

POLITICAL PARTICIPATION AND DEMOCRATIC TRANSITION IN THE ARAB WORLD

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1. INTRODUCTION

The Arab Spring has brought about a fundamental change in the dynamics of political participation in the Arab world. Under the authoritarian systems in Tunisia, Egypt, Libya, Syria, and other Arab countries, formal political participation was largely restricted to regime-affiliated party activity, co-opted civil society participation, or voting in nontransparent and often fraudulent elections. Informal political participation, through social networks, underground political movements, and social movements, was often the only way for citizens to challenge their regimes.¹ Although the Arab Spring did not completely reverse this trend across Arab countries, it has brought, at an astonishing speed, a number of key improvements that facilitate formal political participation, particularly in Egypt and Tunisia. But there are also a number of important challenges, old and new, facing formal political participation in the Arab world in this era of democratic transition. The aim of this Article is to map out the key opportunities and challenges for political participation post-Arab Spring, and the way forward for formal political participation in the region as it negotiates democratic transition.

2. POLITICAL PARTICIPATION AND DEMOCRATIC TRANSITION

Political participation and democratic transition are tightly linked. Not only is viable transition dependent on viable political participation, the way forward for political participation is also

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¹ See Amaney Jamal, *Actors, Public Opinion, and Participation, in THE MIDDLE EAST* 193, 231-37 (Ellen Lust ed., 12th ed. 2011) (describing how informal networks affect civil participation in the Middle East).

dependent to a great extent on the trajectory that democratic transition takes. There are three key models through which processes of democratic transition have been understood by political scientists. The simplest is Dankwart Rustow's four-phase linear model of democratic transition, which states that countries go through the following phases in their journey towards democracy:

- 1) National unity within a given territory
- 2) Inconclusive political struggle, which often results in the emergence of one strong group, which hinders democracy
- 3) Transition, which does not necessarily lead to democratic consolidation
- 4) Habituation, which is the consolidation of liberal democracy.²

Applying this model, one can argue that post-revolutionary Arab countries are currently in the third phase. It is likely that this third phase will last for a significant period of time, and it may or may not lead to liberal democracy.

The second model is the cyclical model, in which countries are seen to alternate between democratic and despotic phases. Samuel Huntington argues that this model applies in cases such as where a strong military junta exists.³ According to Huntington, juntas may cede power to civilians to escape from their "own inability to govern effectively," but this means that "neither authoritarian nor democratic institutions are effectively institutionalized."⁴ In a country like Egypt, where the military has historically played a key political role (whether directly, as in the immediate post-Hosni Mubarak period, or indirectly, as in the period that followed), such an alteration is likely.

² Dankwart A. Rustow, *Transitions to Democracy: Toward a Dynamic Model*, 2 COMP. POL. 337, 351-61 (1970) (describing the conditions that make a democracy thrive).

³ Samuel P. Huntington, *Will More Countries Become Democratic?*, 99 POL. SCI. Q. 193, 210 (1984) ("Once a military junta takes over, it will normally promise to return power to civilian rule. In due course, it does so, if only to minimize the divide within the armed forces and to escape from its own inability to govern effectively.").

⁴ *Id.*

The third model, also presented by Huntington, is the dialectical model.⁵ In this model, countries go from despotism to democracy, and then back to authoritarianism, before finally progressing to longer-lasting democracy. This model merges elements of the previous two, but is ultimately more optimistic about the prospects of liberal democracy. The Arab world is likely to see examples of democratic regression as it negotiates the forthcoming period, where Huntington's dialectic model may come into play.

However, as Marc Plattner has argued, "the historical record shows that countries that have had an earlier experience with democracy that failed are more likely to succeed in a subsequent attempt than countries with no previous democratic experience. So even if democracy breaks down, it can leave a legacy of hope for the future."⁶ What this means for the Arab world is that regardless of what transition model may apply, even if the coming period sees regression, what is more important is that the status quo has fundamentally changed, and the seeds for institutionalized political participation have been sown.

3. FORMAL POLITICAL PARTICIPATION AND INSTITUTIONALIZATION

There are two key ways in which the notion of "political participation" has been interpreted in political science discourse. The first, as presented by Holger Albrecht, defines political participation as deliberate activity in the formal political sphere that is aimed at changing policy.⁷ The second, as Laila Alhamad posits,⁸ takes a broader definition of participation that includes non-deliberate acts in the informal political realm. The Arab Spring blurred the line between the formal and informal political

⁵ See SAMUEL P. HUNTINGTON, *POLITICAL ORDER IN CHANGING SOCIETIES* 132 (1968) ("The relation between polity and society may well be dialectical rather than complementary.").

⁶ Marc F. Plattner, *Liberalism and Democracy: Can't Have One Without the Other*, *FOREIGN AFF.*, Mar./Apr. 1998, at 171, 180.

⁷ Holger Albrecht, *The Nature of Political Participation*, in *POLITICAL PARTICIPATION IN THE MIDDLE EAST* 15 (Ellen Lust-Okar & Saloua Zerhouni eds., 2008).

⁸ Laila Alhamad, *Formal and Informal Venues of Engagement*, in *POLITICAL PARTICIPATION IN THE MIDDLE EAST*, *supra* note 7, at 33.

spheres.⁹ The Egyptian protests in Tahrir Square, for example, saw an almost seamless participation by established groups like political parties (such as al-Wafd), social movements (like the April 6 movement), unofficial political groups (like the Muslim Brotherhood), civil society organizations, trade union members, and individuals not affiliated with any organized entity.¹⁰ The intersection between the two spheres was mostly manifested in how acts in the informal political realm, such as popular expressions of dissent, moved from being non-deliberate to deliberate vis-à-vis political change: people no longer expressed dissent in order to merely voice their dissatisfaction with the regime, but to deliberately effect political change, clearly demanding the fall of the regime.¹¹ Therefore, in context of post-Arab Spring democratic transition, it would be more instructive to conceptualize political participation in the broad sense as referring to the activities of political parties, civil society organizations, social movements, and citizens that are aimed at effecting policy change whether formally or informally.

Yet despite this hybridity of actors and actions, democratic transition demands more from formal political participation because the foundations of democracy are ultimately built on the presence of democratic institutions.¹² Democratic institutions are defined as “political institutions [that] . . . have a recognizable, direct relationship with . . . the making of decisions that are mandatory within a given territory, the channels of access to decision-making roles, and the shaping of the interests and identities that claim such access.”¹³ Such institutions include the

⁹ LINA KHATIB, *IMAGE POLITICS IN THE MIDDLE EAST: THE ROLE OF THE VISUAL IN POLITICAL STRUGGLE* 165 (2012) (arguing that informal protests “have real potential to translate into formal political change” and that politics has become an increasingly visual act in the Arab world).

¹⁰ For a survey of who went to Tahrir Square, see generally Zeynep Tufekci & Christopher Wilson, *Social Media and the Decision to Participate in Political Protest: Observations From Tahrir Square*, 62 J. COMM., 363 (2012).

¹¹ See generally KHATIB, *supra* note 9 (discussing the role of protests in political participation and change).

¹² See Mark J. Gasiorowski & Timothy J. Power, *The Structural Determinants of Democratic Consolidation: Evidence from the Third World*, 31 COMP. POL. STUD. 740, 741 (1998) (“[A]lthough political processes are obviously crucial in affecting the consolidation (or demise) of new democratic regimes, these processes, in turn, may be influenced in important ways by structural factors . . .”).

