potentially climb on to the stage and begin to speak and negotiate on behalf of the movement. Thus one set of elites is replaced with another, undermining the emergence of more counter-hegemonic forces that could challenge the economic policies that have enriched the very few, and impoverished the vast majority of society. The end result is that the masses are left with only a shell of what can be identified as “democracy.”

Like a drum, the noise around periodic electoral rituals masks their hollowness, with promises of equity and justice. Democracy is limited to its hollow political form, leaving untouched the economic conditions of the people, which are left to the prerogative of global investors.

Conclusion

This analysis does not suggest that the Arab revolts are co-opted, or they will necessarily be co-opted, or that anyone who interacts with the U.S., the UN, NATO, or transnational institutions will automatically be co-opted. Rather, given the policies of the U.S. and others towards the Middle East, and the very characteristics of some of these movements, the Arab revolts are susceptible to co-optation. The current struggle in post-Mubarak Egypt is against the Military and factions of the Muslim Brotherhood that are attempting to co-opt the revolt. A similar struggle is emerging in Tunisia. This struggle will define the next stage of these revolts.

The specter of co-optation is a warning that the Arab revolts could have the unintended consequence of strengthening the Middle East’s integration into the global economy, by separating the economic and the political components of the movements. Therefore, it is likely that we will have new political regimes pursuing the same exploitative economic agenda of previous regimes under the guise of political freedom.

Regardless of the outcome, and in spite of possibly deferring the alternative reality they conjured in Tahrir square,
in Taghyir square, in Lu’lu’ square, and in Martyr square, the revolts created new imaginative impulses. New dreams were born, new desires were discovered, and a memory of a moment where the “present wavered”14 was etched in every participant’s psyche. This memory haunts us constantly, whispering of an alternate reality. This is an imminent, yet ever-present reality of grassroots democracy, egalitarianism, and non-commodified human relations, which for a moment existed in these spaces. It is a reminder against despair, because it challenged the totality and the arrogance of the system and the greatest myth it tells about itself – that it is without alternative.

Therefore the revolts of 2011 rekindled peoples’ dreams, which are now on the brink of being deferred. Nevertheless, they accomplished the great feat of frightening those in power, whose authority is now under siege by the “presence of subversive forces and alternative values striving to become social facts. That indeed can make the present waver, make it not quite what we thought it was.”15 Resistance is not limited to the episodic ruptures as we witnessed in 2011, but it continues in the everyday struggle of living, where exploitation has made life unlivable.

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Endnotes

1 It is important to note that these traits came about and manifested themselves distinctively in different countries. For a more thorough analysis of the 2011 revolts see James L. Gelvin, The Arab Uprisings: What Everyone Needs to Know (New York: Oxford University Press, 2012).

2 For further reading on everyday resistance in the Middle East see Asef Bayat, Life as Politics: How Ordinary People Change the Middle East (Palo Alto: Stanford University Press, 2010).

3 Globalization has become a catch all phrase used to describe drastic changes witnessed starting in the 1970s to the present. However for political economists this term specifically refers to changes in global production, finance, and distribution. These changes are often referred to as neoliberalism, a set of policy packages that aimed to privatize the public sector, ease the flow of commodities and capital, and create export driven economies. For further reading on globalization see Richard P. Appelbaum, and William I. Robinson, eds., Critical Globalization Studies (New York: Routledge, 2005).


11 This line of reasoning has been used by authoritarian regimes to discredit oppositional movements, even at the risk of exposing their own hypocrisy, when regimes such as that of Mubarak were among the largest recipients of US aid.


15 Ibid., 129.
So far, those prospects appear dim, as Arab Spring countries continue to disappoint where transitional justice is concerned. Trials have been subject to irregularities and delay while those now in power commit crimes with impunity, to name but a few challenges. Adding to this, many in the region question the wisdom of post-conflict justice, echoing common misperceptions about the self-defeating and ultimately paralyzing work of transitional justice mechanisms. Others point to the lack of political will to pursue this work, or argue that issues of economic and social development should take precedence over efforts to hold former or current regime officials accountable for human rights violations.

These questions and concerns create challenges for Arab Spring countries dealing with post-conflict justice, particularly at the local level, and must be addressed. Unless post-conflict justice is informed by and embedded within local needs and priorities, it will, in fact, become a self-defeating and pointless exercise with little hope of moving transitional countries toward brighter political futures. Tackling these issues head on strengthens the effectiveness of local transitional justice, while also providing guidance as to when these efforts may be more appropriately deployed at the international, rather than the domestic, level.

This article begins with a brief overview of the current state of transitional justice in Arab Spring countries, and moves on to broadly sketch two strategies that should be adopted to strengthen the effectiveness of local transitional justice efforts in the region. The first strategy involves articulating the relationship between transitional justice and development, while the second situates transitional justice within the domestic political spheres of transitional countries.

Transitional Justice in the Region Thus Far

As a concept, transitional justice has evolved over the past decades. Rooted in the Nuremberg Trials that followed World War II, it was initially defined narrowly to include international criminal prosecutions for past human rights abuses held during transitions to democracy. In the nearly seventy years since Nuremberg, transitional justice has become synonymous with a whole host of mechanisms, legal and extralegal, including hybrid courts, which combine domestic and international elements, domestic trials, truth and reconciliation commissions, reparations, and domestic institutional reforms, all of which may accompany various kinds of political change.

