

# ORIENT

Deutsche Zeitschrift für Politik, Wirtschaft und Kultur des Orients  
German Journal for Politics, Economics and Culture of the Middle East

Herausgegeben vom Deutschen Orient-Institut in Berlin

gegründet vom Nah- und Mittelost-Verein

Historical Changes in the Near and Middle East

حرية *Youth Bulge* مستقبل  
DEMOCRACY RESPECT Revolution  
*espérance* Justice ثورة dignité ARABELLION  
égalité تحرير *liberté* ارحل  
Facebook Generation *Jasmine Revolution*

**Dr. Mohammed A. Bamyeh**

Arab Revolutions and the Making of a New Patriotism

**Professor Dr. Dr. Peter Scholz**

Legal Aspects of the Political Change in the Middle East

**Dr. Isabel Schäfer**

Europe's Mediterranean Policy and the Arab Spring

**Dr. Musa Shteivi**

Arab Women and the Arab Spring: The Revolution within

**Dr. Ayşe Zarakol**

Turkey and the Arab World: A Reconvergence of Destinies

**Dr. Özlem Tür**

Deepening Syrian-Turkish-Relations in the 2000s:  
Common Security Concerns, Economic Integration  
and Limitations

**Dr. Carsten Wieland**

Syrian Scenarios and the Levant's Insecure Future

**Konstantin Kosten**

*"Tunes tunest, Iran nemitunest"*

Reconciliation as a Tool for Peaceful Change in Iran?

**Niklas Hünseler**

Islamist and Democrat? Rachid al-Ghannouchi's Concept of an  
'Islamic Democracy' and his Perspectives in post-Ben Ali Tunisia

Deutsche Orient-Stiftung/German Orient-Foundation  
-Deutsches Orient-Institut/German Orient-Institute-

gegründet / founded by NUMOV 1960

III / 2011  
52. Jahrgang

Jägerstrasse 63 d • D - 10117 Berlin • Tel.: +49 (0)30 - 206410-21 • Fax: +49 (0)30 - 206410-29  
www.deutsche-orient-stiftung.de • www.deutsches-orient-institut.de • doi@deutsches-orient-institut.de



**NAH- UND MITTELÖST-VEREIN E.V.**  
**GERMAN NEAR AND MIDDLE EAST ASSOCIATION**

### **NUMOV services since 77 years:**

- Extensive consulting
- Initiation and extension of cooperation
- Up-to-date business information
- Providing market information
- Supporting market entries
- Analysis of economic and business trends
- Promotion of import and export
- Information on projects and tenders
- Business delegations
- Representation of Interests
- Training, Lectures, Seminars and Conferences
- Match-making events
- Project-Hotline
- Bi-monthly Magazine "Near and Middle East Economic Forum" (Wirtschaftsforum Nah- und Mittelost)
- Near and Middle East Economic Handbook
- Founder and coordination office of the Federation of European Near and Middle East Business Associations
- German Orient-Foundation / German Orient-Institute
- German-Egyptian Economic Council
- Saudi German Business Dialogue
- German-Yemenite Forum
- Qatar German Business Forum
- Iraqi German Business Dialogue
- NUMOV Junior Section
- NUMOV Senior Consultants Section

[www.numov.de](http://www.numov.de)  
[numov@numov.de](mailto:numov@numov.de)

Chairman Martin Bay, CEO Helene Rang,  
Honorary Chairman Dr. Gerhard Schröder,  
Former Chancellor of the Federal Republic of Germany

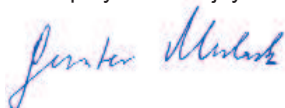
## Editorial

Dear readers of **ORIENT**,

The self-immolation of a desperate and deeply humiliated young man in Tunisia ignited pro-democracy protests in Tunisia and later Egypt, spreading across the Middle East. Economic decline, a high unemployment rate among educated youth, tension between rising aspirations, a lack of government reform and increasing frustrations especially among the youth may be some of the factors behind the revolts that have taken place in the Near and Middle East. Tunisia and Egypt have successfully brought down their old regimes and are now in a transition process that hopes for democracy. In stark contrast to this are the bloody conflicts happening in Libya, Yemen and Syria. It is not yet sure if real democracy will prevail or we will just see a change in leaders and again authoritarian rules though more pluralistic. The necessary changes in the political systems and a stronger role for civil society, rule of law and real democracy will take time to be firmly implanted.

The current issue of **ORIENT** deals with a wide range of topics pertaining to the so-called 'Arab Spring'. **Dr. Mohammed A. Bamyeh** explains the outbreak of the upheavals with a new form of patriotism among protestors and explains current events in the countries in the light of his thesis. **Professor Peter Scholz** talks about the legal aspects of the political changes, and also gives proposals for a successful democratic transition. **Dr. Isabel Schäfer** reveals changes in international relations and how the 'Arab Spring' affects the European Union. The role of women in the 'Arab Spring' is analysed by **Dr. Musa Shteivi**. In her article dealing with Turkey, **Dr. Ayşe Zarakol** points out that after the revolution, Turkey can become a model state in its balance between tradition and modernity and can influence the development of other Middle Eastern states. **Dr. Özlem Tür** surveys the development of the Turkish-Syrian relations within the last decade. The next article by **Dr. Carsten Wieland** focuses on Syria and discusses possible future scenarios that the Syrian state may undergo. **Konstantin Kosten** shows that Iran as well has experienced deep changes in recent years such as the rise of political players like the Green Movement and the Pasdaran. Finally, **Niklas Hünseler** illustrates Rachid Ghannouchi's concept of "Islamic democracy" and the place he may take in the new Tunisian state.

We hope you will enjoy reading this issue.



Dr. Gunter Mulack  
Director of the German Orient-Institute

## Content

ABSTRACTS .....	4
ARTICLES	
Dr. Mohammed A. Bamyeh Arab Revolutions and the Making of a New Patriotism .....	6
Professor Dr. Dr. Peter Scholz Legal Aspects of the Political Change in the Middle East .....	11
Dr. Isabel Schäfer Europe's Mediterranean Policy and the Arab Spring .....	20
Dr. Musa Shteivi Arab Women and the Arab Spring: The Revolution within .....	26
Dr. Ayşe Zarakol Turkey and the Arab World: A Reconvergence of Destinies .....	31
Dr. Özlem Tür Deepening Syrian-Turkish-Relations in the 2000s: Common Security Concerns, Economic Integration and Limitations .....	36
Dr. Carsten Wieland Syrian Scenarios and the Levant's Insecure Future .....	41
Konstantin Kosten <i>"Tunes tunest, Iran nemitunest".</i> Reconciliation as a Tool for Peaceful Change in Iran? .....	46
Niklas Hünseler Islamist and Democrat? Rachid al-Ghannouchi's Concept of an 'Islamic Democracy' and his Perspectives in post-Ben Ali Tunisia .....	50
REVIEWS	
Mohammed Moustafa Orfy NATO and the Middle East. The geopolitical context post-9/11 .....	57
Michael Bröning The Politics of Change in Palestine: State-Building and Non-Violent Resistance .....	58
Wiebke Diehl Das Selbstverständnis der Hisbollah. Libanon, Islam und die arabische Dimension in Hassan Nasrallahs Reden .....	60
NEW PUBLICATIONS .....	63
EVENTS .....	66
AUTHORS .....	68
BOARD / BOARD OF TRUSTEES .....	70
IMPRINT .....	71

Dr. Mohammed A. Bamyeh

### **Arab Revolutions and the Making of a New Patriotism**

The current Arab revolutions seem to foster a new form of patriotism that combines a sense of grand historical mission with pluralistic and liberal realism. The defining propositions of this new patriotism, which seem largely expressed from below rather than by intellectuals or leaders, seem to be the following:

1. existing lines of division in society are more artificial than previously thought;
2. such divisions serve the interests of ruling elites most;
3. collective national purpose is coterminous with a realistic, and secular, conception of difference in society;
4. national purpose is part of regional purpose;
5. grand historical purpose is most evident when carried out empirically by the 'little people,' who have learned from their modern experience to distrust being represented on the historical stage by leader-saviour characters or by dictatorial parties.

Professor Dr. Dr. Peter Scholz

### **Legal Aspects of the Political Change in the Middle East**

The political collapse of some of the long-standing regimes in the Middle East and the unrests in other Middle Eastern states are a huge step forward on the way to transit the authoritarian Islamic shaped states into modern pluralistic democracies. This essay first outlines the legal orders of these states and identifies them as instruments of the authoritarian regimes for safeguarding and strengthening their political power. The background of the actual protest movements is seen in a deplorable state of the socio-economic affairs not only in the poorer but also in the oil-rich states and in the political restraints of public life which makes it impossible or difficult to discuss openly all actual questions and to engage freely in daily life. In the main part of the essay the need of the legal reforms is analyzed by giving proposals for state measures and hints for further discussions in order to promote democratic structures and procedures, to strengthen individual freedoms and guarantees and to grant social justice. At the end, the legal problem how to transit from an authoritarian constitution to a more democratic one is discussed using the examples of Tunisia and Egypt. Tunisia's interim president is going to prepare elections for a constitutional assembly on the basis of which elections should take place. This procedure may contradict the constitution in several aspects. In Egypt an interim constitution of which only some articles are democratically legitimized by a referendum should be the basis of the further process for parliamentary and presidential elections.

Dr. Isabel Schäfer

### **Europe's Mediterranean Policy and the Arab Spring**

Due to the current revolutions and uprisings in the Southern and Eastern Mediterranean countries a paradigm shift is taking place in international relations. This contribution looks at the EU's responses and the impact of the changed regional context on the European Neighbourhood Policy and the Union for the Mediterranean.

Dr. Musa Shteivi

### **Arab Women and the Arab Spring: The Revolution within**

This article discusses how women in the Arab world have played crucial roles in the revolutions that have that happened in the region. The paper documents the important role that women played in the organization and physical participation in these movements. Also it discusses the potential impact of this revolution on the future of women in the region. The author argues that one outcome of these revolutions is the emergence of a new feminist movement in the region.

Dr. Ayşe Zarakol

### **Turkey and the Arab World: A Reconvergence of Destinies**

Whatever the outcome of the Arab Spring, it is clear that the Middle East we are presented with today is not the one we were dealing with a year ago. This article will aim to do two things: to discern general patterns and trends in these upheavals, on the one hand, and to discuss the role Turkey may play in shaping the new Middle East, on the other. This article argues that Turkey can be a model for part of the region if it maintains

a balanced foreign policy approach that is neither blindly committed to the West nor strongly affiliated with the East and sustains democratic deepening at home. Neither of those outcomes is assured under continued AKP leadership, but there is reason to hope, both for the future of democracy in Turkey and in the greater Middle East.