¹³ Guillermo A. O’Donell, *Delegative Democracy*, J. DEMOCRACY, January 1994, at 55, 57.

legislature, the judiciary, electoral institutions (including political parties), local government, the media, and civil society.¹⁴ For democracy to flourish, those institutions must exist and be viable; as Schedler argues, democracy faces an institutional challenge on two levels: first, on the level of establishing “representative institutions in form”, and second, on the level of rendering those institutions “effective in practice.”¹⁵

An additional challenge for democracy is the timing of the development of those institutions. Historically, three models have addressed this issue in relation to political participation. The first model, presented by Nordlinger,¹⁶ argues that effective political institutions must be established before political participation is expanded. The second model, by Dahl,¹⁷ similarly argues that successful expanded political participation is more likely to happen after expanded opportunities for political contestation. The third model, by Huntington, argues that it would be better for political “participation to expand early in the process of development, and before or concurrently with contestation.”¹⁸ While the three models largely frame the notion of political participation around electoral processes, they remain useful in highlighting the importance of political institutions as a key factor for viable formal political participation more broadly, including participation in civil society.

In the post-revolutionary Arab world, there are rising opportunities as well as challenges for political participation in relation to institutionalization, which are related to the above-mentioned factors of building institutions, their effectiveness, and timing, but also go beyond them. The focus of this Article is on formal political participation as it relates to political parties and civil society. The next sections present the opportunities and challenges facing political participation in the Arab world in the

¹⁴ See Andreas Schedler, *Authoritarianism's Last Line of Defense*, J. DEMOCRACY, January 2010, at 69, 71 (giving examples of institutions that authoritarian leaders often try to manipulate).

¹⁵ *Id.* at 70.

¹⁶ See generally Eric A. Nordlinger, *Political Development: Time Sequences and Rates of Change*, 20 WORLD POL. 494 (1968).

¹⁷ See ROBERT A. DAHL, *POLYARCHY: PARTICIPATION AND OPPOSITION* 33–40 (1971) (advocating the stability of a sequence where competitive politics precedes expansion in participation in comparison to other paths of transition to a polyarchy).

¹⁸ Huntington, *supra* note 3, at 211.

context of democratic transition, first addressing the structure of political participation, and then its infrastructure.

4. RISING OPPORTUNITIES FOR INSTITUTIONALIZED POLITICAL PARTICIPATION

The Arab uprisings have created new structural opportunities for political participation stemming from the change in the political status quo. This change has positively impacted the two pillars in the structure of political participation. The first is the *place* of political participation.¹⁹ The period of democratic transition in the Arab world is seeing a move from the informal political sphere to the formal sphere, as well as a change in the formal political sphere itself. Prior to the Arab uprisings, the formal political sphere in Tunisia, Egypt, Syria, and Libya was constricted by authoritarian governments. Access to this space was open only to those within regime inner circles, be they ruling parties or ruling families; citizens' engagement in politics was restricted to the informal political space.²⁰

Post-revolutionary Arab countries have seen the substantial creation of new political parties and non-governmental organizations, particularly in Egypt and Tunisia, which has signaled the opening up of the formal political sphere towards more inclusiveness. In Tunisia, more than 110 political parties were registered after the fall of president Zine El Abidine Ben Ali,²¹ while in Egypt, more than forty new political parties emerged after the fall of Mubarak.²² At the same time, established regime parties in those two countries have been dissolved and their remnants marginalized,²³ no longer having a monopoly over the political

¹⁹ See generally Ellen Lust-Okar, *Taking Political Participation Seriously*, in *POLITICAL PARTICIPATION IN THE MIDDLE EAST*, *supra* note 7, at 1.

²⁰ See Jamal, *supra* note 1, at 198–237 (examining Arab citizens' participation in various formal and informal venues).

²¹ See Nizar Maqni, *The Persistence of Ben Ali Party in Tunisia*, ALAKHBAR (Jan. 15, 2012), <http://english.al-akhbar.com/content/persistence-ben-ali-party-tunisia> (discussing the revolution in Tunisia that ousted the Constitutional Democratic Rally and spurred more than 110 parties to enter the political arena).

²² See *Big Turnout in Egypt Post-Mubarak Election*, BBC (Nov. 29, 2011, 9:18 PM), <http://www.bbc.co.uk/news/world-africa-15932733> (noting that there are more than forty political parties competing in the election, altogether fielding more than ten thousand candidates).

²³ See, e.g., Amal A. Kandeel, *Egypt at a Crossroads*, 18 MIDDLE E. POL. 37 (2011) (chronicling political upheaval in Egypt).

process. Citizens have also actively engaged in setting up new civil society organizations, with thousands of new non-governmental organizations registered in the two countries after their respective revolutions.²⁴ The formal political sphere, then, has become more open to citizens and is no longer restricted to regime-affiliated elites.

The other face of this expansion is the change in the *means* of political participation, namely the institutions themselves.²⁵ Before the revolutions, opposition efforts in the Arab world were largely not institutionalized, and mainly operated through informal social movements.²⁶ In Syria, political activists operated through underground movements and through civil society activities often seen as apolitical,²⁷ while Egypt saw the rise of oppositional social movements like Kefaya²⁸ and the April 6 movement, as well as a number of grassroots citizen action groups like Shayfeen.com, an informal group dedicated to monitoring state fraud. Governments either cracked down on groups aspiring to become political parties (as was the case with the Islamist group Ennahda in Tunisia), or created regulations that made it impossible for such opposition political parties to exist (like the Muslim Brotherhood in Egypt). In

²⁴ See Laryssa Chomiak, Dir., Ctr. for Maghrib Studies in Tunis, *Civic Resistance to Civil Society: Institutionalizing Dissent in Post-Revolutionary Tunisia*, Remarks at the Program on Arab Reform and Democracy Third Annual Conference: Democratic Transition and Development in the Arab World (Apr. 27, 2012). Chomiak found that in Tunisia, 8,000 NGOs were registered under Ben Ali. After the Jasmine Revolution of 2011, this number rose to 10,000 according to official figures, and 20,000 according to unofficial estimates. *Id.*

²⁵ See ALBRECHT, *supra* note 7, at 21-27 (examining the channels of political participation in the Middle East).

²⁶ See Marina Ottaway & Amr Hamzawy, *Protest Movements and Political Change in the Arab World*, 2011 CARNEGIE ENDOWMENT FOR INT'L PEACE POL'Y OUTLOOK 1-13, available at http://carnegieendowment.org/files/OttawayHamzawy_Outlook_Jan11_ProtestMovements.pdf (cataloguing pre-Arab Spring social movements throughout the Middle East and North Africa).

²⁷ See Wael Sawah, *The Dialectic Relationship Between the Political and the Civil in the Syrian Civil Society Movement*, 34 ARAB REFORM INITIATIVE ARAB REFORM BRIEF 1, 3 (2009), available at http://www.arab-reform.net/sites/default/files/ARB_34_Wael_Sawah_Syria_Eng.pdf (highlighting the tensions between Syrian civil society groups and political institutions).

²⁸ See generally NADIA OWEIDAT ET AL., RAND NAT'L DEF. RESEARCH INST., *THE KEFAYA MOVEMENT: A CASE STUDY OF A GRASSROOTS REFORM INITIATIVE 1* (2008) available at http://www.rand.org/content/dam/rand/pubs/monographs/2008/RAND_MG778.pdf (providing background and analysis of the Kefaya Movement in Egypt).