As armed conflicts increase and traditional modes of conflict resolution become ever more obsolete and inadequate, transitional justice has become particularly influential in international affairs and foreign policy decision-making. During periods of immense political and social flux, the role of transitional justice is multifaceted and can include establishing and/or enhancing the rule of law, reforming and/or reconstructing judicial institutions, restoring trust, and rebuilding the social and political fabric of post-conflict countries.

The region’s experience with transitional justice during the Arab Spring has demonstrated little relationship to these objectives, and, in some cases, has borne a more striking similarity to the “justice” meted out by predecessor regimes. In the case of Tunisia and Egypt, where the Arab Spring first took hold, attempts at transitional justice have been haphazard. In Tunisia, prosecutors have brought various cases against former President Zine El Abidine Ben-Ali, who is currently living in exile in Saudi Arabia. Several trials have already been held against Ben Ali in absentia, violating the most basic elements of due process and leading, unsurprisingly, to his conviction. Other members of his regime, who still reside in Tunisia, have yet to be held accountable for their past crimes.

In Egypt, there are approximately forty-five cases pending against former regime officials and prominent Egyptian businessmen connected with the regime of ousted President Hosni Mubarak. These cases have focused primarily on issues of corruption and other financial crimes. The few human rights cases brought against former government officials, most notably against Mubarak himself, have been limited to violence committed against protestors during the revolution. No attempts have been made to address the history of torture, abuse, and administrative detention that dominated Mubarak’s thirty-year rule, nor have senior members of the transitional government been held accountable for human rights violations committed since the revolution began on January 25, 2011. By contrast, countless civilians have been tried in military tribunals since the revolution’s earliest days. According to the Egyptian group, No to Military Trials for Civilians, over 12,000 civilians have appeared before military tribunals since February 2011.

In Libya, as military confrontations raged between opposition fighters and forces loyal to Libyan leader Muammar Ghaddafi, the UN Security Council referred the conflict to the International Criminal Court (ICC), which led to criminal indictments against Ghaddafi and several other high-ranking Libyan officials. After forces aligned with the Libyan National Transitional Council (NTC) succeeded in ousting (and then killing) Ghaddafi, the NTC insisted on prosecuting the remaining indicted officials, including Ghaddafi’s son, Seif al Islam, in domestic courts. In late November 2011, the ICC Chief Prosecutor appeared to give his approval, although the Court recently called for Libya’s immediate handover of the younger Ghaddafi. Meanwhile, the UN Commission of Inquiry into Libya has documented the violence and torture committed by both sides during the conflict, crimes for which accountability seems elusive.

In Yemen, opposition groups have decried the immunity deal given to President Ali Abdullah Saleh and his cronies in exchange for Saleh’s agreement to step down from power. In Syria, where demonstrations continue, opposition groups have made it clear that accountability for members of the ruling regime must be a part of any meaningful transition, although the prospects of achieving this appear slim at best.
Issues of development have taken center stage in Arab Spring countries transitioning from authoritarian rule. In dire financial straights before the revolutions began, these countries have struggled to manage staggering unemployment rates and large deficits aggravated by ongoing instability. In Egypt, the unemployment rate reached 12.4% in the fourth quarter of 2011. The country's foreign reserves are at all time lows and the inflation rate is predicted to rise to 12% this year, the highest annual rate for any Middle Eastern or African country. In Tunisia, unemployment has risen to 20% and manufacturing, tourism, and investment have all experienced steep declines, while foreign currency reserves also continue to dwindle. Circumstances in the region's other transitional countries are no better.

In light of these realities, it is unsurprising that regional governments have focused on reviving economies devastated by predecessor regimes and further aggravated by continuing instability. Pursuing this goal does not mean, however, that post-conflict justice must be sacrificed. The benefits of accountability and development can go hand in hand, and may be achieved through a two-pronged approach that eschews conventional understandings of both disciplines.

First, transitional justice must be expanded beyond its traditional focus on human rights to include accountability for economic crimes, such as corruption. Second, "development as economics" must be abandoned and the broader concept of "human development" adopted. Human development encompasses the range of material and social conditions required for people to realize their "capabilities." Human rights, in turn, helps create these conditions by promoting economic growth, equity, and good governance.

This approach is not a mere ploy to promote transitional justice, but rather reflects a real historical shift in the meaning and impact of post-conflict justice. Since the Cold War’s end, transitional justice has been central to various nation-building projects, which by definition involve issues in the field of development. These projects require political stability and security, mechanisms to resolve and prevent conflict, and the resolution of social and economic disparities, all of which are facilitated by transitional justice and its efforts to address grievances, reconcile groups, and restore public trust in government institutions.

The choice between justice and development is a false one. By demonstrating the links between these fields, the discussion shifts from debates pitting justice and development against each other to conversations about the central role of transitional justice to development-based work.