Dr. Özlem Tür

**Deepening Syrian-Turkish-Relations in the 2000s:  
Common Security Concerns, Economic Integration and Limitations**

After decades of conflict, Syrian-Turkish relations transformed into a close cooperation that has deepened throughout the 2000s. The reasons behind this can be found in a culmination of domestic, regional and international factors. Changes of leadership in both countries have contributed to the relationship, as well as common security threats after the Iraq War. Recent economic policy shifts have led to a talk of integration – a free trade agreement is already in effect, visa requirements have been lifted, the High-Level Strategic Council is at work, and through the Levant project, free movement of people and goods is on the table. Portrayed as “a model for Turkey’s relations with other Middle Eastern countries”, this paper looks at Syrian-Turkish relations, the reasons for and extent of the relationship and possible drawbacks for the future.

Dr. Carsten Wieland

**Syrian Scenarios and the Levant’s Insecure Future**

The protests in Syria will have significant repercussions in the region and the Middle East conflict. Instability in Syria is not only a worst case scenario for Israeli security strategists but is also a test for Turkey’s democratic agenda in the Middle East. Because of the numerous interests involved, an international intervention in Syria would be far more complex than in Libya. Above all, following the Iraq war with Iran as a net winner Syria and Lebanon have become incorporated into the interface of the Saudi-Sunni and Persian-Shiite spheres of interest. In the article the following scenarios are outlined:

1. Bloody clampdown with regime survival, including al-Asad;
2. Bloody clampdown with regime survival, excluding al-Asad;
3. National reconciliation efforts and gradual transition with al-Asad;
4. Regime change and democratization;
5. Chaos and civil war

Syria, once a self-conscious and pragmatic middle power under Hafez al-Asad, could turn into the chessboard of conflicting interests in the region. No matter how the events will unfold, it is certain that Syria’s societal fabric has been shaken, domestic power structures are shifting, and the regime has been stigmatized beyond repair. Only a peaceful transition could avoid Syria losing weight in the region.

Konstantin Kosten

**“Tunes tunest, Iran nemitunest”**

**Reconciliation as a tool for peaceful change in Iran?**

Since its creation, the Islamic Republic of Iran experiences tremendous changes across the whole political spectrum. The article exemplifies this process by examining the development of completely different political groups such as the Green Movement and the Revolutionary Guards Corps. It seems that the only prospect for a prosperous process of change for Iran is to include all spectrums of society in order to avoid a possible next bloody revolutionary process with, yet, no political alternatives in sight.

Niklas Hünseler

**Islamist and Democrat? Rachid al-Ghannouchi’s Concept of an ‘Islamic Democracy’ and his Perspectives in post-Ben Ali Tunisia**

Formerly banished Islamist leader Rachid al-Ghannouchi is back on Tunisia’s political scene. As he is one of the post-Ben Ali era’s most prominent figures, his conception of an ‘Islamic Democracy’, which he is well-known for in Islamist and Islamicist circles, gains even greater importance. The article tries to examine his vision of an ‘Islamic democratic state’ and attempts to shed light on Ghannouchi’s position in post-Ben Ali Tunisia.

Dr. Mohammed A. Bamyeh

## Arab Revolutions and the Making of a New Patriotism

### *I. Impasse and pre-revolutionary Sentiments*

On a recent visit to Lebanon, a shopkeeper explained to me why he thought it was difficult for Lebanon to experience the likeness of the ongoing Arab revolutions. For him, Lebanon was a country of sects, not the house of a national community. He saw the history of modern Lebanon as simply a series of attempts at control by various sects: the Sunnis, aided by the Palestinians between 1976-1982, followed by Maronites until the early 1990's, then by the Shi'a from then until the present, where a struggle to determine which sect will control the country next is taking place. According to this interpretation, this was not the case in Egypt, where one 'sect' constituted a clear majority and thus could rule on its own. Nor was it the case in Syria, where the same was true and the majority sect could come to power through a popular revolution.

My initial reaction was that such was a most retrograde conception of political history. But then, it was not clear to me that the political establishment in the country, which had persistently failed to undo the sectarian system, was able to showcase a much more sophisticated vision than the shopkeepers. In spite of the fact that one can find a comparatively larger spectrum of political liberties in Lebanon than anywhere else in the pre-revolutionary Arab world, it is difficult to avoid a palpable sense of impasse there: a stale political culture dominated by short-term pragmatic calculations, narrow self-interest, and total absence of any grand vision. The Lebanese political culture, traditionally the most free in the Arab World, appeared, perhaps predictably, to be the least revolutionary. And on account of its distance from the most profound epiphanies of the Arab revolutions, it also appeared to me to be the least inspiring. With the exception of the still relatively small anti-sectarian movement, Lebanese political culture seemed to sustain the core of the political *Weltanschauung* unraveling elsewhere under the sway of the Arab revolutions: vacuous, short-term vision; narrow pragmatism; and social fragmentation. Lacking the repressive resources of other Arab governments, the case of Lebanon illustrates how the overcoming of the sclerotic institutional stasis of Arab politics is hampered less by the presence of a regime's repressive apparatus and more by an absence of the constituting elements of a new form of patriotism. A new patriotism, articulated from below and meeting no echo from above, has provided the constituting elements of the emerging revolutionary

culture throughout the Arab world. This new patriotism, which is unleashing a grand regional transformation, transcends ordinary nationalism and promises to teach us all new lessons about the meaning of patriotism in a modern, highly interconnected era.

### *II. A New Patriotism*

The most clearly identifiable element of this patriotism consists of a new conception of national community. This conception can be roughly understood as 'practical solidarity,' meaning that parochial sectarian belonging no longer serves its real purpose in protecting anyone. Rather, it is seen to generate a sense of unhealthy social fragmentation, insularity, and vulnerability to regimes' arbitrary power. The latter may be contested only with a united 'people.' From a revolutionary perspective as outlined in street protest slogans from Egypt over Syria to Yemen, the division of society into a cluster of competing societies is regarded as the means by which the old regimes had managed to maintain power for so long. Yet, this conception of united peoplehood remains realistic; it is not deposited into parties or leaders, nor does it involve orthodox definitions that lead to abandoning customary pluralism. This conception of pragmatically united peoplehood against regimes applies even to class differences. For example, the Arab revolutions do not posit economic demands in the format of a socially divisive 'class struggle.' Rather, to the extent that they are expressed at all, economic grievances appear under the mantle of a grand political program, in which the economic principles of the post-revolutionary regime (fairness, equal opportunity, and absence of corruption), would appear hardly revolutionary from a traditional leftist perspective. However, they do express the communitarian ethic of a new, pluralistic patriotism.

The conception of a new patriotism becomes even more clear when sectarian divides are addressed through it. A repeated public performance in the Egyptian Revolution highlighted Muslim-Coptic unity, which served to showcase the ethically unifying quality of the revolution. This quality then appeared far superior to the regime's divisive record, but also superior to the record of sectarian movements that had previously opposed the regime in the name of their own particular interests. In this respect, all subsequent sectarian clashes in Egypt came to be regarded as engineered by a 'counter-revolution,' working in tandem with subversive ele-

ments of the old regime so as to sabotage the revolution. And each such sectarian clash (typically started by groups that had played virtually no role in the Revolution, such as the Salafis) was followed by a massive public show of national unity in the streets, so as to confirm the ethics of the new patriotism, now seen to be under attack by elements whose parochial sectarian culture had entirely missed the meaning of the revolution. We can look to Yemen, Libya, Jordan and beyond for signs of this new patriotism. In Yemen, the North-South divide became far less noticeable in the course of its revolution, in which the secessionist southern movement simply folded itself into a unified national revolution against the regime. And it is noteworthy that the potentially divisive tribal factor, previously presumed significant in both Yemen and Libya, proved far less salient. If anything, tribal allegiances in both countries were expressed as part of the new patriotism – namely as an obligation to protect the revolution from regime violence. In this sense, tribal ethics, to the extent they were displayed at all, were displayed precisely as means by which to foster national revolutions. In Yemen in particular, the regime's response to this new patriotism, which consisted of desperate efforts to transform the revolution into a more divisive civil war is noteworthy. After all, regimes in both Yemen and Libya appear to have calculated that only a civil war could undermine the new patriotism and provide regimes whose armed forces were now their only asset with their best chance of survival.

The new patriotism is evident in places where oppositional sentiments have become strong as well, though the situation has not yet developed into a full-scale revolution. In Jordan, the new patriotism became more evident in a decreasing salience of a long-standing Jordanian-Palestinian division, so that erstwhile loyal demographic bastions of real 'Jordanians' in the south of the country seemed surprisingly willing to protest a regime they saw as increasingly distant and corrupt. In the process, the Jordanian upheavals have forced an ongoing project of political reform (whose prospects are uncertain, however). But everywhere else in the Arab World, it is evident that we are witnessing a trend toward a new patriotism that seems to first find expression in marginal areas, less dominated by the center, from which it quickly infuses central cities in each country. As a form of culture, the new patriotism makes its appearance as an unorganized form of practical solidarity, and thus offers itself up as a realistic basis of revolutionary culture that is open to all. The significance of the new patriotism as the basis of revolutionary culture becomes all the more apparent if we consider the prospects for

revolution in places in which this conception of new patriotism is less established – Lebanon, as mentioned above, being a prime example here.

In Bahrain, the ability of the government to present the protests as a 'Shi'a' rather than a national revolt played a key role in postponing the eventual reckoning, and here one should not simply blame the entry into the country of the Gulf countries' forces. After all, repression alone has served more to inflame than quell revolts when such revolts had proven to be unifying enough to overcome social fragments. We can consider Tunisia, Egypt, Yemen and now Syria, where brutal repression or long-enduring states of emergency could not contain the revolutionary tide.

Since no leadership or organization seems necessary to express it, the new patriotism that overcomes social fragmentation is experienced as a fluid form of union, primarily based as it is on a practical and pluralistic solidarity rather than on an orthodox conception of national unity. In fact, the absence of a unifying organization or leadership seems more helpful for promoting the new patriotism, which seems to deteriorate when organization or leadership are more present. The prospects of the Bahraini revolt, for example, were not helped by the fact that it was largely led by an actual political party that was traditionally seen as a Shi'a party – even as that 'community' constituted a majority of the population. The clear domination of the opposition by a sectarian party makes the protest movement appear ill-fit to assume the character of a popular, non-sectarian revolution, and formal claims made by such a party to the opposite effect were not enough. A similar case could be noted in Jordan where Friday demonstrations emerging out of the Hussein Mosque in downtown Amman were dominated by the Muslim Brotherhood, and thus in spite of their large size failed to provide the working materials for a culture of a fluid though unifying new patriotism. In both Bahrain and Jordan, the very presence of clearly identifiable organizations at the center of the protest movements undermined the emergence of a new patriotism as the unifying basis of broad revolts. Thus we see that in Jordan, the regime became most alarmed and repressive precisely when the protest movement moved away from downtown, where demonstrations tended to be dominated by the Muslim Brotherhood, and into parts of Amman less clearly identified with any group. In that latter version, the Amman protest began to assume more of a Tahrir Square-style, that is, protest no longer appeared to be controlled by any particular interest, and thus more credibly able to embody a new patriotic spirit.