Tunisia, the leaders of Ennahda were persecuted by the government and forced into exile, effectively curtailing the group's activity in the country.²⁹ In Egypt, the government engaged in a series of coercive measures against the Muslim Brotherhood and other opposition groups.³⁰

One key forum for such measures was the law. The Egyptian *Law on Political Parties* included a number of articles that limited the actions of political parties.³¹ New parties awaiting registration approval could not conduct any activities until this approval was granted. The approval itself was a lengthy process and often resulted in the rejection of applications.³² Parties could not have a religious basis or oppose "the principles of the so-called Corrective Revolution" of Egypt's first president Gamal Abdel Nasser, a method of denying legality to parties opposed to the regime.³³ In addition, parties had to declare their contacts with foreign political parties.³⁴ The December 1992 amendment to the law prevented "political activity by groups that lacked legal status and prohibited political alliances between such groups and legalized political parties" and thus particularly targeted the Muslim Brotherhood.³⁵ As a 1994 Human Rights Watch Report elaborates, this amendment meant that "[a]lthough the government had previously tolerated

²⁹ See Aidan Lewis, *Profile: Tunisia's Ennahda Party*, BBC NEWS AFR. (Oct. 25, 2011, 9:57 AM), <http://www.bbc.co.uk/news/world-africa-15442859> (identifying Ennahda's renewed political success in Tunisia following years of repression).

³⁰ See Samer Shehata & Joshua Stacher, *The Brotherhood Goes to Parliament*, 36 MIDDLE E. REP. 32 (2006) (highlighting the success of the Muslim Brotherhood in Egyptian elections despite legislation put in place to hinder their participation); Dan Murphy, *Egypt Cracks Down on Muslim Brotherhood Ahead of Elections*, CHRISTIAN SCI. MONITOR (Nov. 24, 2010), <http://www.csmonitor.com/World/Middle-East/2010/1124/Egypt-cracks-down-on-Muslim-Brotherhood-ahead-of-elections> (identifying the various police tactics taken to prevent supporters of the Muslim Brotherhood from participating in Egyptian politics).

³¹ See Law No. 40 of 1977 (Law on Political Parties), *Al-Jarida Al-Rasmiyya*, 2 July 1977 (Egypt) (including sections detailing minimum membership, approval requirements, and punishments for those in violation of the law).

³² See Eberhard Kienle, *More than a Response to Islamism: The Political Deliberation of Egypt in the 1990s*, 52 MIDDLE E. J. 219, 222–23 (1998) (discussing the arduous application process for new political parties).

³³ Mustapha K. Al-Sayyid, *A Civil Society in Egypt?*, 47 MIDDLE E. J. 228, 237 (1993) (noting legal limitations on party formation).

³⁴ *Id.*

³⁵ HUMAN RIGHTS WATCH, HUMAN RIGHTS WATCH WORLD REPORT 1994—EGYPT, (Jan. 1, 1994), available at http://www.hrw.org/reports/1994/WR94/Middle-02.htm#P137_70431 (last visited Jan. 10, 2012).

its electoral alliance with legalized opposition political parties, the Muslim Brotherhood—by most accounts the largest and most vigorous opposition group in Egypt—was thus further excluded from formal participation in the political process.”³⁶

Two important sites of significant political activity in Egypt, by the Muslim Brotherhood and others, are trade unions and civil society.³⁷ Thus, the trade union law was amended in ways that negatively impacted the inclusiveness of trade unions and blocked union participation of potential members likely to express dissent. For example, the 1995 amendment to the law restricted member voting eligibility to workers on permanent contracts, thereby excluding the growing number of workers employed on a fixed-contract basis, and in turn, curbing the reach of the unions as well as their potential to harbor dissidents.³⁸

As people often channeled their political activities through civil society, the Mubarak government made sure that the law governing civil society organizations was also restrictive.³⁹ Any new organization had to register with the Ministry of Social Affairs and commit to not engaging in “political activity”⁴⁰—a phrase which was not defined, and thus allowed the Ministry to deny “registration to certain associations, the most famous being the Arab Organization for Human Rights and its Egyptian chapter, even though the first was given observer status in the U.N. Economic and Social Council.”⁴¹

Similarly, in Tunisia, the Law on Associations governing civil society organizations limited such organizations to “women’s groups; sports groups; scientific groups; cultural and arts groups; charity, emergency, and social groups; development groups;

³⁶ *Id.*

³⁷ See Jamal, *supra* note 1 (arguing that political participation and activity varies in political groups and by each citizen).

³⁸ See Kienle, *supra* note 32, at 227 (“[O]nly workers and employees on permanent or open contracts were eligible to run in union elections. At the same time, the new rules allowed outgoing union leaders to stand for reelection on the sole basis of having been elected to their positions previously. They no longer needed to be reelected at their own firm before being reelected to the board of the Federation or to one of its 23 branches.”).

³⁹ See Law No. 84 of 2002 (Law on Associations and Foundations), *Al-Jarida Al-Rasmiyya*, 5 Jun. 2002 (Egypt) (prohibiting unregistered organizations, providing discretionary and vague grounds for denials of applications, and restricting organizations from political activity).

⁴⁰ *Id.* art. 11(3).

⁴¹ Al-Sayyid, *supra* note 33, at 236.

amicable groups; and associations of public interest groups” thereby excluding groups working on democracy or human rights issues.⁴² Moreover, the government also did not set a time limit for granting new organizations approval, which prevented many organizations from existing legally.⁴³

In both countries, the government also restricted institutionalized political participation through close monitoring of political parties, political groups, civil society, and trade unions, as well as through practices like the suspension and dissolution of those groups, imposing restrictions on funding for political and civil society groups, cooptation attempts, and the harassment and arrest of members.⁴⁴ In Tunisia, the Law on Public Meetings, Processions, Marches, Demonstrations and Gatherings curtailed public association by making it illegal to have any form of public gathering without both prior government permission and the presence of a member of the security services at said gathering.⁴⁵ In Egypt, the Emergency Law, which was first invoked in 1967 and has remained almost continuously in effect for more than forty years before finally being lifted in 2012,⁴⁶ gave the government

⁴² Law No. 59-154 of 1959 (Law on Associations, as amended), *Journal Officiel de la République Tunisienne*, 7 Nov. 1959, arts. 1, 2, and 23.

⁴³ See *Arab Spring: An Opportunity for Greater Freedom of Association and Assembly in Tunisia and Egypt?*, 3 GLOBAL TRENDS IN NGO L., no. 1 (Int'l Ctr. for Not-For-Profit Law, June 2011), at 1, 3-4, <http://www.icnl.org/research/trends/trends3-1.html> (last visited Oct. 29, 2012) (“The law does not impose a time limit in which a receipt must be issued. Tunisian NGOs have reported that in practice, the government routinely withheld the required receipts, in effect preventing the registration of many independent NGOs. Without the required receipt, NGOs lack evidence that they submitted their required paperwork, and are unable to appeal the de facto denial of their application to register.”).

⁴⁴ *Id.*

⁴⁵ Law No. 69-4 of 1969 (Regulating Public Meetings, Processions, Marches, Demonstrations and Gatherings), *Journal Officiel de la République Tunisienne*, 24 Jan. 1969, arts. 2, 6, 7. See also *Arab Spring*, *supra* note 43, at 6 (discussing government imposition on freedom of assembly through the oversight mandated by Tunisia’s Law No. 69-4 of 1969, *supra*).