Transitional justice exists at the intersection between law and politics, and is shaped and informed by particularities of circumstance and context. In the words of Professor Ruti Teitel, justice in post-conflict societies is “highly contingent, depending in part on the states’ distinctive political and legal legacies...” While transitional justice is a byproduct of politics and social history, it also acts as an engine for political change during transitional periods, helping to move post-conflict societies toward new political realities. Although its work is inherently political, transitional justice eschews the arbitrary and self-interested nature of politics in favor of the predictability and reliability of the rule of law.

Despite their essentially political character, most transitional justice mechanisms have been heavily depoliticized. Professor Bronwyn Leebaw has detailed this tendency to disconnect transitional justice mechanisms from their political and historical contexts. Leebaw describes these acts of depoliticization as motivated by a desire to "establish [] the legitimacy of transitional justice investigations in contexts characterized by volatile conflict over the very terms of debate." As Leebaw notes, depoliticization does little but weaken transitional justice mechanisms and enhance the political nature of these institutions:

[D]epoliticization does not transcend the politics of transitional justice, but rather functions to obfuscate and naturalize the way that politics operate in the process of judging the past. Depoliticization masks the particular political and social values that frame the investigation and its judgments. It also naturalizes the political compromises and asymmetries that define the scope of transitional justice mechanisms. . . .[D]epoliticization functions to foreclose debate on the terms of global justice, while presenting the values and traditions associated with western liberalism as universal.

Leebaw argues that transitional justice mechanisms should embrace their political circumstances by deploying “political judgment.” This involves acknowledging the particular political characteristics of past crimes and making judgments about the regime’s consent to and participation in these violations. At the same time, political judgment moves beyond politics to engage in historical investigations and reflections into past crimes that take diverse perspectives into account but do not claim to transcend subjectivity. Only through embracing this position, Leebaw argues, does transitional justice become capable of challenging denials of past crimes, help societies learn from their own histories, and advance political change.

Leebaw’s argument is compelling – to the extent that transitional justice ignores the politically embedded nature of its work it fails to address the full impact of past crimes, undermines the transition from authoritarian rule, and weakens the rule of law. Missing from Leebaw’s exposition, however, is any explicit application of the theory of political judgment or general engagement with politics to build support for transitional justice mechanisms. For a number of reasons, the need for such engagement is painfully evident. First, as transitional justice continues to trend toward domestic trials and other indigenous mechanisms of post-conflict justice, the state’s political realities will circumscribe...
and affect the pursuit of justice to an ever increasing extent, determining the types of mechanisms used and delimiting how and to whom they can be applied.28 Failing to engage with these realities in establishing these mechanisms increases the likelihood that transitional justice will be at the mercy of politics, instead of working to move transitional societies forward. Second, and relatedly, powerful or well-placed individuals, hostile to the work of transitional justice, may attempt to limit its impact. Leebaw’s analysis of South Africa’s Truth and Reconciliation Commission (TRC) demonstrates this reality. The South African TRC was established during the country’s transition from apartheid rule and was intended to restore trust in government and to heal South African society. In her analysis of the TRC, Leebaw argues the Commission was conceived to address the systemic and structural aspects of the apartheid system, a commitment that receded when political pressure and a related desire to appear “neutral” caused the Commission’s leaders to shy away from the original vision.29 Unable or unwilling to generate public support for its initial mandate, the Commission yielded to pressure from outside political groups, particularly those connected to the previous apartheid regime, and depoliticized its work by focusing less on the divisions and inequalities that resulted from apartheid, and more on violations committed by all parties, black and white.30

To navigate the transitional period’s treacherous political waters, post-conflict justice mechanisms must apply the theory of political judgment to engage with domestic audiences, and generate public support for post-conflict justice mechanisms that comprehensively address past abuses. Achieving this requires more than a public relations campaign. Rather, it depends upon fostering democratic debate and civic engagement around transitional justice and its work. During the transitional period, the work of post-conflict justice in countries, such as Tunisia, has generated much debate and controversy, with different actors disagreeing over the meaning of key terms like “justice” and “criminality.”31 Instead of shying away from these disagreements, proponents of transitional justice must engage in these disputes. They must provide the public with information about these mechanisms, their proposed ambit and application, and participate in a process of argument, negotiation, and debate, which is transparent and accessible to all. They must address the prevailing political realities, and move beyond them, by considering diverse perspectives and seeking broad consent to transitional justice and its work. Rather than undermining the legitimacy of transitional justice institutions, these processes, when successful, create popular investment in post-conflict justice, insulate these mechanisms from the influence of the few and powerful, and stave off backdoor political wrangling that ultimately weaken these institutions.