The fact that all successful or enduring Arab revolts to this point have no organizational leadership seems to have helped them escape the appearance of "contamination" by any particular interests, and thus appear as grander than any subset of the revolution. Thus even after revolutionary successes in Tunisia and Egypt, no "party of the revolution" has emerged. This may be contrasted to earlier revolutionary tides in modern Arab history, where a super-majority for the revolution was certified by the emergence of a clear leadership: the Wafd Party in Egypt following the 1919 revolution, or the Nasser cult following the Suez Crisis in 1956. The single current exception is Libya, where a leadership structure for the revolution quickly emerged. But the emergency conditions under which this exception emerged (the threat of an imminent genocide) has not undermined the new patriotic character of the Libyan revolution, as evident in the fact that the Qaddafi regime has not been able to mobilize any segment of the population to defend it, and thus relies entirely on armed forces and mercenaries. A similar regime effort in Yemen to militarize the situation has thus far failed, even though it would have been very easy for many revolutionaries to resort to arms, given that everyone in the country is armed, the country has a recent history of civil wars, and the fact that the country is second only to Libya in the amount of casualties suffered by civilians protestors at the hands of the regime's forces.

What makes this new patriotism so compelling seems to be several conceptions that combine a sense of grand historical mission with realism. The propositions of the new patriotism seem to be the following:

- (1) existing lines of division in society are more artificial than previously thought;
- (2) such divisions serve the interests of ruling elites most;
- (3) collective national purpose is coterminous with a realistic, and secular, conception of difference in society;
- (4) national purpose is part of a regional purpose – in particular it is connected to a revived, fluid conception of pan-Arabism;
- (5) grand historical purpose is most evident when carried out empirically by the 'little people,' who have learned from their modern experience to reject being represented on the historical stage by leader-savior characters.

These constituting elements of a new patriotism appear to have emerged in the revolutionary process itself and from below. And as such it has trig-

gered political developments that had previously been unthinkable. For example, the frozen politics of a Palestinian division between Fatah and Hamas came to an end after a popular movement in both the West Bank and Gaza, embodying the spirit of the new patriotism, made ending the division a higher priority than all organizational loyalties and all geopolitical considerations. Of course, both Fatah and Hamas may have been moved as well by the fact that they no longer had reliable Arab governmental allies in the context of the ongoing Arab revolts. But the Arab revolts certainly affected Palestinian popular attitudes toward their leading organizations. Both Fatah and Hamas ceased to be compelling enough as organizations, especially since they no longer appeared to be doing anything other than perpetuating a hopeless, purposeless condition of national disunity. An agreement of Fatah and Hamas was thus an adjustment to the new patriotism in Palestinian societies. Restoring Palestinian unity has been the Palestinian embodiment of the Arab revolts, and its imperative explains why Palestinians remained unimpressed with US and European objections to their unity. For such objections were based on premises that have lost all meaning in the emerging environment. Here Western diplomats found no resonance when they expressed (certainly cynical) 'worries' about the future of a non-existent peace process. The fact that a new patriotism appears as such a compelling answer to hopeless fragmentation can now be observed even in Iraq, which in recent years has become – like Lebanon – another example of a country consisting of a cluster of hostile societies. The Iraqi example is significant, since the country continues to serve as a model of what 'democracy' would look like when it is set up by an outside power rather than through an indigenous revolution. Clearly inspired by the ongoing Arab revolts, a new style of protest has emerged in Iraqi cities expressing deep disenchantment with the largely sectarian character that Iraqi politics have assumed. The Iraqi elections, which took place before the current Arab revolutionary wave, tended to express the kind of sectarian divisions that were themselves an expression of the way by which the new Iraqi state was set up – like Lebanon, as a sectarian state – by a foreign power. Thus Iraq, like Lebanon, became more sectarian not because of any essential social orientations among the populace, but because in the new system sects served more than before as institutional venues for dispensing rewards. But Iraqis have a recent memory of trans-sectarian political life, and thus we witness diffusion into Iraqi street politics of the cultural ethos of the Arab revolts: a popular rediscovery of the invented nature and magnified character of

sectarianism, fostered as it still is by the politicians who benefit from it.

### *III. Radicalism without Fanaticism*

The ethical ramifications of this new patriotism are profound. It is difficult, for example, to understand how several unarmed civic rebellions have sustained themselves so well against regimes known for their mercilessness toward opponents and lack of restraint. These revolutions seem premised less on organization, leadership, opportunities or resources than on the simple knitting together of a revolutionary culture out of already familiar working materials of practical solidarity. The greatest indicator of this reality is that each national revolution seems to be inspired more than anything else by an example of success elsewhere; their tactics and slogans seem to inspire repetition across countries whose internal conditions, economic indicators, and traditions of civic organization vary greatly. The revolutions could not have so inspired each other had Arabs living in different countries and facing different local contexts, not seen themselves as directly addressed by an epoch-making spirit that first appeared in Tunisia.

The new patriotism is both grand and practical. It relies on regional inspiration, which is then retooled into visionary local pragmatics. An illustration of this combined perspective is given by Fahmy Howeidy, a prominent Egyptian public intellectual, when he claims that he could now commit to the "Egypt first" principle advocated by the late regime, a principle he had rejected earlier as a neo-colonial ploy to divide and rule the Arab world in the name of petty autocrats. But now 'Egypt first' becomes more appealing, since Egypt now, thanks to a grand revolution, is again part of a larger historical mission that incorporates all its surrounding environments, to which Egypt can then offer a necessary and logical contribution. In this way, the new patriotism operates on several levels at once – within countries and across them – without contradictions, since its meaning is convivially defined from below rather than in static forms, as it tends to be when patriotism is defined by autocrats or parties. The new patriotism consists above all in establishing a sense of connectedness to others in less artificial ways than before, and out of that, a sense of personal responsibility for society and public spaces. Moreover, that sense of personal responsibility seems associated with a loss of fear in the face of the prospects of death or sacrifice. I saw those ethical transformations in Cairo on the days leading up to the revolution, in which in place of earlier incidents of individuals setting themselves publicly on

fire in desperate protest of personal problems, there emerged an ethic of preparedness for sacrifice in the name of a collective cause. Revolutionary ethics emerged with this transformation from self-immolation to preparedness for martyrdom. In other words, a transformation from suicidal personal desperation, in which one is prepared to kill oneself, to a new patriotic sense, in which one kills neither himself nor others. Rather, the martyr of the new patriotism confronts only the regime, neither his compatriots nor other strangers, and only with his bare chest, with no illusions and full knowledge of stakes involved. That this transformation generated limitless capacity for sacrifice is so far nowhere more evident than in Libya, where in its earlier days the uprising persisted and spread even as originally unarmed civilians were mowed down by the hundreds with the regime's machine guns on the ground and by rockets from the air. Like elsewhere in the Arab world, most clearly now in Syria, the production of martyrs has only fostered revolutions and made them more determined. Each martyr, typically a friend and a neighbor rather than a professional activist, not only opens up an account that requires being settled, but also proves empirically that heroic qualities, earlier thought to be distant or mythical, now reside naturally in ordinary individuals.

And yet, in spite of the high messianic character of this environment, it is striking how resolutely secular this new patriotism has remained. This resilience of a secular ethical core suggests that the new patriotism remains highly concrete and realistic in its conception of the social world. That is, even though there is no rejection of religion itself, the new patriotism involves little in the way of religious conception of community. In Egypt and Tunisia, the major Islamic movements have themselves come to accept the principle of a universal, civic, non-religious state as the goal of the revolution. The new patriotism seems realistic and practical, even modest in its claims, in spite of the grand events with which it is associated. In Egypt, many politicians and commentators were puzzled that after such an epic event, 77% of the population voted on March 19 to accept a transitional period governed by minimal constitutional revisions. In both Tunisia and Egypt, transitional periods are broadly accepted, even though they are managed largely by elements from the old regimes. Of course, this acceptance was never automatic, but required a second act of cleansing: governments that had been appointed by the departing presidents needed to be brought down as well – six weeks after the fall of Ben Ali in Tunisia and only three weeks after the fall of Mubarak in Egypt. The

completion of a second phase of purging seemed enough to certify the beginning of somewhat more legitimate transitional period. Only a minority raised demands that involved the immediate capture of power by the revolution. But the revolutions produced no leaders that would be in a position to capture offices of state vacated by the old regime, and no party emerged to stand in for any revolution as a whole. Nothing, in fact, proved the leaderless character of these revolutions other than the collective satisfaction with overthrowing an old regime, without immediately producing revolutionary personnel to take over. Libya, of course, will be an exception here, but even in this case, the revolution's leadership itself emerged to a great extent out of the ranks of the old regime, and then only under emergency conditions of an imminent genocide.

The Arab revolutions therefore seem strangely to combine two otherwise contradictory qualities: radicalism and a rejection of fanaticism. Not represented in organizations or by leaders, the revolutions had to remain radical, in the sense that nothing sustained each other than a simple and obvious radical posture, setting people, united but unrepresented, against the regime. Since there was no one the regime could negotiate with on behalf of the revolution, the revolution had no mechanism by which it could accept any concessions made by the regime. And since each revolution was experienced as such an extraordinary, unrepeatable historical event, there was no natural limit to countless personal commitments to maintain it once it was in motion. In addition, certainty about a regime's murderous nature was a key to making it impossible for a revolution, once unleashed, to be satisfied with anything less than the regime's head. For example, on Tahrir Square before Mubarak's downfall, I repeatedly heard the insight shared that it was impossible for us to go back home now, since the president, now that he knew who his enemies were, would surely hang us if we disbanded before deposing him. Arab revolutions therefore could not be anything but radical, given their unstructured dynamism and effective lightness. However, this radicalism was never transformed into fanaticism – an idea whose significance I first realized when asked by Chinese colleagues whether the Arab revolutions had something in common with the Chinese Cultural Revolution. In the Arab revolutions, there was no rejection of difference within the society nor xenophobia toward outsiders nor, significantly, an expectation that revolutionary collectivism should persist as the style of a post-revolutionary state. If anything, the post-revolutionary state, in all conceptions I have heard, was regarded simply as a