⁴⁶ Egypt’s Emergency Law is Law No. 162 of 1958 (Law Concerning the State of Emergency), *Al-Jarida Al-Rasmiyya*, 28 Sept. 1958 (Egypt). It was invoked in 1981 following Sadat’s assassination and consistently renewed until finally expiring without renewal in 2012. See President of the Republic of Egypt Decision No. 560 of 1981, *Al-Jarida Al-Rasmiyya*, 6 Oct. 1981, No. 40bis, p. 5 (Egypt) (decreeing a state of emergency in Egypt). See also Amnesty Int’l, *Egypt: Continuing Arrests of Critics and Opponents “Chill” Prospects for Reform*, AI Index

wide-ranging powers over the media, citizens, organizations, and public spaces in cases of “threats to national security.”⁴⁷ Under the Mubarak regime, Article 3 of the Emergency Law was regularly used to detain hundreds of members of the Muslim Brotherhood, as well as a variety of activists who criticized the government.⁴⁸

The period of democratic transition following the Arab Spring has started to move towards institutionalization of oppositions, mainly through the formation of new political parties. This move is due in part to changes in the law. In Egypt, the political party law has been amended to allow new parties to be formed. Two articles in the law have been revised: Articles 8 and 18.⁴⁹

In Article 8 two issues changed, the first regarding the formation of the political parties committee that approves new political party applications. Under the old law, the committee members included the head of the Shura Council and the Minister of Interior Affairs,⁵⁰ which allowed direct control over committee decisions by the ruling regime. Under the amended law, the committee is composed of independent judges from different judicial institutions. The second issue regards the establishment of new political parties. Under the old law, the committee had the jurisdiction to refuse the establishment of any party by a binding decision. Under the amended law, the formation of a new party is based only on a notice given by the new party to the committee, and the latter can only object to the establishment of a party (if the party did not fulfill one of the legal requirements) by raising the matter with the Supreme Administrative Court. Political parties can be established only thirty days after sending their notice to the committee without any other restrictions, if the committee did not object.

MDE 12/021/2005 (May 27, 2005), available at <http://www.amnesty.org/en/library/info/MDE12/021/2005> (last visited Jan. 8, 2013).

⁴⁷ Law No. 162 of 1958 (Law Concerning the State of Emergency), *Al-Jarida Al-Rasmiyya*, 28 Sept. 1958, art. 1. (Egypt)

⁴⁸ *Id.* art. 3; see also Amnesty Int’l, *supra* note 46 (naming those arrested and expressing concern over Mubarak’s actions).

⁴⁹ Law No. 40 of 1977 (Law on Political Parties, as amended 28 Mar. 2011), *Al-Jarida Al-Rasmiyya*, art. 1 (Egypt).

⁵⁰ The Ministry of Interior Affairs controls the Police Authority. See *About MOI: Introduction*, MINISTRY OF INTERIOR – EGYPT, <http://www.moiegypt.gov.eg/English/AboutMOI/Introduction/About%20the%20Ministry> (last visited Jan. 8, 2013).

The second changed article, Article 18, previously mandated political parties to accept government subsidies. Those subsidies were often used to buy off weak parties. In the amended law, Article 18 has been repealed.⁵¹ Election laws have also been revised (in countries like Egypt and Tunisia) or created (in the case of Libya) to widen the participation of political parties.⁵²

Civil society has also had a new lease on life, with space for new non-governmental organizations to be formed and to operate more freely. In Egypt, the restrictive NGO law was still in place at the time of writing; however, there were lobbying efforts to amend it.⁵³ In Tunisia, the interim government elected in October 2011 spent 2012 preparing for the drafting of a new constitution after the suspension of the old constitution.⁵⁴ This has given space for the

⁵¹ See Law No. 40 of 1977 (Law on Political Parties, as amended 28 Mar. 2011), *Al-Jarida Al-Rasmiyya*, art. 2 (Egypt).

⁵² For a detailed discussion on this point, see generally Ellen Lust, *Voting for Change: The Pitfalls and Possibilities of First Elections in Arab Transitions* (Brookings Doha Ctr.—Stanford Univ. “Project on Arab Transitions” Paper Series, No. 2, 2012), available at <http://www.brookings.edu/~media/research/files/papers/2012/5/09%20arab%20democracies%20lust/09%20arab%20democracies%20lust%20english.pdf> (assessing the opportunities and challenges in democratic elections following the fall of authoritarian Arab regimes).

⁵³ The Egyptian government announced the release of the latest draft of a new NGO law in October 2012. See *NGO Law Monitor: Egypt*, INT’L CTR. FOR NOT-FOR-PROFIT LAW (Oct. 19, 2012 update on file with author) (detailing that the latest draft would reduce some restrictions on local NGOs but require them to request special permits to receive foreign funding and require foreign NGOs to receive permits to operate). Cf. *Draft Law: Foreign NGOs and Funding Still Require Permit*, AHARAMONLINE (Oct. 3, 2012), <http://english.ahram.org.eg/NewsContent/1/64/54687/Egypt/Politics-/Draft-law-Foreign-NGOs-and-funding-still-require-p.aspx> (same).

⁵⁴ At the time of writing, the final text of the Constitution had not yet been approved, but consultations on the Constitution led by NGOs were taking place regularly. See *Tunisia Holds National Consultation Ahead of Drafting of Constitution*, UNITED NATIONS HUMAN RIGHTS (Aug. 2, 2012), <http://www.ohchr.org/EN/NewsEvents/Pages/TunisiaNationalConsultation.aspx> (reporting on consultation meetings regarding human rights and the Constitution initiated by Tunisian civil society members with the facilitation of the U.N. Deputy High Commissioner for Human Rights). [Editor’s Note: Following release of the draft constitution on December 14 2012, Tunisia’s National Constituent Assembly continued to invite civil society participation. See Amira Masrouf, *Tunisian Civil Society to Weigh in on Constitutional Draft*, TUNISIALIVE, (Dec. 19, 2012), <http://www.tunisia-live.net/2012/12/19/tunisian-civil-society-to-weigh-in-on-constitutional-draft/>. An English translation of the draft constitution is available at

thousands of new NGOs and more than 110 political parties, which have emerged after the Jasmine Revolution, to operate.⁵⁵ A viable civil society is important for democracy, as it allows the creation of “channels other than political parties for the articulation, aggregation, and representation of interests,” particularly for those from marginalized groups.⁵⁶ The rise in civil society activity after the Arab Spring is a positive sign for the potential to widen both formal and informal political participation in the region.

This new role for civil society within a democracy is significantly different from its role under authoritarianism. In describing the status quo of the authoritarian Arab world, Albrecht put forward a distinction between “political professionals,” whom he characterized as those who *make politics*, and “political participants,” whom he characterized as those who *influence politics*.⁵⁷ Unlike in democratic systems, however, under authoritarianism this distinction was not benign: the main reason is that, where only the regime and its loyalists “made politics,” and where establishing oppositional political parties was not possible, civil society organizations (CSOs) sometimes viewed themselves as alternatives to political parties.⁵⁸ While influencing politics is an important role, having CSOs act in lieu of political parties presented a serious challenge to the development of effective democratic governance in the Arab world, since democratic governance is dependent on the presence of institutionalized party

http://www.constitutionnet.org/files/tunisian_constitution14_dec_2012-english-undp.pdf.]

⁵⁵ See *Tunisia*, NDI, <http://www.ndi.org/tunisia> (last visited Mar. 30, 2013); SHELLEY DEANE, INT’L ALERT, TRANSFORMING TUNISIA: THE ROLE OF CIVIL SOCIETY IN TUNISIA’S TRANSITION 12–15, 23 (2013), available at <http://www.international-alert.org/sites/default/files/publications/Tunisia2013EN.pdf>. Cf. ZACK BRISSON & KATE KRONIRIS, INFODEV, THE WORLD BANK GRP., TUNISIA: FROM REVOLUTIONS TO INSTITUTIONS 76–78 (2012), available at <http://www.thereboot.org/tunisia/Reboot%20-%20Tunisia%20From%20Revolutions%20to%20Institutions.pdf>.

⁵⁶ Larry Diamond, *Toward Democratic Consolidation*, J. DEMOCRACY, July 1994, at 4, 8.

⁵⁷ See Albrecht, *supra* note 7, at 18–19 (noting that an activity can be regarded as political when it is intended to influence governmental decision-making, and not only when it is accomplished by professional politicians).