The power of public opinion to generate government accountability, as a general matter, is not a new or revolutionary concept. In a recent report titled Accountability Through Public Opinion, the World Bank examined public opinion and its role in generating government accountability in the developing world. Although it looked at accountability across a wide range of circumstances and did not specifically address transitional justice, the report’s lessons are instructive. The report’s findings indicate that public opinion can generate accountability though “civil society mechanisms that rely on citizen engagement and participation” to nurture and sustain the “kind of mutual interdependence between citizens and the state that is at the heart of political accountability and responsiveness.”32

Generating this brand of effective, focused public opinion depends upon a number of different factors, including: (1) adequate information and motivation for public action; (2) institutional mechanisms that allow for communication between the public and the state; (3) civic education and training that builds capacity for engagement and action; (4) journalists and civil society actors who have been trained to work for accountability; and (5) the creation of “horizontal and lateral relations” between the public and the government that work in concert.33

While the legal obstacles to transitional justice, such as a dysfunctional judiciary, are well known, these factors highlight the political impediments to creating effective transitional justice mechanisms. For instance, pursuing transitional justice may be more viable in post-conflict countries, such as Tunisia, that have a functioning civil society, media, and institutional mechanisms facilitating public-to-government dialogue.34 By contrast, in post-conflict countries lacking these fundamental elements, such as Libya, transitional justice may be better served by pursuing alternatives, such as voluntary referral to the ICC, or by delaying transitional justice until these basic requirements are realized.

The Arab Spring has demonstrated the raw power of a public seized with holding its government accountable. Harnessing this spirit to generate vigorous public debate on transitional justice mechanisms involves stakeholders in the work of transitional justice, invests them in the integrity of these mechanisms, and ensures that post-conflict justice addresses prevailing political realities, rather than becoming hostage to them.

**Conclusion**

Transitional justice has arrived in the Middle East and North Africa, but has yet to play a positive role in the Arab Spring. Reversing this trend requires addressing local needs and priorities, in the form of human development, and engaging in and shaping the highly contested public debates that post-conflict justice inevitably inspires. While challenges will always exist, adopting these approaches embeds transitional justice in local societies, invests these communities in its work, and strengthens the chances for its success.

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ENDNOTES


6 Bassiouni Remarks.


19 Ibid, 54.


22 Ibid, 18.

23 Ibid, 21.

24 Leebaw, 15.

25 Leebaw, 15.

26 Leebaw, 20-23.

27 Leebaw, 16-17.


30 Leebaw, 80.

31 See generally, Voorhoeve


33 Lee, 15.

34 In Tunisia, public debates on transitional justice are taking place, and the current government, led by the moderate Islamist party, Nemaah, has established a Ministry of Human Rights and Transitional Justice which, in the words of its head Samira Dillon, “will follow a participatory approach in reinforcing transitional justice in Tunisia,” Assam Grebe, “Debating Transitional Justice in Tunisia,” Tunisia Live, Mar. 8, 2012, available at http://www.tunisia-live.net/2012/03/08/debating-transitional-justice-in-tunisia/ (accessed on April 11, 2012). While transitional justice efforts continue to be hamstrung by on-going power struggles within the country, these debates demonstrate the power of public discourse to influence the work of transitional justice mechanisms. Voorhoeve, 10. While public discussions initially focused on issues of corruption and other financial crimes, as more victims came forward to share their stories, the conversation shifted toward torture and human rights abuses, resulting in more public prosecutions for these violations. Voorhoeve, 9.
the participation of a moderately Islamist political party has occasioned renewed interest in the country as a potentially viable local model for democratization.

Second, as a regional actor in its own right, Turkey is actively developing new policies—sometimes at odds with its Western allies. The much touted Turkish policy of “zero problems” in the region, its efforts to create a free trade zone with Syria, Lebanon and Jordan, and even its increasingly strained relationship with Israel have all required adaptation over the course of 2011. In this short essay, I examine both dimensions of Turkey’s role—the potential influence of the model represented by the domestic Turkish political balance, and the country’s response to a changing Arab context.

**Turkey as Model**

The core agenda of popular uprisings across the region have been demands for political freedom, accountability, anti-corruption and economic justice. The popular view of Turkey in the region is that its record on some of these issues is better than much of the Arab world. What is less clearly understood, however, is the long process of staggered progress towards democratization – replete with repression and reversal – that has produced the contemporary (contingent) Turkish political balance. This process entailed decades of constitutional crises yielding military coups, a low-level civil war in the southeast and the brutal introduction of neoliberal economic policies, in the midst of a financial crisis, that impoverished large swathes of the Turkish public. Although these tribulations gave way to economic growth, yawning social inequality and continued ethnic and social cleavages have accompanied the recovery.

Western analysts’ invocations of Turkey are premised on the view that “the Turkish model shows the possibility of Islamist empowerment without Islamist dictatorship.”3 In fact, resorting to Turkey as a model for moderating political Islamism is largely a continuation of earlier disingenuous attempts to offset popular preferences in the Arab world deemed adverse to Western interests. The agenda of using Turkey as a model for counter-revolution is at odds with Turkey’s own posture of supporting public demands for democratic change. Also, the Western view that the Turkish model may contain political Islamism is distinct from, and perhaps even counter to, the goals of regional reformists looking to Turkey for inspiration. Further, both regional and Western advocates of the Turkish example overlook important aspects—and limitations—of the model they cite.

One of the lessons that may offer some important insights—rather than a model to implement—for Arab reformers is that Turkey has only recently begun to establish civilian control over the military, some six decades after its transition to multi-party democratic elections.5 The deeply problematic role of the Turkish military in the republic’s history, and the difficulty in establishing civilian control, may be a relevant comparison point, for instance, in evaluating the prospects for completing Egypt’s transition under the guidance of the Supreme Council of the Armed Forces.6 Even as civilian control over the Turkish military is being realized, political power remains concentrated in an overweening executive that relies heavily on police control.