modern state, consisting of accountable institutions rather than run by a revolutionary command council. So far Arab revolutions have produced no Bastille, no executions, no counter-revolutionaries lined up against the wall; wherever the head of the old regime was removed, as in Egypt and Tunisia, a transitional period governed by reform elements from the regimes themselves was widely accepted; all subsequent trials and investigations use the existing, slow moving legal system. There are no revolutionary courts, no summary verdicts, no vigilante justice – facts that are all the more remarkable given the extent of the revulsion vis-à-vis the old elite; their infinite, well-known corruption; and long decades of enduring brutality at the hands of regimes' fully unaccountable repressive apparatus. The new patriotism differs from models of nationalism we have learned from European histories, but also from old ways of thinking about Arab nationalism itself, propagated earlier by Nasser or the Ba'th party. First and most evidently, the new patriotism is now a direct expression of popular activism, and not of a state ideology. The current Arab revolutions are not produced by free officers, nor by intellectual guardians or interpreters of heritage, and certainly not by ministries of information or education. The new patriotism therefore entails an important correction to an older, populist character of Arab nationalism. In that older form, national feelings seemed to require being made manifest by a savior-leader figure, such as Nasser or Arafat, or being entrusted to a political party that invariably established a dictatorship, as in Syria or Iraq. Old Arab nationalism was also distant from concrete personal lives in another way that is now being overcome by the new patriotism. The new patriotism has little to do with educational curricula such as those spearheaded by Sati' al-Husari in the first half of the 20<sup>th</sup> century, which spoke more of an absent history than of a directly felt present. In sum, the new patriotism is transforming the sense of Arab nationalism from a project that was assumed to require being represented by leaders or parties, to a popular practice, in which patriotism remains concrete and leaderless, expressed largely as a sense of convivial commonness. Taking form through epic struggles, and armed at its core with such a grand abstraction as 'the people,' this patriotism still resists the compulsion to have this abstraction made visible in a single way, by a single authority. Perhaps a representation of this kind now appears more as a historical error than a logical necessity. This would indeed be the case, if the new patriotism also included the knowledge that the power of any concrete authority is proportional to the size of the abstraction it claims to represent.

# Legal Aspects of the Political Change in the Middle East

## I. Authoritarian Regimes in Transition

The political collapse of some of the long-standing regimes in the Middle East and the street and internet movements in other countries of the region aiming to overthrow or at least to more or less radically change the regimes are a huge step forward on the way to transit the authoritarian Islamic shaped states into modern pluralistic democracies. The existing regimes in the Islamic countries of the Middle East are mostly of an autocratic nature. That means that political power is concentrated on a ruler or a ruling elite<sup>1</sup> often shaped by pseudo-democratic elements<sup>2</sup>. The ruling style is authoritarian because the regimes demand political obedience of their citizens and suppress dissenting political activities.<sup>3</sup> Political Reforms under the slogan of more democracy made by such regimes mostly aim to make the system more effective rather than to introduce democratic elements.<sup>4</sup>

## II. Characteristics of the Legal Orders<sup>5</sup>

During the rise of modern national states in the Middle East the main elements of Western law systems were adopted, mostly shaped by the French or British legal systems.<sup>6</sup> These are written constitutions or similar documents<sup>7</sup> and constitutionally enacted modern laws, the content of which may be

of European or Islamic origin<sup>8</sup>. In most constitutions Islam is fixed as the state religion. Often the sharia or Islamic jurisprudence<sup>9</sup> is stated as the source<sup>10</sup> or a source of the national law.<sup>11</sup> But more important for the relevance of the sharia in the legal order is the manner by which a written constitutional sharia clause is concretized by the lawmaker and defined by the courts, or to what extent the courts have established a sharia-clause not written in the constitution<sup>12, 13</sup>. In most of the Islamic shaped states there are different family laws and often different laws of inheritance for people of different religion as well.<sup>14</sup>

These legal systems are used by the authoritarian regimes to safeguard and strengthen their political power. Therefore, the legal order is shaped in a way which grants the ruling elite wide competences and minimizes the rights of the citizens. The authorities and the judiciary are controlled and supervised by the ruling group in order to serve the ruler's pretensions. The principle of rule of law is only formally granted in so far as any execution of state power has strictly to meet legal conditions. But substantive rights of the citizens, especially subjective constitutional basic rights, are rarely granted and not well developed. This is also the case with institutional guarantees for the rule of law like the separation of powers.

<sup>1</sup> Cp. Hans-Joachim Lauth, "Regimetypen: Totalitarismus – Autoritarismus – Demokratie", in: Hans-Joachim Lauth (ed.), *Vergleichende Regierungslehre*, 2. edition 2006, p. 91 (98) and p. 100 ff.; regarding the characteristics of authoritarianism see Wolfgang Merkel, *Systemtransformation. Eine Einführung in die Theorie und Empirie der Transformationsforschung*, 2. edition 2010, p. 40 ff..

<sup>2</sup> Regarding the characteristics of democracy see also Wolfgang Merkel (fn. 1), p. 26 ff.; Hans-Joachim Lauth (fn. 1), p. 91 and 94 ff. Regarding tendencies of democratization in the Middle East see Frédéric Volpi/ Francesco Cavatora (ed.), *Democratization in the Muslim World*, 2007; Larry Diamond/ Marc F. Plattner/ Daniel Brumberg, *Islam and Democracy in the Middle East*, 2003; focussing on the legislature Abdo Baaklini et al. (ed.), *Legislative Politics in the Arab World*, 1999; critical to the tendencies of democratization Oliver Schumber, *Autoritarismus in der arabischen Welt*, 2008.

<sup>3</sup> Regarding the structure of authoritarian regimes Wolfgang Merkel (fn. 1), p. 41 ff. und 48 ff.; Hans-Joachim Lauth (fn. 1), p. 91 (98 ff.), each with further references; Anton Pelinka, *Vergleich politischer Systeme*, 2005, p. 47 ff..

<sup>4</sup> E.g. in Egypt, Sudan, Lebanon and Bahrain.

<sup>5</sup> For an introduction see Peter Scholz, "Recht im Nahen und Mittleren Osten: Ausdruck moderner Staatlichkeit, Träger islamischen Erbes und Instrument autoritärer Regime," in: *Humboldt Forum Recht* 2011, p. 24 ff. (<http://www.humboldt-forum-recht.de/deutsch/3-2011/index.html>, 8.5.2011).

<sup>6</sup> Especially Palestine und Pakistan are influenced by Common Law; Morocco, Algeria, Tunisia, Egypt, Syria and Lebanon are influenced by French civil law.

<sup>7</sup> Generally to the reception and history of the Islamic states' constitutions see Hans-Georg Ebert, "Tendenzen der Rechtsentwicklung," in: Werner Ende et al. (ed.), *Der Islam in der Gegenwart*, 5. edition 2005, p. 199 (204 ff.); Herbert Baumann, "Einführende Bemerkungen," in: Herbert Baumann/ Matthias Ebert (ed.), *Die Verfassungen der Mitgliedsländer der Liga der Arabischen Staaten*, 1995, p. 9 (13 ff.); Hans-Georg Ebert, *Die Interdependenz von Staat, Verfassung und Islam im Nahen und Mittleren Osten in der Gegenwart*, 1991, p. 97 ff.; Omaia Elwan, "Gesetzgebung und Rechtsprechung", in: Udo Steinbach/ Robert Rüdiger (ed.), *Der Nahe und der Mittlere Osten, Band 1: Grundlagen, Strukturen und Problemfelder*, 1988, p. 221 (249 ff.); Nathan J. Brown, *Constitutions in a Nonconstitutional World*, 2002.

<sup>8</sup> To the codification of Islamic law Hilmar Krüger, "Beharrung und Entwicklung im islamischen Rechtsbereich (unter besonderer Berücksichtigung des ehelichen Vermögensrechts)," in: Robert Freitag (ed.), *Internationales Familienrecht für das 21. Jahrhundert*, 2006, p. 171 (184 f.), with further references.

<sup>9</sup> Only in Syria.

<sup>10</sup> E.g. in Egypt.

<sup>11</sup> E.g. in Afghanistan, Egypt, Bahrain, Iran, Yemen, Kuwait, Libya, Oman, Pakistan, Qatar, Saudi Arabia, Sudan and in the UAE.

<sup>12</sup> That is e.g. the case in Tunisia, where the jurisdiction forbids marriages between Muslim women and non-Muslim men, although neither the constitution nor the Personal Statute Law fixes the sharia as a source of law, Hilmar Krüger (fn. 8), p. 171 (188); idem, Zur Eheschließung von Tunesierinnen mit Nichtmuslimen, in: StAZ 1998, p. 251 f.; Waletzki, *Ehe und Ehescheidung in Tunesien*, 2001, p. 173 ff. with further references.

<sup>13</sup> A partly out-dated overview concerning the Islam and the sharia in the constitutions is given by Hans-Georg Ebert, "Islam und Scharia in den Verfassungen der arabischen Länder," in: ZFR 1998, p. 3 (6 ff.); idem (fn. 7), p. 97 ff.; Omaia Elwan (fn. 7), p. 221 (249 ff.).

<sup>14</sup> To legal plurality in Islamic shaped states see Rainer Hausmann in: Staudinger, Kommentar zum BGB, Neubearbeitung 2003, Art. 4 EGBGB Rz. 330 ff. and Anhang zu Art. 4 EGBGB Rz. 661 ff.; Léna Gannagé, *Le pluralisme des statuts personnels dans les états multicommunautaires – Droit libanais et droits proche-orientaux*, 2001; Hans-Georg Ebert, *Das Personalstatut arabischer Länder: Problemfelder, Methoden, Perspektiven*, 1996, p. 59 ff..

The supremacy of the constitution is often relativized in favour of the ruling elite when its validity or the legitimacy of its acts depends explicitly or by implication on conformity with the sharia. This has to be verified by a constitutional body staffed by the ruling elite. Moreover, the constitutions are often of fictile nature because of their extent or easy possibilities to amend or to suspend them.<sup>15</sup> The constitutional state powers are not well balanced. There is a predominance of the executive power at the expense of legislature and judiciary. In almost all constitutions of the Middle Eastern states it is not solely up to the parliament to enact laws. The constitutions allow the head of the state and/or the government to also make laws and/or to hinder parliamentary legislation generally or in special situations. On the other hand the parliaments have only restricted rights to control the government and their instruments to do this are often not sharp enough. As a matter of fact there is mostly a lack of well educated personal assistance, necessary technical equipment and an adequate organisational structure that allows parliaments to work efficient. Political elections are manipulated in favour of the authoritarian rulers by the formation of advantageous electoral districts and the determination of requirements for parties' and candidates' registration.<sup>16</sup>

In most, if not in all, Islamic shaped states personal independence of the judges is not granted legally or in fact. Very often, constitutions allow the executive to replace judges for special reasons. Furthermore, the executive exerts influence on judges to act in their favour by means of bribery or threats. For many constitutions the principle that the competence of a judge must be fixed before the case comes to court is unknown. Legal protection is constitutionally given to the citizens but not against all executive acts of the state and is not concretized by the law in an effective way. Courts very often lack sufficient means and technical equipment to grant justice quickly.<sup>17</sup>

In Middle Eastern constitutions individual rights are subordinate to state interests. The executive has wide constitutional possibilities to interfere with individuals' spheres. Enforceable rights are granted to individuals exceptionally and only in a restricted manner. Fundamental rights catalogues written in nearly all constitutional documents of the Islamic

states are more of programmatic than of legal character. These rights are often expressed in terms which allow state actors to interpret them in their way; they are mostly restricted by numerous and extensive limitation clauses. In many documents constitutional courts are granted but individuals are normally not allowed to file an action before their judges. Also in administrative law individual rights are of marginal relevance because the law is dominated by state interests. Neither administration nor jurisdiction knows a widespread judicial custom of constitutional arguments in administrative acts respectively court decisions. Criminal justice is an important instrument for authoritarian regimes to oppress political opponents<sup>18</sup>. The public prosecution service and state courts interpret the elements of laws protecting public interests widely, prosecute and convict political opponents to a great extent – even if they are innocent.