⁵⁸ See Alhamad, *supra* note 8, at 38 (describing the role played by CSOs in authoritarian countries in the Middle East and North Africa as alternatives to political parties with poor credibility and performance records).

systems that can participate in making politics.⁵⁹ The post-revolutionary Arab world is seeing a new viability for the realm of civil society “influence” as *complementary* to the political party realm, instead of a replacement, as well as a transition of people from the “influence” realm to the “make politics” realm. In post-revolution Egypt, for example, one civil society organization, the Federation of Economic Development Associations, contemplated registering as a political party in 2011, though it eventually opted for nominating candidates from its members as independents in the parliamentary elections that year.⁶⁰ It is likely that the region will see more overt assertions of political ambitions among organizations that had previously operated under an economic or social umbrella, for the lack of other alternatives, as well as a move from political activity in the informal realm into the formal realm. In addition, it should be noted that political participation in the informal sphere has continued, but—as in the case of political party and CSO activities—it is now done with a lesser fear of censorship and government crackdowns.

5. CHALLENGES FACING POLITICAL PARTICIPATION

Despite the opportunities for increased political participation presented above, there are four main challenges to formal political participation in the post-revolutionary Arab world, particularly faced by new political actors. The first challenge is the endurance of formal political institutions that benefit from sustaining the old political status quo. In Egypt, the Supreme Council of the Armed Forces (“SCAF”) that took over running the country after Mubarak’s resignation continued to exert political control, to encroach on civil society, and to harass activists.⁶¹ In February 2012, for example, the SCAF put on trial a number of Egyptian and foreign NGO workers who were charged with “illegal receipt of

⁵⁹ See Scott Mainwaring & Timothy R. Scully, *Latin America: Eight Lessons for Governance*, J. DEMOCRACY, July 2008, at 113, 119–20 (analyzing the characteristics of institutionalized party systems as well as the ways they facilitate effective democratic governance).

⁶⁰ See Interview with Fouad Thabet, Chairman of the Fed’n of Econ. Dev. Ass’ns (Oct. 19, 2011).

⁶¹ See Jeff Martini & Julie Taylor, *Commanding Democracy in Egypt: The Military’s Attempt to Manage the Future*, FOREIGN AFF., Sept./Oct. 2011, at 127, 128 (“The generals have tried 7,000 people, including bloggers, journalists, and protesters, in closed military trials since the revolution.”).

foreign funds and illicit political operations.”⁶² It did not help that the NGO law that was still in place gave the SCAF a legal umbrella for this action. In June 2012, the SCAF dissolved the parliament that had been elected in the fall of 2011, once again using the law as a pretext, saying that the parliament was unconstitutional due to a third of its seats having been elected through a first-past-the-post system.⁶³ In response to those measures, in August 2012, the new Egyptian president, Mohammed Morsi, ordered the resignation of key members of SCAF leadership in a measure aimed at curbing the Council’s political power, a welcome move since “a reduced political role for the armed forces”⁶⁴ is important for establishing equitable government institutions governed by the rule of law.⁶⁵ In Yemen, on the other hand, the elite Republican Guard at the time of writing is still under the control of the son of ousted president Ali Abdullah Saleh, who also continues to wield influence via old guard from the former ruling party, the General People’s Congress. Enduring institutions from old regimes make it difficult for new political entities to enter the formal political sphere.

The second challenge, which is related to the above and witnessed in Egypt as well as other Arab countries, is that the political sphere often overlaps with the social and economic spheres, making it difficult for emerging political entities and newly formed government institutions to carve an independent path.⁶⁶ On the economic level, the political elites in Arab countries

⁶² *Brotherhood not ‘Intimidated’ by US Aid Threat over Orwellian NGO Crackdown*, DEMOCRACY DIGEST (Feb. 27, 2012), <http://www.demdigest.net/blog/2012/02/brotherhood-not-intimidated-by-us-aid-threat-over-orwellian-ngo-crackdown/>.

⁶³ *See Court Allows Shafiq to Stay in Egypt Race, Declares Invalidity of 1/3 Parliament Seats*, AL ARABIYA NEWS, (June 14, 2012, 8:23 PM), <http://english.alarabiya.net/articles/2012/06/14/220537.html> (“The constitutional court ruled unconstitutional some articles of the parliamentary election law related to the direct voter system . . .”).

⁶⁴ *See* Baladas Ghoshal, *Democratic Transition and Political Development in Post-Soeharto Indonesia*, 26 CONTEMP. SOUTHEAST ASIA 506, 507 (2004) (identifying a reduced role for the armed services as part of the democratic structure).

⁶⁵ *See* Yezid Sayigh, *Above the State: The Officers’ Republic in Egypt*, CARNEGIE PAPERS (CARNEGIE ENDOWMENT FOR INT’L PEACE), Aug. 2012, at 25–26, available at http://www.carnegieendowment.org/files/officers_republic1.pdf (“No less crucial for Egypt’s emerging civilian authorities and new political class is to block SCAF claims to a guardianship role as ‘protector’ of the constitution or to an exceptional status placing it permanently above civilian authority and law.”).

⁶⁶ *See generally* Lust-Okar, *supra* note 19.

are often also the economic elites. The SCAF owns and controls a significant proportion of Egypt's economic assets, such as the gas and oil sectors as well as commercial assets.⁶⁷ It has put pressure on Egypt's new president and government not to change the economic policies allowing it to maintain its power.⁶⁸ The Muslim Brotherhood, which has ascended to power after the January 25 Revolution, also boasts businessmen with significant economic—and political—clout among its members.⁶⁹ In such a case, even though the formal political sphere may become more open in principle, access to this space remains restricted by enduring social and economic monopolies. On the social level, formal political institutions in the Arab world are infused with informal institutional ties.⁷⁰ For example, parliaments are often infused with tribal or sectarian politics. This serves to reduce their public service role, as parliamentarians end up acting as representatives of exclusive rather than inclusive social groups.⁷¹ In Yemen, the tribes have traditionally based their political engagement on negotiations with the state,⁷² which has meant placing themselves as distinct from it. Democratic transition necessitates a change in this dynamic if inclusive governance and political participation are to be achieved.

It would be misleading to assume that the transition to democracy would bring with it an automatic breakdown of this

⁶⁷ See Sayigh, *supra* note 65 (describing how SCAF's political elitism affects the economic sector). See also Shana Marshall & Joshua Stacher, *Egypt's Generals and Transnational Capital*, 42 MIDDLE E. REP. 262 (2011) (noting how the United States nudges SCAF onto a path similar to Gamal's in order to make certain that Egypt's economic policies remain intact).

⁶⁸ See Stephen Glain, *Egypt at War with Itself*, NATION (June 6, 2012), <http://www.thenation.com/article/168263/egypt-war-itself#> (describing the pressures placed on Egypt's new government to continue its economic policies).

⁶⁹ See Suzy Hansen, *The Economic Vision of Egypt's Muslim Brotherhood Millionaires*, BLOOMBERG BUSINESSWEEK (April 19, 2012), <http://www.businessweek.com/articles/2012-04-19/the-economic-vision-of-egypts-muslim-brotherhood-millionaires> (arguing that prominent businessmen from the Brotherhood are likely to form the Brotherhood's leadership core).

⁷⁰ See Albrecht, *supra* note 7 (describing efforts to strengthen formal civil society groups in the Arab world).

⁷¹ *Id.* at 22 (contending that formal institutions such as parliaments often exclude more than include many social strata).