The risks associated with a “model” for transition, and more specifically, one that relies heavily on the concentration of power in the executive, include the possibility that one authoritarian structure will simply replace another. Beyond the convening of elections, Egypt’s army council has been tasked with guarding against electoral outcomes that would destabilize regional arrangements favouring Egypt’s Western allies and the internal elites that benefit from the status quo.5 For such an arrangement, Turkey may indeed serve as a model, but hardly one that favors democratization. The celebration of the role of the Egyptian military in overseeing the transition may well devolve into the consolidation of post-Mubarak authoritarianism; the Turkish experience suggests that democratic consolidation requires greater civilian control over the military than is currently the case in Egypt.

A similar lesson may be drawn from the Turkish experience when considering the demands for economic justice that have been given voice in the Arab uprisings. Turkey’s contemporary commitment to free market neoliberalism is hardly responsive to calls for a more egalitarian and welfare-oriented economic system.7 For instance, far from being attentive to the demands of organized labor, the current AKP-led Turkish government has taken measures to crackdown on labor protests.8 Yet labor movements have been instrumental to organizing the demonstrations that have fueled the Arab Uprisings in Egypt and beyond.9 These same movements might be suffocated should the Turkish model of blending democracy, Islam and capitalism be embraced.10

Another reason to think that the Turkish example may be less attractive than expected is the country’s record on free speech. Interestingly, Turkey is routinely criticized for its draconian speech restrictions even as it is being vaunted as a model for the Arab world.11 Turkey’s failings with respect to free speech are numerous. Whether for prosecuting literary figures for “insulting Turkishness,” cracking down on the Doğan media group for publishing newspaper articles critical of the government, imprisoning publishers for producing Kurdish language materials, arresting independent journalists as part of an expansive investigation into alleged coup-plotting or, most recently, introducing far-reaching restrictions on access to the internet, Turkey has distinguished itself among democracies for stifling free speech.12 This shameful record runs directly counter to the new freedoms of the Arab public sphere, particularly through online and satellite media. Indeed, the Turkish example offers the important lesson that a seemingly robust electoral system can coexist with censorship and the stifling of political dissent in ways that should be deeply troubling to Arab reformers.
In addition to concerns about the “Turkish model” related to executive power, civilian control over the military, the uncritical embrace of neoliberal economic policies and restrictions on free speech, there is another set of important considerations that are often overlooked when Turkey is invoked as a model. By contrast, Turkey’s transformation under the AKP has not been the kind of radical social overhaul being sought in the Arab world. Although the last decade has seen a winding down of the destructive and pointless low-grade civil war fought by the Turkish government against the Kurdish population of the southeast, overt discrimination against both ethnic and religious minorities—such as the Kurds and the Alevi—persists. Further, even as the militarization of the Kurdish question in Turkey has been attenuated, the establishment of extraordinary powers under the pretext of counterterrorism just produced a civilian equivalent, yielding, once again, the detention of activists, journalists and politicians who advocate Kurdish rights. Indeed, the practical sense of disenfranchisement experienced by Turkey’s minorities may leave them inclined to pursue an uprising and “spring” of their own.

In short, though the AKP has presided over a period of relative economic and political stability, it has not resulted in the kinds of social transformation that Arab publics now demand. Further, Turkey has reaped the advantages of being a long-time U.S. client state and a trade partner in a customs union with Europe. These relationships put the country in a stronger position with respect to the global financial order than most of its Arab counterparts outside of the Gulf. Despite the fact that Turkey has recently exhibited greater autonomy from Washington—a contributing factor to the willingness of Arab publics to look to the “new” Turkey as a model—the country’s erstwhile privileged relationship to the West was a key factor in attaining its current status as a regional player. In the final analysis, the Turkish case may reflect more of a cautionary tale than a model for the Arab uprisings.

**Turkey as Regional Actor**

As a regional actor, Ankara is likelier to influence events through the policies it pursues than by the example it sets. This is especially true as a result of Turkey’s increasingly proactive engagement with the Arab world beginning well before the events of 2011. Formally part of foreign minister Ahmet Davutoğlu’s “zero problems” foreign policy, Ankara’s renewed interest in forging constructive ties with its Middle Eastern neighbors was a much-needed corrective to its earlier isolationism. But the Arab uprisings pose both a challenge and an opportunity to a Turkish strategy that had been premised on rapprochement with the very regimes now facing protests.

The overall trajectory of Turkish policy towards the Arab uprisings has been centered on four principles: the support of popular demands for political and economic reform; the condemnation of regime violence; a preference for non-violent, negotiated transitions; and last, the rejection of external military intervention. In keeping with this trajectory, the initial Turkish response to the spread of demonstrations across the region was supportive of the uprisings. Turkey’s steadfast support for Egyptian protesters, for instance, went so far as to irk Western allies. Of course, the Turkish prime minister’s demand—ahead of other world leaders—that Egypt’s Hosni Mubarak step down may have reflected, in part, the country’s regional rivalry with Egypt for influence in the Levant. However, it was also consistent with Ankara’s broader policy in favor of non-violent democratic opposition movements elsewhere in the region.