The use of torture or the threat of torture to extract the truth are forbidden but nevertheless used in many states. The rights of the defendant are often limited and not always respected in practice. Political crimes are frequently dealt with by military or special courts. Judges do not uncommonly decide in favour of the ruling elite because they are part of it or afraid of reprisal.<sup>19</sup>

### *III. Actual legal Problems in the political and socio-economic Context<sup>20</sup>: General Problems and Perspectives of the Region*

The current protest movements in many Islamic states of the Middle East are based on a deplorable state of socio-economic affairs not only in poorer countries like Egypt, Jordan or Yemen, but also in oil-rich states like Libya. Despite high financial incomes these countries do not have a sustainable economic growth rate which could create jobs and grant prosperity not only for the ruling elites but also for most parts of the rapidly growing population, because of the rent capitalistic character of their economy which has been contaminated by widespread corruption and nepotism.

The economies of the poorer states do not keep up with the population growth and suffer from the lack of resources and insufficient political conditions that include corruption and nepotism. Therefore, everywhere in the region unemployment rates are high

<sup>15</sup> To the law of emergency see Nathan J. Brown (fn. 7), p. 65, and John Finn, *Constitutions in Crisis: Political Violence and the Rule of Law*, 1991.

<sup>16</sup> Nathan J. Brown (fn. 7), p. 35 ff. und 111 ff.

<sup>17</sup> Nathan J. Brown (fn. 7), p. 143 ff.; regarding the misuse of the judiciary by authoritarian regimes see also Tamir Moustafa, *The Struggle for Constitutional Power*, 2007, p. 19 ff..

<sup>18</sup> Opponents of regimes are pursued e.g. in Morocco, Algeria, Libya, Syria, Saudi Arabia, Bahrain and Iran. They were pursued until the recent change in Egypt and Tunisia.

<sup>19</sup> To the legal practice see the annual reports of Amnesty International concerning the Middle East and North Africa (report of 2010: [www.amnesty.de/2010/5/27/naher-osten-und-nordafrika](http://www.amnesty.de/2010/5/27/naher-osten-und-nordafrika); 8.5.2011) and the annual country reports of Amnesty International ([www.amnesty.de/laenderberichte](http://www.amnesty.de/laenderberichte); 8.5.2011).

<sup>20</sup> Internet citations in the following text are from the May 8<sup>th</sup>, 2011 if no other date is given.

and mostly young unemployed people suffer from absolute or relative poverty which has until now been alleviated in the oil-rich states by financial aids. In poorer states those who have jobs and are working for the state are often badly paid and unable to feed their families solely with their income. In countries like Egypt and Yemen which do not have the financial resources to support wide parts of the population the people suffer badly from rising prices of staple foods.

All these socio-economic conditions allow the protesters to call for deficient presidents and prime ministers to step down and for economic and social reforms to be undertaken. In detail, they demand more jobs, higher wages, lower prices for the vital products, more equitable taxation and the end of corruption and nepotism. Well-heeled states like Saudi Arabia and Bahrain try to calm protesters by granting direct financial aids and promising jobs in the public service.<sup>21</sup> Young and mostly well educated citizens are suffering, more or less, under the political restraints of public life along with the upcoming new middle class. They are influenced by the individual freedoms of the western hemisphere and the informational freedoms of new media. But restraints make it impossible or difficult to openly discuss all actual questions and to engage freely in daily life. For these reasons the demonstrators in

many Islamic shaped states demand the authoritarian elites step aside in favour of democratic governments formed by free and fair parliamentary elections based on new electoral laws, free competition of political parties, freedom of opinion, press and assembly and of lifting the state of emergency if it is still in force<sup>22,23</sup> In kingdoms such as Morocco, Jordan, Bahrain, Oman and Saudi Arabia voices advocating transforming the absolute monarchies into constitutional ones in which the government is to be raised by the parliament were to be heard.<sup>24</sup> Religious minorities like the Copts in Egypt and the Shiites in Bahrain and Saudi Arabia are asking for an end of discrimination and marginalisation.<sup>25</sup> Concerning the systems of security and justice, protesters are demanding an independent justice, lawful action by police and security forces, inquiries into their violent actions especially during the protests and the release of political prisoners.<sup>26</sup>

The protest movements in the Islamic states are differently powered by the described socio-economic and political factors depending on specific historical and political, social and economic conditions in every country. Politically the following aspects are important: Some countries like Tunisia, Libya, Egypt and Yemen have been suffering from long-standing and ineffective presidents.<sup>27</sup> The ruling elites of states like Tunisia, Libya and Egypt

- <sup>21</sup> Michael A. Lange, "Umbruch im Nahen Osten," *KAS-Auslandsinformationen* 3/2011, 8.3.2011 (<http://www.kas.de/wf/de/33.22141/>); Muriel Asseburg/ Isabelle Werenfels, "The Toppling of Ben Ali: Isolated Development or First Domino?," *SWP-Comments* 5, February 2011 ([http://www.swp-berlin.org/fileadmin/contents/products/comments/2011C05\\_ass\\_wrf\\_ks.pdf](http://www.swp-berlin.org/fileadmin/contents/products/comments/2011C05_ass_wrf_ks.pdf)); Stefan Winkler, "Genealogie des ägyptischen Frühlings," 10.2.2011 (<http://de.qantara.de/Generalogie-des-aegyptischen-Fruhlings/2974c3068i1p83/>); Loay Mudhoon, "Algerien ist ein durch und durch korruptes Land", Interview mit Werner Ruf, 31.1.2011 (<http://de.qantara.de/Algerien-ist-ein-durch-und-durch-korruptes-Land/450c418i1p18/>); Werner Ruf, "Aufbruch in Tunis," 14.4.2011 (<http://www.jungewelt.de/2011/04-14/045.php>); Sigrid Faath, "Langfristiger Reifeprozess," 19.1.2011 (<http://de.qantara.de/Langfristiger-Reifeprozess/16079c16302i1p419/index.html>); Sihem Bensedrine, "Wir haben ein Recht auf Arbeit, Diebesbande!" 17.1.2011 (<http://de.qantara.de/Wir-haben-ein-Recht-auf-Arbeit-Diebesbande/2951c3045i1p83/index.html>); Emad Ghanim, "Die jungen Araber glauben nicht mehr an Ideologien," Interview mit Rachid Ouaisa, 21.2.2011 (<http://de.qantara.de/Die-jungen-Araber-glauben-nicht-mehr-an-Ideologien/2986c3080i1p83/>); Martin Lejeune, "Die Opposition bleibt königstreu," 7.3.2011 (<http://www.ag-friedensforschung.de/regionen/Jordanien/koenig.html>); Guido Steinberg, "Ein Koloss auf tönernen Füßen," 14.3.2011 (<http://de.qantara.de/Ein-Koloss-auf-toenernen-Fuessen/3000c83/index.html>); Cortni Kerr/ Toby Jones, "Bahrain at the Crossroads," 16.3.2011 (<http://www.independent.org/2011/03/15/bahrain-at-the-crossroads/>); Barak Barfi, "Der Kampf um Bahrain," 2.3.2011 (<http://de.qantara.de/Der-Kampf-um-Bahrain/2992c83/index.html>); Sabine Damir-Geilsdorf, "Wir sind alle Bahrainis – keine Sunna, keine Schia!" 23.2.2011 (<http://de.qantara.de/Wir-sind-alle-Bahrainis-keine-Sunna-keine-Schia/2988c3082i1p83/>); Saleh al Shaibany, "Sultan of Oman receives demands," 5.3.2011 (<http://www.thenational.ae/news/worldwide/middle-east/sultan-of-oman-receives-demands>); Christoph Sydow, "Qabus ist nicht Gaddafi," 2.3.2011 (<http://www.zenithonline.de/deutsch/politik/artikel/qabus-ist-nicht-gaddafi-001574/>); Jens Heibach, "Aus Pink wird Jasmin," 14.3.2009 (<http://www.zenithonline.de/deutsch/politik/artikel/aus-pink-wird-jasmin-001633/>); Thomas Birringer, "Jemen: Revolution verschoben?", 17.2.2011 (<http://www.kas.de/rpg/de/publications/21933/>).
- <sup>22</sup> This is the case in Egypt.
- <sup>23</sup> Michael A. Lange (fn. 21); Muriel Asseburg/ Isabelle Werenfels (fn. 21); Amira El Ahl, "Genug ist genug!" 28.1.2011 (<http://de.qantara.de/Genug-ist-genug/2967c3061i1p83/>); Stefan Winkler (fn. 21); Beat Stauffer, "Jasminduft und Pulverdampf," 17.1.2011 (<http://de.qantara.de/Jasminduft-und-Pulverdampf/2956c83/index.html>); Sihem Bensedrine (fn. 21); Muriel Asseburg/ Heiko Wimmen, "Reformunfähigkeit in Damaskus?" 21.4.2011 (<http://www.swp-berlin.org/de/kurz-gesagt/leere-versprechungen-statt-echter-reformen.html>); Carsten Wieland, "Asad's Lost Chances," 13.4.2011 (<http://www.merip.org/mero/mero041311>); Martin Lejeune (fn. 21); Emad Ghanim (fn. 21); Martin Gehlen, "Machtprobe auch in Riad?" 11.3.2011 (<http://www.tagesspiegel.de/politik/machtprobe-auch-in-riad/3938682.html>); "Saudi-Arabien: Online-Petition an den König," 7.3.2011 (<http://www.nahost.info/sonstige/saudi-arabien-online-petition-an-den-koenig-10521333.html>); Cortni Kerr/ Toby Jones (fn. 21); Barak Barfi (fn. 21); Sabine Damir-Geilsdorf (fn. 21); Saleh al Shaibany (fn. 21).
- <sup>24</sup> Andrea Nüsse, "Reformen in Marokko und Jemen angekündigt," 10.3.2011 (<http://www.tagesspiegel.de/politik/reformen-in-marokko-und-jemen-angekuendigt/3937482.html>; 8.5.2011); Martin Lejeune (fn. 21); Martin Lejeune, "Auch in Saudi-Arabien gibt es einen 'Tag des Zorns'," 3.3.2011 (<http://www.ag-friedensforschung.de/regionen/Saudi-Arabien/zorn.html>); Cortni Kerr/Toby Jones (fn. 21); Sabine Damir-Geilsdorf (fn. 21); Christoph Sydow (fn. 21).
- <sup>25</sup> Guido Steinberg (fn. 21); Martin Lejeune (fn. 24); Cortni Kerr/Toby Jones (fn. 21); Barak Barfi (fn. 21); Sabine Damir-Geilsdorf (fn. 21); Sally Khalifa Isaac, "Von Versöhnung keine Spur," in: *Internationale Politik*, März 2011 (<http://www.internationalepolitik.de/2011/03/17/von-versohnung-keine-spur/>).
- <sup>26</sup> Amira El Ahl (fn. 23); Sihem Bensedrine (fn. 21); "Saudi-Arabien: Online-Petition an den König" (fn. 23); Saleh al Shaibany (fn. 21); Martin Lejeune (fn. 24); Cortni Kerr/ Toby Jones (fn. 21).
- <sup>27</sup> Beat Stauffer (fn. 23); Thomas Birringer (fn. 21); cp. Sihem Bensedrine (fn. 21); Michael A. Lange (fn. 21).