⁷² See Alhamad, *supra* note 8, at 44–45 (citing conflicts between the government and tribes in Yemen, in which the tribes organize to oppose the government, and tribal chiefs serve as intermediaries between the two).

dynamic. Formal political institutions risk being undermined by sustained political participation through informal institutions,⁷³ as informal institutions like kinship and clientelistic networks continue to take on the role of formal institutions, for example, through the provision of social services. Already the Tunisian elections have illustrated this, with the surprise win of twenty-six parliamentary seats in the October 2011 election by a new party, the Popular Petition for Freedom, Justice, and Development, headed by a media figure considered close to the ousted President Zine El Abidine Ben Ali.⁷⁴ The Party had been accused of engaging in financial irregularities during the election, leading to the revoking (and later reinstatement) of most seats it won in the election.⁷⁵ The Party's win has been attributed to its appeal to the poor with promises such as universal health care, increased social spending through cash handouts, and injecting cash into the state budget—populist appeals that capitalized on the reputation of the Party's leader as a wealthy expatriate seen as able to deliver on such promises.⁷⁶

The third challenge for all transitioning countries in the region is that periods of democratic transition are unstable and can result in people yearning for calm and stability. This yearning may attract citizens—particularly when voting—towards well-established political entities over newly emerging ones. In Tunisia and Egypt, this trend, to some degree, explains the wide victories of Ennahda and the Muslim Brotherhood in the 2011 parliamentary elections and Egypt's 2012 presidential election, compared with how newer political entities have fared. In Egypt, for example, the newly formed youth political party, the Egyptian Current, did not achieve a win in the parliamentary elections largely because of its

⁷³ See Lust-Okar, *supra* note 19, at 2 (introducing one of the goals of the text to study the way in which informal and formal politics "interface").

⁷⁴ See *Surprise Tunisian Poll Success for London-Based Millionaire*, AFP (Oct. 25, 2011), <http://www.google.com/hostednews/afp/article/ALeqM5j4MIy4frRcXDwE8QzWuDR2rbbm2g?docId=CNG.d2bfb13e2013e477cebe fe8ffd8277d7.7b1> (discussing the political activity of Hechmi Haamdi, potentially contravening election laws).

⁷⁵ See Sana Ajmi, *Aridha Chaabia's Seats Reinstated*, TUNISIALIVE (Nov. 8, 2011), <http://www.tunisia-live.net/2011/11/08/aridha-chaabia-gaining-its-seats-back/>.

⁷⁶ See *Surprise Tunisian Poll Success for London-Based Millionaire*, *supra* note 74 (listing the services Haamdi pledged).

members' lack of political experience.⁷⁷ But this craving for stability may also give remnants of the old regime the opportunity to "make a bid for power in the name of stability and development" in subsequent elections (similar to what occurred in Indonesia while it was undergoing transition), particularly if the newly elected governments are not able to maintain stability because of their lack of experience in governance.⁷⁸ This again limits opportunities for participation by new political entities.

The fourth challenge is that formal political participation, whether through political parties or civil society, can only be inclusive when there is an "increased capacity of subordinate groups to have an effective role in shaping public policy."⁷⁹ Minorities and women in the Arab world are largely not fairly represented in political institutions.⁸⁰ Although those groups participated in the revolutions of the Arab Spring, their role in the post-revolutionary period remains marginalized, and in certain cases has worsened. Electoral law reform in post-revolution Egypt eliminated the pre-revolution women's quota system governing parliamentary representation, resulting in the election of just nine women in the parliamentary elections of 2011;⁸¹ Article 10 in Egypt's 2012 Constitution opens the door for limiting women's participation in public life through declaring that "[t]he State is keen to preserve the genuine character of the Egyptian family, its

⁷⁷ See Eric Trager, *The Unbreakable Muslim Brotherhood: Grim Prospects for a Liberal Egypt*, FOREIGN AFF., Sept./Oct. 2011, at 114, 124 (arguing that the Egyptian Current Party's long-term political impact "will depend on its members' ability to draw from, or replicate, the Brotherhood's nationwide networks").

⁷⁸ Ghoshal, *supra* note 64, at 515.

⁷⁹ Patrick Heller, *Democratic Deepening in India and South Africa*, 44 J. ASIAN & AFR. STUD. 123, 124 (2009).

⁸⁰ See Nils-Christian Bormann et al., *The Arab Spring and the Forgotten Demos 4* (Nat'l Ctr. of Competence in Research, Working Paper No. 52, 2012), http://www.nccr-democracy.uzh.ch/publications/workingpaper/pdf/WP_52.pdf ("[North African and Middle Eastern countries] do not only exhibit the highest levels of ethnic exclusion, they are also afflicted by the highest concentration of political discrimination along ethnic lines . . .").

⁸¹ See Moushira Khattab, *Egyptian Women After the Revolution: Lost in Translation?*, MIDDLE E. PROGRAM OCCASIONAL PAPER SERIES (Wilson Ctr.) Summer 12, at 14, 15, http://www.wilsoncenter.org/sites/default/files/Arab%20Awakening%20Marginalizing%20Women_0.pdf ("[T]here are only 11 (out of 508) female parliament members, two of whom were token appointments by the Supreme Council of the Armed Forces (SCAF). Women make up 50 percent of Egypt's population of 90 million, yet are represented by a 2 percent minority in parliament.").

cohesion and stability, and to protect its moral values, all as regulated by law.”⁸² In Tunisia, a “zipper” list system alternating female and male candidates was applied to the 2011 parliamentary elections,⁸³ but because 94% of the lists were headed by male candidates, fewer women won seats in 2011 than during the period of Ben Ali rule.⁸⁴ Libya, on the other hand, implemented a zipper electoral system in 2012 that also required women to be included at the top of candidate lists, resulting in a 17% representation of women in Libya’s first General National Congress.⁸⁵ However, women still face the challenge of equitable participation in other avenues of public life.⁸⁶

Minorities also face a number of enduring, and sometimes escalating, challenges brought about by sectarianism and ethnic tensions as well as by changes in state legislation. In Egypt, the Coptic community has been alarmed by the overwhelming parliamentary and presidential victories of Islamists and the subsequent attempts at institutionalizing further oversight by

⁸² Nariman Yousef, *Egypt’s Draft Constitution Translated*, EGYPT INDEPENDENT (Dec. 2, 2012, 1:15 PM), <http://www.egyptindependent.com/print/1278681> (translating the November 30 draft constitution). The language quoted is Article 10. [Editor’s Note: Egypt’s State Information Service has not yet published the Constitution on its website. For alternative translations, see *The New Constitution of the Arab Republic of Egypt*, http://www.constitutionnet.org/files/final_constitution_30_nov_2012_-english-_idea.pdf; *The 2012 Constitution of Egypt, Translated by Nivien Saleh, with Index*, <http://niviensaleh.info/constitution-egypt-2012-translation/>.

⁸³ Duncan Pickard, *How Well Did Women Really Fare in Tunisia’s Elections?*, POWER & POL’Y, Dec. 6, 2011, <http://www.powerandpolicy.com/2011/12/06/how-well-did-women-really-fare-in-tunisia%E2%80%99s-elections/> (last visited Nov. 1, 2012) (“[B]y law, half of the candidates [in Tunisia] were women. Tunisia’s ‘innovative’ list system also required that names on ballots alternate by gender, known as a zipper rule.”).

⁸⁴ Lust, *supra* note 52, at 13 n.29.

⁸⁵ See Dominique Soguel, *Libyan Elections Give Women a 17% Starting Point*, FORBES (July 19, 2012, 4:07 PM), <http://www.forbes.com/sites/womensenews/2012/07/19/libyan-elections-give-women-a-17-starting-point/> (stating that the 33 women had been elected to serve in Libya’s General National Congress, giving women a 16.5% representation in the 200-member transitional authority).

⁸⁶ See generally Kathryn Spellman-Poots, *Women in the New Libya: Challenges Ahead*, 50.50 INCLUSIVE DEMOCRACY, Dec. 23, 2011, <http://www.opendemocracy.net/5050/kathryn-spellman-poots/women-in-new-libya-challenges-ahead> (noting the impact that factors such as conservative gender codes, increased religiosity in society, and Gaddafi’s “state feminism” have on the prospects for women’s right in post-revolution Libya).