**Resorting to Turkey as a model for moderating political Islamism is largely a continuation of earlier disingenuous attempts to offset popular preferences in the Arab world deemed adverse to Western interests.**

In the context of the Arab uprisings, Turkey’s reinterpretation of its “zero problems” posture has been to shift the focus from building alliances with neighboring Arab regimes, to seeking good relations with both the people and the regimes of the region. For instance, in Turkey’s evolving relations with Egypt and Tunisia, Ankara has sought to identify particular factions within each country to engage with beyond the transitional governments now in place. Elsewhere, however, developments have demonstrated the limits of Turkey’s leverage over erstwhile regional allies. Turkey’s relatively positive relations with countries like Libya and Syria left the country wrong-footed as these regimes violently cracked down on domestic opponents. Although Turkey maintained its stance of supporting indigenous protest movements in 2011—including those against the Qaddafi and Assad regimes—initially, it was more cautious in issuing public demands for authoritarian leaders to step down. Fears of the destabilizing consequences of intervention, along with the conviction that military force rarely serves humanitarian ends, fueled this cautious approach. On the other hand, the much more aggressive posture that Turkish Prime Minister Recep Tayyip Erdoğan took towards the Syrian regime beginning in the latter half of 2011 suggests that the caution initially exhibited in the Libyan case may have now been sidelined.

Much of Turkey’s influence in the Arab world has been premised on soft power—particularly its ability to build on long-standing cultural ties to develop trade and investment relationships with neighbouring states. The question that the Arab uprisings pose is whether such influence remains...
viable or pertinent under the current conditions of regional upheaval. In response to this question, were Turkey to successfully move beyond trade and regional diplomacy to a politics of soft power centered on democracy, human rights and the rule of law, its influence might even be enhanced. But in the past decade, the strategy of building positive relations based on economic cooperation with previously hostile regimes meant downplaying these values, or at most advancing them indirectly. Davutoğlu’s reasoning was that economic integration would create the conditions for peace and stability in the Middle East, from which political reform would follow. The Arab uprisings have inverted such arguments concerning the sequencing of reforms, by placing the political reforms ahead of economic ones.

Conclusion: A Turkish Fall in the Arab Spring?

Some Western and Arab analysts have concluded that the Arab uprisings signal the decline of Turkish influence in the region. They argue that Turkey’s “neo-Ottoman” approach to the region has fallen victim to the changes driven by Arab publics rather than non-Arab regional actors. In response to the protest movements across the region, such critics argue, Turkish diplomacy has been “downright clumsy.” They accuse Turkey of having invested in its relationship not with the people of these countries “but with brutal leaders such as Bashar al-Assad and Muammar al-Qaddafi.”

Most of these claims overlook Turkey’s humanitarian and diplomatic support to both Libyan and Syrian civil society, whether in the form of hosting opposition meetings or sheltering refugees and providing humanitarian aid. In truth, Turkey’s objections to internationalizing the Libyan conflict, and its current posture towards Syria, reflect an initially anti-interventionist stance that has given way to an increasing appetite for more direct forms of protection for civilians. Although this approach did not always sit well with regional and external actors who immediately favored the isolation and ouster of these regimes—or even with those who would prefer restabilizing autocratic rule—the regional approach to pressure the Assad regime more directly through isolation, sanctions and the rule of law, its influence might even be enhanced.

The containment strategy that the U.S. and Saudi favor evidenced by support of counter-revolution in Bahrain and Yemen, intervention in Libya, the rejection of Palestinian reconciliation and muted confrontation in Syria—suggests that Turkey’s approach will in some instances remain at odds with one of its most important allies. But even as the desirability of Turkey’s role in the region diminishes from the American perspective (and this, too, experiences reversals, as with U.S. support for Turkey’s Syria policy), it has been enhanced elsewhere in the region. The Turkish honeymoon with the Arab world was first apparent following Erdoğan’s 2009 denunciation of the Israeli attack on Gaza, and it was cemented by Ankara’s tacit support for a humanitarian challenge to the blockade of Gaza a year later. For a period of time, opinion surveys in the Arab world consistently ranked Erdoğan as one of the region’s most popular leaders. Turkey’s position on Syria has had a more distinctly sectarian appearance, occasioning ambivalence in the region—a departure from this earlier popularity, but not necessarily a reversal.

In the long run, Turkey’s interests lie in forging relations with legitimate and stable governments that enjoy indigenous support and are responsive to the democratic aspirations of their people. Turkey may not represent a model that Arab protesters should follow in crafting their own democratic transitions, but it may prove a valuable ally for the post-authoritarian regimes that will hopefully emerge from the Arab uprisings.

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Endnotes

1. A longer version of this article appears as: “A Turkish Model for the Arab Spring?” 3 Middle East L. & Governance (2011): 24-42.


SCAF approves of the Turkish model, when viewed in this light, is particularly ominous.


7 Turkey’s two economic “recoveries” — following the military coup in 1980 and then the country’s financial crisis in 2000—were presided over by Turkey’s two economic “recoveries”—following the military coup in 1980 and then the country’s financial crisis in 2000—were presided over by former World Bank officials Turgut Özal and Kemal Derviş respectively.