are known for getting rich by misappropriation of public funds.<sup>28</sup> The greatest lacks of political freedoms are to be seen in Tunisia and Saudi Arabia.<sup>29</sup> In states like Egypt, and to a lesser extent Libya, the military, which in Egypt also plays an important role in the economy, is an important pillar for the ruler.<sup>30</sup> Mercenaries in the army are a problem in Bahrain and probably in Libya.<sup>31</sup> Rulers in Libya, Jordan, Saudi Arabia and Yemen are primarily supported by a tribal system.<sup>32</sup> In Saudi Arabia the legitimacy of the ruling family depends on a pact with Wahhabite religious scholars. In Jordan and Morocco the kings trace their legitimacy back to the fact that they descend from the Prophet Muhammad. Problems with a heterogeneous population have arisen not only in Egypt concerning the Copts and in Bahrain and Saudi Arabia regarding the Shites but also in Jordan which has a large population of Palestinians.<sup>33</sup>

### III.2 Need and Proposals for Legal Reforms

#### *Democracy*

The authoritarian elements of the constitutions, parties and electoral laws have to be changed into democratic ones. The form of government must be defined as democratic and the people have to be identified as the origin of the state power. But such formal provisions can be found in most constitutions of the Islamic Middle East,<sup>34</sup> as well as in states which are far from being democratic. Thus, they do not guarantee that the state is governed by the will of the people. To do this states require free competition of parties, free elections of parliament

members and the free formation of governments by the parliaments. Therefore, the constitutions first have to stipulate the right to establish a political party and to fix the principles of the representatives' elections. Both are not, or not sufficiently, realized in all constitutions of the Islamic Middle East<sup>35</sup>. Secondly, these rights must not be limited to an extent that allows the executive to minimize these freedoms disproportionately. This is the case in a lot of Middle Eastern constitutions concerning their political parties<sup>36</sup>. Many constitutions authorize the legislator to govern the details in party and election laws.<sup>37</sup> These provisions and their application by the competent executive body are a very important indicator of the democratic or non-democratic character of the regime. While the constitution may grant the right to establish a party without any limitations, party law can reveal strict conditions or heavy restrictions that make it impossible for political opponents to form a party. Also candidacy for presidential or parliamentary elections can be extremely restricted by the election law so that unsuitable candidates can be eliminated by the regime in power. The prevailing majority voting system allows the ruling class to shape the electoral districts to their own advantage. In order to prevent that the ruling elite misuses the party and election law for their own benefit the crucial points may be governed in the constitutions exclusively. The party and election laws have to be reformed in a liberal way. Disproportional restrictions for parties and candidatures have to be abolished. Replacing the majority voting system with the proportional representation system to eliminate injustice should be considered. To assure equal opportunities for the

- <sup>28</sup> Stephan Roll, "Die Aufarbeitung von Korruption in Ägypten," *SWP-Aktuell* 24, April 2011 ([http://www.swp-berlin.org/de/produkte/swp-aktuell-de/swp-aktuell-detail/article/aufarbeitung\\_von\\_korruption\\_in\\_aegypten.html](http://www.swp-berlin.org/de/produkte/swp-aktuell-de/swp-aktuell-detail/article/aufarbeitung_von_korruption_in_aegypten.html)); Werner Ruf (fn. 21); Alfred Hackensberger, "Stolpersteine auf dem Weg zur Demokratie," 17.1.2011 (<http://de.qantara.de/Stolpersteine-auf-dem-Weg-zur-Demokratie/2959c3053i1p83/>); Sihem Bensedrine (fn. 21); Beat Stauffer (fn. 23); Yasmin El-Sharif / David Böcking, "Jagd auf Gaddafis Milliarden beginnt," 23.2.2011 (<http://www.spiegel.de/wirtschaft/soziales/0,1518,747145,00.html>).
- <sup>29</sup> Beat Stauffer (fn. 23); Sihem Bensedrine (fn. 21); Martin Lejeune (fn. 24).
- <sup>30</sup> Thomas Demmelhuber, "Mubaraksystem ohne Mubarak?" 3.3.2011 (<http://de.qantara.de/Mubaraksystem-ohne-Mubarak/460c428i1p297/>); Muriel Asseburg / Stephan Roll, "Ägyptens Stunde null?" *SWP-aktuell* 10, Februar 2011 (<http://www.swp-berlin.org/de/products/swp-research-paper-detail/article/aegyptens-stunde-null-1.html>); Emad Ghanim (fn. 21); Chamselassil Ayari, "Gaddafis Verbleib provoziert einen Bürgerkrieg", Interview mit Ziad Apl, 3.3.2011 (<http://de.qantara.de/Gaddafis-Verbleib-provoziert-einen-Buergerkrieg/463c431i1p135/index.html>).
- <sup>31</sup> Barak Barfi (fn. 21); Arne Perras, "Gaddafis schreckliche Helfer," 24.2.2011. (<http://www.sueddeutsche.de/politik/2.220/soeldner-in-libyen-gaddafis-schreckliche-helfer-1.1064594>).
- <sup>32</sup> Hanspeter Mattes, "Alle Macht den Stämmen," 3.3.2011 (<http://de.qantara.de/Alle-Macht-den-Staemmen/466c434i1p135/>); Stephan Lorenz, "Libysche Stämme im Ungleichgewicht," 24.2.2011 ([http://www.zmo.de/pressekit/material/2011/Freie\\_Presse\\_Libyen\\_24\\_2.pdf](http://www.zmo.de/pressekit/material/2011/Freie_Presse_Libyen_24_2.pdf)); Martin Lejeune (fn. 21); Jens Heibach (fn. 21).
- <sup>33</sup> Sally Khalifa Isaac (fn. 25); Guido Steinberg (fn. 21); Barak Barfi (fn. 21); Sabine Damir-Geilsdorf (fn. 21); Martin Lejeune (fn. 21).
- <sup>34</sup> Democracy: Constitutions of Morocco (art. 1), Algeria (art. 1, 14), Tunisia (preamble), Egypt (art. 1 of the interim constitution), Syria (preamble, Art. 1), Bahrain (preamble, art. 1), Iraq (preamble, art. 1); not: Jordan, Oman, Saudi Arabia, Yemen, Iran. People as sovereign: Constitutions of Morocco (art. 2), Algeria (art. 6), Tunisia (preamble, Art. 3), Egypt (art. 3), Syria (art. 2), Bahrain (art. 1), Yemen (art. 4), Iraq (preamble, art. 5), cp. Iran (art. 1, 3, 56); not: Jordan, Oman, Saudi Arabia.
- <sup>35</sup> The right to establish a political party is expressly granted e.g. in the constitutions of Algeria (art. 42), Egypt (art. 4), Jordan (art. 16), Syria (art. 8), Iraq (art. 39), Iran (art. 26); furthermore parties are constitutionally accepted in the constitutions of Morocco (art. 3) and Tunisia (art. 8); parties have no place in the constitutions of Bahrain, Oman, Saudi Arabia, Yemen. Principles of the representatives' elections are stipulated e.g. in the constitutions of Tunisia (art. 18, 39), Egypt (art. 32, 35), Syria (art. 50), Jordan (art. 67), Bahrain (art. 56), Yemen (art. 41), Iraq (art. 49), Iran (art. 62); not: Oman, Saudi Arabia.
- <sup>36</sup> E.g. the constitutions of Algeria (art. 42), Tunisia (art. 8), Syria (art. 8), Iran (art. 26).
- <sup>37</sup> E.g. the constitutions of Morocco (art. 37), Algeria (art. 42, 89, 103, 123), Tunisia (art. 8, 18, 20, 39), Egypt (art. 4, 32, 35, 38), Syria (art. 50, 52, 54, 129), Jordan (art. 67), Bahrain (art. 42, 56), Yemen (art. 118), Iraq (art. 39, 49), Iran (art. 62, 100, 118).
- <sup>38</sup> According to the following constitutions the president or the king installs and dismisses the prime minister: Egypt (art. 56), Algeria (art. 77), Tunisia (art. 50 f.), Morocco (art. 24), Jordan (art. 35), Syria (art. 95), Bahrain (art. 33), Oman (art. 48); cp. Yemen (art. 111); the president charges the nominee of the largest parliamentary bloc to form a government in Iraq (art. 76). In Saudi Arabia the king is the prime minister (art. 56 of the Basic Law).

parties and transparency of political influence it may be important to govern the financing of the parties and its transparency. A stable democracy needs a sophisticated system of checks and balances. Above all, a strong executive power must be limited. If the form of government is a republic, the president is normally the head of state. In presidential systems like the republics of the Middle East, the president is also the head of the executive and generally elected by the people. In these countries, democracy demands to shorten the president's term of office if it is too long, to restrict his often infinite re-eligibility and to reduce his immense competences. Changing these presidential systems to parliamentary ones where the president's role has a mainly representative function, should be worth considering because of the recent experience that the heads of the executive have often misused their powers in favour of the ruling elite. However, a presidential or at least semi-presidential system with a direct election of the sovereign would best meet the demands of democracy and follow in the long oriental tradition of a leading figure at the top of the state. If the state is shaped as a monarchy and this form should not be changed, the absolute reign of the king has to be transformed into a constitutional one where the monarch's powers are fixed in a constitution. The president or the king has to hand over a lot of his executive competences to the government headed by a prime minister. Firstly, it should be the right of the parliament – not of the president or the king – to install or dismiss the prime minister or his government.<sup>38</sup> The president also has to give up his ability to legislate by directives or decrees granted directly by the constitution<sup>39</sup> or by an emergency law<sup>40</sup> in favour of the parliament.<sup>41</sup> The latter must be transformed from an advisory or pseudo-legislative institution into a powerful body of legislation with the exclusive right to manage the budget of the state. The constitutional possibilities to declare a state of emergency or to enact emergency laws should be called into question and at least made more difficult. The parliament needs rights and instruments to control the government like the right of interpellation, establishing investigating committees and initializing votes of non-confidence, which are already granted to some extent by a lot of constitutions.<sup>42</sup> To strengthen the parliament also means to make its work more effective by granting a service of well-quali-

fied staff and modern technical equipment. This will not necessarily be worth mentioning in the constitution if the parliament is entitled to decide on the budget and therefore is able to grant such a service by itself.