Muslim clerics over legislation, such as within Egypt's new Constitution, leading Coptic members of the Constituent Assembly to withdraw their membership in protest.⁸⁷ In Libya, tensions between Eastern and Western parts of the country, as well as between different ethnic communities, continued even after the country's first post-revolution elections on July 7, 2012.⁸⁸ In Syria, sectarian tensions between the country's Alawite, Christian, and Sunni communities resulting from Bashar al-Assad's regime's "divide, co-opt, and rule" strategy became more acute as the revolution against Assad transformed into an armed conflict.⁸⁹ Those countries are yet to engage in reforms that would ensure fair political participation for their minorities.

To address those challenges, ruling parties and newly elected political leaders, whether presidents or parliamentarians, can engage in reform from above through working to reduce the influence of authoritarian old regime institutions—like the military in countries like Egypt and Yemen—to empower new political actors. They must also ease the creation of formal entities through reforming the laws governing political participation—like those on the formation and behavior of political parties and CSOs—to allow new actors to exist and compete in a fair and transparent environment.

⁸⁷ Yasmine Fathi, *Egypt Copts React to Islamist Electoral Win*, AHARAMONLINE (Dec. 4, 2011), <http://english.ahram.org.eg/News/28346.aspx> (surveying the negative reactions of members of Egypt's Coptic Christian community to Islamic-oriented political groups winning more than half of the parliamentary seats in Egypt's 2011 elections); *Christians, Liberals Left Out as Islamists Back Egypt's Draft Constitution*, WORLDNEWS ON NBCNEWS.COM (Nov. 30, 2012, 4:18 AM), http://worldnews.nbcnews.com/_news/2012/11/30/15561689-christians-liberals-left-out-as-islamists-back-egypts-draft-constitution?lite.

⁸⁸ Emanuela Paoletti, *Libya: Roots of a Civil Conflict*, 16 MEDITERRANEAN POL. 313, 313-17 (describing contemporary problems arising from Libya's "long-standing internal divisions" as well as Libyan society's "tribal structure"); *What Next? Impacts of the July, 2012 National Elections*, CAERUS, <http://caerusassociates.com/ideas/libyan-elections/> (last visited Aug. 23, 2012) (averring that difficulties forming a central, national government will arise due to the fact that the eastern region will seek "greater autonomy and power" because of its oil wealth and that "ethnic tensions" continue "to complicate the security situation").

⁸⁹ See Raymond Hinnebusch, *Syria: From 'Authoritarian Upgrading' to Revolution?* 88 INT'L AFF. 95, 96-97 (2012) (detailing Syria's religious fragmentation and conflict between the Sunni and Alawi sects).

6. AN INFRASTRUCTURE FOR FORMAL POLITICAL PARTICIPATION

As presented above, the post-revolutionary Arab world is seeing a change in the structure of political participation, namely the structures governing the existence, composition, and actions of political parties and CSOs. However, one of the biggest challenges for post-revolutionary Arab countries concerns another step—how to channel informal activism into sustainable political change through the formation of new political institutions. Structural changes need to be combined with bottom-up infrastructural changes in order for formal political participation to become viable. This is particularly important in countries with little or no infrastructure to support the creation of viable political institutions—like in Syria or Libya—where it is possible that authoritarian political institutions could be replaced with weak ones.⁹⁰

At the bottom-up level, civil society organizations can themselves play a role in the process of legal reform, as witnessed in Tunisia and Egypt where such CSOs are active in lobbying and in working on draft laws.⁹¹ On the level of the citizen, citizen journalism, demonstrations, and participation in neighborhood committees have all been avenues through which citizens engaged in overt political participation during the Arab revolutions.⁹² This informal participation has fostered the idea of “popular sovereignty” where the citizen is no longer dependent on the state as the sole source of power.⁹³ But during democratic transition,

⁹⁰ Ghoshal, *supra* note 64, at 508 (stating that without the creation of viable political parties, democratic transitions could potentially “revers[e] and backslid[e] . . . toward stagnation and retrenchment”).

⁹¹ *NGO Law Monitor: Egypt*, *supra* note 53 (“The vast majority of Egyptian NGOs, consciously apolitical and primarily concerned with issues such as the environment, education, and welfare, are generally left to operate without substantial government interference.”).

⁹² See Sahar Khamis & Katherine Vaughn, *Cyberactivism in the Egyptian Revolution: How Civic Engagement and Citizen Journalism Tilted the Balance*, 14 ARAB MEDIA AND SOC’Y, (Summer 2011), http://www.arabmediasociety.com/articles/downloads/20120313094800_Khamis_Cyberactivism_updated.pdf (discussing how social media operated as an effective tool for promoting civic engagement in the Egyptian revolution).

⁹³ See Nader Hashemi et al., *Arab Spring – Chief Consequence?*, GLOBAL BRIEF (Oct. 19, 2011), <http://globalbrief.ca/blog/the-definition/what-is-the-principal-near-term-consequence-of-the-arab-spring/4360> (“[P]opular sovereignty with a certain pan-Arab cultural dimension has become the regional ideal.”).

citizen sovereignty needs to be coupled with institutionalization so that citizens can engage in formal political activity, from voting to establishing and participating in the work of political institutions. Five factors are needed for citizens to achieve the latter: organization (by people into institutions); leadership (where those institutions have leadership structures); a coherent political program or agenda and long-term goals by those institutions; a long-term strategy to achieve those goals; and the ability to form coalitions with other groups. A critique of these five factors follows.

6.1. Organization

The presence of organized political groups is a cornerstone of formal political participation. In the post-revolutionary Arab world, there is a sharp division between those with no prior experience of political organization and those who had existing organizational structures prior to the Arab Spring. The first group is composed of those Arab citizens, particularly the youth, whose will to organize into formal political groups is not strong enough yet, or who do not yet have the capacity for effective organized political participation, especially in places where the infrastructure for such activity is weak. Although the Arab world is witnessing an unprecedented youth bulge,⁹⁴ young people in the region remain largely suspicious of formal politics. This is due not only to the structural factors discussed above, which make it difficult for new faces to break into the formal political realm, but also to the lack of necessary political skills⁹⁵ coupled with the youth's high expectations from any new political entities and figures,⁹⁶ which

⁹⁴ See ANTHONY H. CORDESMAN, CTR. FOR STRATEGIC & INT'L STUDIES, *RETHINKING THE ARAB "SPRING": STABILITY AND SECURITY IN EGYPT, LIBYA, TUNISIA, AND THE REST OF THE MENA REGION* 10-11 (2011) (providing numerical data illustrating the growing percentage of youth in countries across region).

⁹⁵ Cf. Loubna Skalli Hanna, Assistant Professor, Sch. of Int'l Serv., American Univ, *Youth, ICTs and Development Opportunities*, Remarks at the Program on Arab Reform and Democracy Third Annual Conference: Democratic Transition and Development in the Arab World (Apr. 26, 2012). Skalli Hanna's presentation slides are available at http://iis-db.stanford.edu/evnts/7028/Skalli-Hanna_Loubna_Youth_ICTs_and_Development_Opportunities.pdf.

⁹⁶ An example is the high expectations placed on Egypt's first post-revolutionary parliament, as well as President Mohammed Morsi. The Morsimeter, a website set up by youth to monitor whether Morsi has delivered on his electoral platform promises, is a way in which such high expectations are

inevitably result in disappointment in the process of democratic transition. The second group is composed of Islamists and older political parties, who have capitalized on their existing organizational infrastructures to quickly form or re-form political parties that have contested elections, as was the case in Tunisia, Egypt, Yemen, and Libya.