For a detailed discussion of Turkey’s neoliberal economic policies, see Roy Karadag, Neoliberal Restructuring in Turkey: From State to Oligarchic Capitalism (Munich: Max Planck Institute, 2010).


16 Pressure on Turkey to back off calls for Mubarak’s resignation eventually led Erdoğan to fall in line with the U.S.-led policy on Egyptian protests—calling for “orderly transition” at the Munich security conference.

17 This rivalry was perhaps clearest from 2008 to 2010 when the two countries vied for the position of privileged mediator in talks between Arab states and Israel as well as between the two Palestinian factions.


26 For instance, the 2010 Arab Public Opinion Poll Erdoğan was identified as the world leader (outside of their own country) that was most admired by respondents. See The Brookings Institution, 2010 Arab Public Opinion Poll (Washington: Brookings, 2010). The full results of the poll are available online at: http://www.brookings.edu/~media/Files/rc/reports/2010/0805_arab_opinion_poll_telhami/0805_arabic_opinion_poll_telhami.pdf (accessed on April 19, 2012).
obstructing their independence and in impeding the road to democratization. The study will shed light on the similarities and differences between the current regime’s crackdown on civil society, and those that occurred during the regime of Hosni Mubarak.

A Historical look at Civil Society in Egypt: A Tool for Embedding Authoritarianism

Civil society organizations, especially religious ones, have been prevalent in the Egyptian public sphere since the 19th century. Their role has always been to complement the Egyptian government in providing social services to the poor. In the early 1990s, the Mubarak regime embarked on an economic liberalization process, which was aided by the structural adjustment projects of the World Bank and the International Monetary Fund (IMF). In addition to the economic conditionalities imposed by these institutions, they have advocated for civil society organizations to assist the state in development. In 1994, the International Conference on Population and Development was held in Egypt, which was a milestone for the promotion of civil society organizations as partners in the new economic liberalization process. The number and scope of civil society organizations increased exponentially from almost 10,000 in 1998 to almost 30,000 by 2008. Half of these constitute development and religious associations. The rest is composed of sports, youth, social clubs, trade and industry chambers, professional syndicates, and trade and workers unions. Different ministries have endorsed the development of civil society organizations as well. For instance, the Ministry of Health, the Ministry of Education and the Ministry of Youth have created channels for cooperation with NGOs on gender sensitive approaches, population growth, and for the promotion of youth clubs across the country.

Historically, civil society organizations, especially professional unions and syndicates, were dominated by the state. Workers have 23 organized trade unions, which are part of the General Federation of Trade Unions of Egypt. Nevertheless, there is ample evidence that the federation did not enjoy credibility amongst its members, because of its close association with the state. There are 21 syndicates in Egypt. The most active and semi independent are the Bar Association, the journalists, the medical doctors, and engineers associations. Syndicates were mainly dominated by the Muslim Brotherhood throughout the 1980s and 90s; however, the state enacted Law 100/1993 to hamper the Islamists’ hegemony on these syndicates, which became dominated by members of the then ruling National Democratic Party (NDP) from the end of the 1990s until the ousting of Mubarak in 2011. Other associations, such as teachers and commerce groups, have historically supported government policies, and they have rarely undertaken independent actions. For the sake of enhancing state legitimacy, and not for supporting political opposition to the state, it tolerated associations and chambers of commerce. These bodies have mostly supported the economic liberalization policies, which the Mubarak regime forcefully enacted at the dawn of the new Millennium. As a result, these associations and chambers have historically relied on the state to protect their economic interests, and consequently they did not challenge the regimes’ authority. Rather, they have flourished economically as a consequence of their positive relationship with the state. Hence the regime was able to develop these bodies as an extension of the state and not as an independent civil society that would enrich the public sphere.

While the Mubarak regime tolerated syndicates, unions, business associations and service-based organizations, it continued to harass pro-democracy actors like human rights organizations and non-religious social movements, regularly accusing them of being agents of foreign regimes or “spies” seeking to destroy the Egyptian state.

The Mubarak regime envisioned an increase in the number and scope of CSOs to promote economic and social development under the state’s auspices, without any adherence to their role in promoting democratization. Accordingly, civil society law number 32/1964, which was highly restrictive to the freedom of civil society, was effective until 2000. It was replaced briefly by a more liberal law, number 153/1999; however, this was deemed unconstitutional by the Supreme Constitutional Court, on the grounds that it had not been submitted to the Shura Council (Upper House) for deliberations before being enacted as a law. Three years later the government enacted law 84/2002, a highly restrictive piece of legislation on civil society’s freedoms. It stipulates that all non-profit organizations should be registered with the Ministry of Social Solidarity or face criminal penalties. In addition, this Ministry must approve the different activities of civil society organizations, and the Ministry has the right to intervene in the internal affairs of any organization and dissolve it if it receives foreign funds or if it is affiliated with international groups without official permission.