Furthermore, the justice system must be strengthened. The constitutions have not only to grant judges the independence to decide their cases but also to guarantee them personal independence. In this regard, they do not have to be afraid of being displaced or having other job-related or private disadvantages because of unpopular decisions.<sup>43</sup> The selection of judges must be democratically legitimized, at least indirectly.<sup>44</sup> High-ranking judges may be elected or approved directly by the parliament. The constitution ought to grant citizens legal protection by court against all acts of the state which they are affected by, especially against violations of their basic rights. Special courts for certain cases or jurisdiction of military courts for special non-military cases, especially for crimes of endangering the state or terrorism<sup>45</sup>, should be abolished.

#### *Individual freedoms and guarantees*

Basic rights should become more effective. It should not only be stipulated in the constitutions that all public authorities are obliged to respect and to protect the basic rights of the citizens without any exception. Moreover, it may also be explicitly recognized that the basic rights are not only objective law but also rights of subjects. Thus, citizens will be entitled to enforce their fundamental rights howsoever if these are violated by the state. The fundamental freedoms granted in the constitution have to be completed by the freedom to change religion, including Islam. The limitations of the basic rights have to be reduced and concretized. General reservations like the sharia and the public order must be widely abolished. The essential content of every freedom ought to be protected absolutely. That may be explicitly stipulated in the constitutions. Laws developing individual freedoms like the laws of assembly, of associations, of the press or the media have to be shaped in a liberal way that promotes making use of these freedoms. The basic rights of non-discrimination should expressly embrace discrimination based on sex or religion. It

<sup>38</sup> E.g. the constitutions of Egypt (art. 56), Algeria (art. 77, 120, 124, 125), Tunisia (art. 28, 31, 33), Morocco (art. 29, 69), Jordan (art. 40, 94), Syria (art. 99), Bahrain (art. 35), Oman (art. 42).

<sup>39</sup> E.g. the constitutions of Egypt (art. 59), Algeria (art. 91-93), Tunisia (art. 28), Morocco (art. 45), Jordan (art. 124), Syria (art. 101, 113), Iraq (art. 61), Iran (art. 79), Yemen, (art. 97), cp. Oman (art. 42), Saudi Arabia (art. 61 of the Basic Law).

<sup>41</sup> Saudi Arabia does not have a parliament, only a Shura Council (art. 68 of the Basic Law).

<sup>42</sup> E.g. the constitutions of Algeria (art. 133, 135-137), Morocco (art. 75 ff.), Jordan (art. 53 f., 96), Syria (art. 72), Iraq (art. 61), Iran (art. 87-89), Bahrain (art. 65 f.), Yemen (art. 73-75). None of these stipulations embrace the right to establish investigating committees.

<sup>43</sup> Cp. the constitutions of Egypt (art. 47), Iran (art. 164), Oman (art. 61), Yemen (art. 122).

<sup>44</sup> That is not the case e.g. in Saudi Arabia, where judges are appointed and dismissed by royal decree (art. 52 of the Basic Law). In many constitutions the legislator is empowered to rule these questions by a special law.

<sup>45</sup> That was the case in the suspended constitution of Egypt (art. 179).

may be useful to define that men and women have the same rights, not only rights of the same weight and that Muslims and adherents of any other religions have to be treated equally in all respects without a reservation of the sharia.

Basic rights in judicial proceedings must be developed. The principle that the competence of a judge must be fixed before the case comes to court ought to be introduced into the constitutions. Also the ability of the police to arrest people and the rights of the arrested people should be fixed in the constitution if this is not yet the case or if the granted rights are not sufficient.<sup>46</sup> In general the competence of the police has to be considerably limited. Furthermore the rights of the citizens accused of a crime may be prescribed in the constitution if they are not yet stated.<sup>47</sup> But that would not be enough. Police law and criminal law also have to be reformed in a way that respects the subjective fundamental rights of citizens. The criminal liability of adultery, homosexuality, apostasy and blasphemy as well as corporal punishments like stoning, amputation and flogging which are executed in several states should be abolished. Abuses of authority and corruption of office holders ought to be prosecuted and punished strictly.

Commissions for investigating suspicions of misuses of authority in the time of authoritarianism and for displacing guilty judges, prosecutors and policemen could be established to reappraise the past.<sup>48</sup> Proceedings to rehabilitate and compensate victims of abuses of authority are an act of justice. The constitutions should establish constitutional courts if they have not existed yet.<sup>49</sup> These courts ought to have the competence at least to declare violations of citizens' basic rights if not to annul the correspondent acts of the state.

### *Social justice*

The idea of social justice may be introduced or rooted deeper in the constitution if this is not yet the case.<sup>50</sup> Social justice may be stated as a goal of the

state or the social character of the state may be fixed as a principle or stressed otherwise.<sup>51</sup> The economic constitution of the state should constitutionally be given a social component if not determined as a social market economy.<sup>52</sup> The state could be obliged by constitution to undertake specific measures, e.g. to struggle against corruption<sup>53</sup>, to set up housing programmes<sup>54</sup> or social insurance systems<sup>55</sup>. The citizens may be guaranteed certain social basic laws<sup>56</sup>. However, such rights should only be granted to a realistic extent.

In order to prevent unjustified enrichment of politicians, members of parliament and government as well as other holders of constitutional offices may be obliged by the constitution to periodically make their income, including its sources and levels, public. It should also be considered to declare the holding of constitutional offices incompatible with managing or representing economic or financial corporations, associations and other organisations.<sup>57</sup> It could be helpful to fix a rate of the state income for investment by constitution to fight rent capitalism. In regional heterogeneous states it seems very important to regulate the distribution of state income in an equitable way that all regions can participate from the state income.<sup>58</sup> However, these constitutional implementations of the social idea are not sufficient to meet the demands of the protesters as the uprisings in states like Bahrain, where the social idea is still deep-seated in the constitution, have made apparent. The constitutional social principles and rights will be foiled in so far as they are not efficiently, strictly and legally applied or granted, respectively. Laws which concretize the constitutional stipulations are missing or defective or have been applied in an illegal way, especially by corruption and nepotism.

The procedures concerning applications of subsidies and other social benefits are ineffective and long-standing. Without comprehensive reforms of the civil service including the introduction of specific controlling systems, an effective administration in social affairs cannot be achieved.

<sup>46</sup> Cp. the constitutions of Egypt (art. 7, 23), Algeria (art. 48), Tunisia (art. 12), Iraq (art. 19), Iran (art. 32, 39), Oman (art. 24), Yemen (art. 32 b-e).

<sup>47</sup> E.g. the constitutions of Egypt (art. 20), Syria (art. 28), Iraq (art. 19); Iran (art. 35, 37); cp. the insufficient stipulations in the constitutions of Tunisia (art. 12), Bahrain (art. 20), Oman (art. 23), Yemen (art. 31).

<sup>48</sup> E.g. the Fact Finding Commission in Tunisia (<http://www.ledevoir.com/international/afrique/314847/un-gouvernement-d-union-nationale-est-en-place-en-tunisie> and <http://www.tunisiaonlinenews.com/fact-finding-commission-on-abuse-741-files-lodged/>).

<sup>49</sup> No constitutional court exists e.g. in Jordan, Oman and Saudi Arabia.

<sup>50</sup> This is not the case e.g. in the constitutions of Tunisia and Egypt.

<sup>51</sup> E.g. the constitutions of Morocco (art. 1), Algeria (preamble, art. 8, 14), Bahrain (art. 4), Oman (art. 12), Iran (art. 3 no. 7, 8, 12).

<sup>52</sup> E.g. the constitutions of Bahrain (art. 10), Oman (art. 11), Iran (art. 3 no. 12, 43), cp. the constitution of Morocco (art. 15), Yemen (art. 6) and the basic law of Saudi Arabia (art. 17, 22).

<sup>53</sup> E.g. the constitution of Iran (art. 1 no. 1).

<sup>54</sup> E.g. the constitutions of Bahrain (art. 9), Iraq (art. 30), cp. the constitution of Iran (art. 31).

<sup>55</sup> E.g. the constitutions of Bahrain (art. 5), Syria (art. 46), Iran (art. 3 no. 12).

<sup>56</sup> Cp. the constitutions of Algeria (art. 55, 59), Bahrain (art. 5, 8, 13), Iraq (art. 22, 30, 31, 32), Jordan (art. 6, 23), Syria (art. 36, 46-49), Iran (art. 28-31), Yemen (art. 19, 21), the basic law of Saudi Arabia (art. 17, 27-31).

<sup>57</sup> E.g. the constitutions of Bahrain (art. 48, 98), Jordan (art. 44), Syria (ministers, art. 120), Iran (art. 141). In Morocco (art. 37, 38), Algeria (art. 103) Jordan (art. 68), Syria (membership in the assembly, art. 68) and Yemen (art. 93, 108) the constitution empowers the legislative to rule the incompatibilities by laws.

<sup>58</sup> E.g. the constitutions of Iraq (Art. 106, 110, 111, 112), Iran (art. 48).

*Legal culture*

The success of legal reforms depends considerably on the fact that not only the norms but also the legal culture has to change. The whole legal thinking and acting should be penetrated by the constitution and its principles of democracy, rule of law, basic rights and social justice. These principles have to rule the legislature, the interpretation and the application of non-constitutional law. New thinking should arise in the parliament, at court and in the administration. Therefore, the education and training of legal staff has to be changed radically. Such a change seems to be a task for at least one generation.