6.2. Leadership

Organized political groups necessitate the existence of leadership structures. Youth suspicion of formal politics, as discussed above, is also driven by idealism and aversion to the idea of leadership due to the youth's negative experience with authoritarianism. In Morocco, the February 20 youth movement that started a limited protest campaign in 2011, inspired by the Tunisian and Egyptian revolutions, remained firmly "horizontal" in structure, with young activists firmly rejecting the installation of any kind of hierarchy among themselves, effectively stopping the movement from becoming a political party. This lack of leadership structure rendered the movement unable to go further in its political demands, and led to its eventual demise vis-à-vis hierarchical groups like the Justice and Development Party, which not only contested the parliamentary elections in October 2011, but also won the majority of seats.⁹⁷ A large section of Arab youth has yet to embrace the concept of leadership as not being necessarily equivalent to authoritarianism, but as fulfilling an indispensable role that enables goals to be achieved for the good of the group. As Marc Plattner observes, "the often-noted fact that the Arab uprisings were 'leaderless revolutions' . . . may be fine at the popular-mobilization stage but is not a terribly helpful circumstance when it comes to navigating the potentially treacherous currents of democratic transition."⁹⁸ This serves to partly explain why the young people who started and sustained the revolutions in Tunisia and Egypt have been relatively absent in

channeled. See MORSI METER!, <http://www.morsimeter.com/en> (last visited Jan. 9, 2013).

⁹⁷ See, e.g., Ahmed Benchemsi, *Feb20's Rise and Fall: A Moroccan Story*, LE BLOG DE AHMED BENCHEMSI (July 17, 2012), <http://ahmedbenchemsi.com/feb20s-rise-and-fall-a-moroccan-story> (arguing that the February 20 youth movement needs organization "first and foremost").

⁹⁸ Marc F. Plattner, *Comparing the Arab Revolts: The Global Context*, J. DEMOCRACY, October 2011, at 5, 11.

the immediate post-revolutionary period; it also raises serious questions about the representativeness of the newly formed political parties in those countries and their responsiveness to expectations and needs, two crucial factors for inclusive political participation. Islamist parties, on the other hand, have proven through their hierarchical structures that leadership is crucial for electoral victories and further political clout.

6.3. Political programs and goals

Political groups must have clear political programs and goals in order to be viable. Many emerging political groups in the Arab world lack those requirements. While other new political entities in the post-revolutionary Arab world may have formed on the basis of defined political agendas and long-term goals, not all of them have succeeded in disseminating their programs to the public clearly and coherently. In Tunisia, one of the problems faced by some of the secular parties that contested the 2011 parliamentary elections is that they did not explain what their political programs and long-term goals were and their relevance to the majority of Tunisians. They instead spent much of their campaigning time trying to discredit the programs of the Islamists.⁹⁹ Islamist parties, on the other hand, formulated programs that built on their existing reputations prior to the revolutions. However, this led to a degree of complacency as those programs were often vague and not fully developed, and thus failed to generate wide approval for the parties among the mixed citizenry that drove the revolutions.¹⁰⁰

6.4. Long-term strategy

Political programs and goals need to be supported by a long-term strategy. Under authoritarianism, it was difficult for any oppositional political group in the Arab world to develop effective strategies. Not surprisingly, in the current period of democratic transition, most emerging groups are at the stage of coping,

⁹⁹ See Erin Cunningham, *Tunisia Votes for New Democracy*, GLOBALPOST (Oct. 23, 2011, 9:32 AM), <http://www.globalpost.com/dispatch/news/regions/middle-east/111023/tunisia-elections-tunisia-votes-new-leaders> (describing the 2011 Tunisian uprising's effect on elections and the Tunisians' responses to various political parties vying for control).

¹⁰⁰ See Ghoshal, *supra* note 64 (explaining how the government's prevalent corruption and arbitrariness led to citizens' lack of patience and faith in democracy).

reacting, and learning, as opposed to developing long-term strategies for the economic, political, or social spheres. However, political groups are likely to evolve and hone their strategies as they learn from their own experiences and mistakes.

6.5. Coalitions

The final necessary infrastructural factor for viable political participation concerns the ability of groups to form coalitions with others. In Egypt, during the presidential election in 2012, the Muslim Brotherhood reached out to a wide range of other political groups, including secular ones, and also formed coalitions with other groups in parliament, although it remains to be seen whether it will sustain this level of engagement; signs following the presidential decree (later rescinded) granting Morsi wide ranging emergency powers in November 2012 have not been positive.¹⁰¹ In Tunisia, not only has there been growing tension between Ennahda and secular groups, but the political scene saw the existence of competing secular parties with similar visions, none of which formed strong coalitions.¹⁰² This led to the creation of "The Call for Tunisia," a secular yet conservative initiative attempting to unite former regime officials with seculars against the Islamists,¹⁰³ resulting in further alienation of liberal seculars who remain

¹⁰¹ See, e.g., David D. Kirkpatrick, *Amid Uncertainties on Role, Egypt's President-Elect Begins Rituals of Office*, N.Y. TIMES, June 25, 2012, <http://www.nytimes.com/2012/06/26/world/middleeast/named-egypts-winner-islamist-makes-history.html> (discussing Morsi's work with the Muslim Brotherhood and his stated intention to look outside the group to fill cabinet posts). See also *Egyptian President Annuls Emergency Decree* (December 8, 2012), <http://www.voanews.com/content/morsi-annuls-egypts-emergency-decree/1561280.html>. The presidential decree of November 22 granted Morsi unlimited emergency powers, sparking violent protests in Egypt and condemnation by liberals. Morsi rescinded the decree on December 8, 2012, though it allowed him to get the Constituent Assembly to pass the controversial draft Constitution on December 15, which was later approved through referendum.

¹⁰² See Erik Churchill & Aaron Zelin, *A Balancing Act: Ennahda's Struggle with Salafis*, SADA (Apr. 19, 2012), <http://carnegieendowment.org/sada/2012/04/19/balancing-act-ennahda-salafis/acsc> ("Liberal parties have split apart and reformed into coalitions, only to disintegrate once more . . .").

¹⁰³ See Erik Churchill, *The 'Call for Tunisia,'* FOREIGN POL'Y (June 27, 2012), http://mideast.foreignpolicy.com/posts/2012/06/27/can_call_for_tunisia_unite_opposition%20 (describing the Call for Tunisia and its emphasis on creating unity among all secularists, regardless of political disposition).

outside those two competing spheres. But the long-term effect is likely to be the evolution of some of those groups and coalitions and the disappearance of those who do not survive the political competition—in the end a healthy dynamic for the prospects of political participation. But collective action that would enable such a sifting process is not easy to achieve. The formation of coalitions is difficult in societies where segments of the population view others with suspicion, and where there are social, ethnic, and religious divisions.¹⁰⁴

7. CONCLUSION

In conclusion, the prospects for political participation in the post-revolutionary Arab world face several challenges on both the structural and infrastructural levels. This is not surprising considering the decades of authoritarianism that the region is recovering from. But the progress that has already been made and that is likely to come, no matter how small, is an important indicator that although it may not fully materialize in the short term, a new era of political participation in the Arab world is in the making.

¹⁰⁴ See Dan M. Kahan, *The Logic of Reciprocity: Trust, Collective Action, and Law*, 102 MICH. L. REV. 71, 72 (2003) (“[I]ndividuals who lack faith in their peers can be expected to resist contributing to public goods, thereby inducing still others to withhold their cooperation as a means of retaliating. In this self-sustaining atmosphere of distrust, even strong (and costly) regulatory incentives are likely to be ineffective in promoting desirable behavior.”).