While the Mubarak regime tolerated syndicates, unions, business associations and service-based organizations, it continued to harass pro-democracy actors like human rights organizations and non-religious social movements, regularly accusing them of being agents of foreign regimes or “spies”
seeking to destroy the Egyptian state. Two of the most famous defaming and arbitrary arrests and detention cases were against directors of human rights organizations in 1998 and 2000. The first case was against Hafez Abou Seada, the Director of the Egyptian Organization for Human Rights, who was detained as a consequence of a human rights report that blamed the security apparatus for torturing and unlawfully detaining 100 Egyptian Copts in al-Koshh village of Upper Egypt. The second was against Saad Eddin Ibrahim, Professor at the American University in Cairo (AUC) and Director of Ibn Khaldun Center for Human Rights, whose organization monitored the 2000 Parliamentary elections. He was detained for allegedly receiving “unlawful” funds from foreign foundations, publishing misinformation and corruption.9

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The timing of the crackdowns, almost one year after the revolution, is a clear indication that civil society actors’ optimism for a democratic transition is becoming no more than a mirage.

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State security harassment against pro-democracy organizations and activists did not stop after the enactment of the civil society law in 2002. In 2004, activists from new protest movements like Kifaya, Youth for Change and April 6th were regularly harassed, arbitrarily abducted, detained, and arrested.10 The Egyptian regime, along with the public media, referred to these as “minority spies”11 in order to legitimate harassment against them. In 2007, the state dissolved the Human Rights Association for Legal Aid, allegedly for receiving aid from foreign associations without the consent of the Ministry of Social Solidarity. In 2008, central security forces physically attacked the medical team of the al-Nadeem Center for Prisoners’ Rights due to their prison inspections. In 2009, officials from the Ministry threatened to dissolve the Egyptian Organization for Human Rights for receiving “unlawful funds.”12 As a consequence of the defaming campaigns in the state media against them, Egyptian public opinion has by and large been skeptical of human rights organizations. For instance, in 2008, Ahmad Abdel Hady, the president of Egyptian Youth Party, accused members of the April 6 movement of being agents of foreign donors who had strategic interests in Egypt.13

Civil Society in the post-January 25th Egypt: A Chance for Democracy?

The roles pro-democracy organizations played, especially protest movements like Kifaya, Youth for Change and the April 6th movement, were central to the January 25th revolution. With the onset of the Jasmine Revolution in Tunisia, these movements were able to mobilize Egyptians through new framing techniques, which combined both economic rights with political rights such as “food, freedom, human dignity.” There were also various street campaigns calling for the end of corruption. After the dynamics of the 18-day uprising that escalated with the ouster of Mubarak from power, the role of pro-democracy actors was highly appreciated both on the Egyptian street and amongst the SCAF. Nevertheless, the honeymoon between the pro-democracy movements and organizations and the SCAF did not last long. State security personnel detained many activists only two weeks after Mubarak’s ouster. More problematic was the raiding of five human rights organizations, the shutting down of one, and the arrest of several Egyptian and foreign workers therein allegedly for distributing and receiving illegal foreign funds—an act that posed a national security threat to Egypt.14 The accusations against these activists and organizations, and the public media coverage of them, were virtually the same as they were during the Mubarak regime. In particular, the public media discourse failed to transcend the Mubarak era, in it continuing to portray pro-democracy organizations and activists as “spies” against the Egyptian State.15

More constraints against civil society organizations are envisioned in the new civil society draft law, which was released in January 2012. The draft law poses more restrictions on associational freedoms than law 84/2002. For instance, according to this draft law, associations will only be allowed to work on issues of social justice and development; severe criminal penalties may be imposed on unregistered organizations; and organizations are required to receive prior approval from the Ministry of Social Solidarity before accepting foreign funds and before affiliating with other foreign organizations.16

Conclusion

It is clear that the ruling elite in the post-January 25th Egypt do not want civil society organizations to become independent from the state. On the contrary, the state wants to continue dominating these organizations to ensure its hegemony over society. However, new trends in civil society activities have emerged since the January 25th revolution. Civil society actors—not only pro-democracy activists and organizations, but also members of different syndicates and associations—have advocated for their right to “independence” from the state. Since the ousting of Mubarak, almost 300 independent unions have been established, the most important of which are independent labor unions that have sporadically developed in different governorates, to protect the interests and the rights of workers.17 These have taken the streets as their main “space” of contention. Labor activists mobilize workers to demonstrate, conduct sit-ins against their business managers or against the government, until

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their legal rights are met. These include their right to bonuses, minimum wage and better working conditions. The state still meddles with the institutionalization and legalization of these unions, but nevertheless union activists are not giving up on their rights to independence, and they continue to organize demonstrations on a regular basis.

With the insistence of different civil society actors on gaining their independence from state hegemony, these new and emerging dynamics are important steps in developing a strong, vibrant and independent civil society that can pave the way to democracy. However, in spite of these positive developments, the defaming campaigns, the crackdown against different pro-democracy activists and the new Draft Law on civil society are clear indicators that the SCAF regime is unwilling to move Egypt toward a real democratization process, which expands the public sphere for more freedoms, civic and political participation, and free, fair and periodic elections.

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Endnotes
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5 Hassan, “Civil Society in Egypt under the Mubarak Regime.”
6 Ibid.
15 See for instance al-Ahram coverage of the NGOs’ prosecutions from December 30, 2011 until February 2012.