**III.3 Legal Problems of Transition**

*General Problems*

The overthrow of an authoritarian regime regularly involves the replacement of the authoritarian constitution. Such legal transition does not take place without problems. The first question is how to end the validity of the existing constitution. The second question is – if the latter has taken place – how to get a new one. The situation will be more complicated if the existing authoritarian government bodies have become vacant or have lost their legitimacy so that elections for president and/or parliament are necessary at the same time. The normal way to transit from one constitution to another is that the existing representatives legally elected on grounds of the old constitution form a constitutional assembly which elaborates a new constitution that has to be adopted by a national referendum. However, this cannot be realized if these representatives do not have any legitimacy or have lost it because of an unfair and non-democratic acquisition of their office. In such a case the members of the constituent assembly may be elected by the people themselves.

The coincidence of new elections on the one hand with the creation of a new constitution on the other hand pose the question of which chronological order all the steps which are necessary to reach the different aims have to be undertaken in. The old constitution may set a short term to elect a new president if the former has abdicated, whereby the legal consequences of not meeting that term may

be disputed. But to elect a new president on the basis of the authoritarian constitution and before the election of the new parliament would mean running the risk of a new authoritarian regime. A new parliament in place of the old one may be better legitimized to create a constituent assembly. On the other hand a more democratic constitution will guarantee fairer elections.

*Tunisia's Way*

Tunisia and Egypt have taken different ways: Tunisia's modus operandi is first to prepare a new constitution on the basis of which elections should take place. On the January 15<sup>th</sup>, 2011, after president Zine al-Abidine Ben Ali had fled Tunisia, the Constitutional Council declared the president to be abdicated because of having permanently left office. It also appointed the leader of the lower house of parliament, Fouad Mebazza, as interim president who has to manage presidential elections within two months. The council made its rulings at the request of Prime Minister Mohammed Ghannouchi according to the procedure of Art. 57 of the Tunisian Constitution (TC).<sup>59</sup> On March 3<sup>rd</sup>, Mebazza announced that a constituent assembly ought to be elected on July 24<sup>th</sup>, which would first decide the interim president and government until the elections, secondly work out a new constitution and thirdly prepare the next elections for president and parliament.<sup>60</sup> The Higher Commission for Political Reforms<sup>61</sup>, that is preparing the elections, elaborated a new election law, which will implement a proportional representation system,<sup>62</sup> and has recently announced it will shift elections on the grounds of technical and logistic reasons to October 16<sup>th</sup>.

The outlined procedure contradicts the constitutional provisions of the interim presidency. Art. 57 TC fixes the interim president's term in office for a period from 45 to 60 days, in which presidential elections shall be held. That period has almost expired by the middle of March. Moreover, Art. 57 TC restricts presidential power because the interim president is not allowed to resort to a referendum, to dismiss the government, to dissolve the Chamber of Deputies or to take exceptional measures provided for in Art. 46 TC and to modify the constitution. However, a revision of the constitution has already started because elections for a constituent assembly are being prepared. Therefore, questions

<sup>59</sup> Maureen Cosgrove, "Tunisia constitutional council announces interim president, new elections," 15.1.2011 (<http://jurist.law.pitt.edu/paperchase/2011/01/tunisia-constitutional-council-announces-interim-president-new-elections.php>); Sigrid Faath (fn. 21); Naima El Moussaoui, "Tunesien plant Wahl eines Verfassungsrats," 4.3.2011 (<http://www.dw-world.de/dw/article/0,,14889050,00.html>).

<sup>60</sup> Anne Kampf, "Ägypten und Tunesien: Lust am Diskutieren und Wählen," 11.3.2011 (<http://www.evangelisch.de/themen/politik/aegypten-und-tunesien-lust-am-diskutieren-und-waehlen36247>), Sihem Bensedrine, "Kampf für Demokratie," 3.5.2011 (<http://oe1.orf.at/artikel/276045>); cp. Werner Ruf, "Tunesien: Die Demokratie nimmt Gestalt an," in: *inamo* 65, spring 2011, 57.

<sup>61</sup> This Commission is founded by former Prime Minister Mohamed Ghannouchi on January 17, 2011 (<http://www.ledevoir.com/international/afrique/314847/un-gouvernement-d-union-nationale-est-en-place-en-tunisie>).

<sup>62</sup> Jean-Pierre Séréni, "Tunesien bringt sich Demokratie bei" (<http://www.taz.de/1/politik/afrika/artikel/1/tunesien-bringt-sich-demokratie-bei/>, 5.6.2011).

concerning the legal consequences of the apparent disregard of the constitutional stipulations arises. With the provisions of Art. 57 TC the constituent had in mind to hinder the interim president installing himself as president without being elected during the presidency's vacancy. The restriction of the interim president's term in office only serves to accelerate the election of a new president. It is not in the interest of the state to lose its interim president when he has taken measures to solve the constitutional crisis and having the period expired without having elected a new president. Therefore, Art. 57 TC should be interpreted in such a way that the interim presidency has not come to an end when the period has expired.<sup>63</sup> The interim president's engagement to install a constituent assembly seems not to be a violation of the prohibition to modify the constitution which is ruled in the tenth chapter of the Tunisian constitution (Art. 76 ff. TC). Here, the revision of the constitution initiated by the president or the Chamber of Deputies is meant and not the creation of a new constitution by an elected constituent assembly. Additionally, the new constitution shall not be put into force during the interim presidency.

Acts of the constituent assembly like the installation of a temporary president and government, the creation of a new constitution and the preparation of elections for parliament and presidency will not be constitutionally based because the installation of a constituent assembly and its competences are not mentioned in the constitution. However, that lack might be compensated by the fact that the assembly is elected by the people as the sovereign of Tunisia. Thus, the constituent assembly will be democratically legitimized to manage the transition era into a more democratic one based on a new constitution. The principle of rule of law demands to shape that process by legal norms – especially the elections for the constituent assembly. The most important laws are the party and election laws which should guarantee the democratic character of the elections. These laws have to be reformed into liberal ones before the elections to make the elections for the constituent assembly as democratic as possible.

In early February both chambers of parliament empowered the interim president to rule by decrees which is granted by Art. 28 TC "for a limited period and for a determined objective".<sup>64</sup> Art. 57 TC does

not mention Art. 28 TC, so that this empowerment is also allowed for the benefit of the interim president. Whether the empowerment was temporally limited and determined for the elections cannot be affirmed.

### *Egypt's Way*

The persisting mass demonstrations in Egypt led to the demission of President Hosni Mubarak on February 11<sup>th</sup>, 2011. He passed his presidential powers to the Supreme Council of the Armed Forces under the leadership of the minister of defence, Muhammed Hussein Tantawi.<sup>65</sup> However, this procedure was not in conformity with the Egyptian constitution (EC). According to Art. 82, the president shall delegate his powers to his vice-president if he is "unable to carry out his function". Art. 83 EC stipulates that in case of resignation the president shall address his letter of resignation to the People's Assembly. According to Art. 84 EC, its speaker shall temporarily assume the presidency, the assembly shall proclaim the vacancy of the presidency and a new president shall be chosen within a maximum period of sixty days from the date of the vacancy.<sup>66</sup> By passing his power to the military President Mubarak initiated a *coup d'état* or was under constraint to initiate it.

On February 13<sup>th</sup>, Egypt's Supreme Council took over state power, suspended the constitution, dissolved both chambers of the parliament and announced a referendum to formulate a new constitution.<sup>67</sup> These acts which took place on the ground of factual, not legal power have to be interpreted as a *coup d'état* by the military, the most powerful institution in Egypt. That coup was legitimized only by the fact that it was the resigning president elected by the people on the ground of the annulled constitution who transferred his presidential powers to the Supreme Council of the Armed Forces, which is now challenged to lead the country's governance back into a constitutionally legitimate frame.

A commission of eight persons constituted by the council and headed by former judge Tariq al-Bishri, got the order to formulate amendments of the old constitution within ten days in so far that democratic elections for presidency and parliament are granted. Particularly the conditions for presidential candidates and for parties to attend the elections

<sup>63</sup> The contrary opinion is held by Anne Kampf, "Ägypten und Tunesien: Lust am Diskutieren und Wählen," 11.3.2011 (<http://www.evangelisch.de/themen/politik/aegypten-und-tunesien-lust-am-diskutieren-und-waehlen36247>).

<sup>64</sup> Jean-Pierre Cassarina, "Confidence-building in Tunisia after the Popular Uprising: Strategies and Dilemmas of the Interim Government," *IAI Working Paper*, February 2011, 3 f. (<http://www.iai.it/pdf/DocIAI/iaiw1104.pdf>).

<sup>65</sup> To the change and its consequences see Muriel Asseburg/ Stephan Roll (fn. 30) and Michael A. Lange, "Demokratischer Aufbruch in Ägypten" (<http://www.kas.de/wf/de/33.22077/>).

<sup>66</sup> The old Egyptian constitution is to be found on <http://www.egypt.gov.eg/arabic/laws/constitution/default.aspx> (Arabic) and in English on <http://www.egypt.gov.eg/english/laws/constitution/default.aspx> and <http://www.constitutionnet.org/files/Egypt%20Constitution.pdf>.

<sup>67</sup> See fn. 65.

should be alleviated. The commission was heavily criticized by human rights organisations and many protesters because of the Islamist background of al-Bishri and the composition of the commission that does not include any women.<sup>68</sup> Indeed, the members of the commission had no legitimacy because they were neither elected by the people nor appointed by an elected or otherwise democratically legitimized body. On February 26<sup>th</sup>, the committee presented its proposals for amending some articles of the old constitution concerning inter alia the conditions for being president and for candidates to get on the ballots, the president's term in office, the vice-president's appointment, the procedure and the supervision of elections, the declaration of a state of emergency and the revision of the constitution.<sup>69</sup> The articles were discussed intensely and controversially by Egypt's public.<sup>70</sup> The result of a referendum held on March 19<sup>th</sup> was the approval of the proposals by a majority of 77%, whereby 41% of the people participated in the polls.<sup>71</sup> On March 30<sup>th</sup>, the military council proclaimed a "Constitutional Declaration", an interim constitution of 63 articles containing the articles approved by the referendum.<sup>72</sup>

The interim constitution focuses the state power on the Supreme Council entrusting it with the administration of the state affairs including legislative and executive powers. It outlines the procedure for the prospected parliamentary and presidential elections. According to Art. 41, the elections for the parliament have to take place within six months after the proclamation of the interim constitution. Art. 60 deals with the procedure of creating a new constitution: The elected members of both chambers of the parliament elect the 100 members of the Constitutional Assembly at request of the Supreme Council within six months after parliamentary elec-

tions. The assembly should also draft a new constitution within six months, which has to be confirmed by a referendum within a further 15 days.

The constitutional procedure concerning the referendum and the enactment of the interim constitution is difficult to understand legally. The normal way would have been that the Supreme Council first had to formulate the interim constitution and afterwards put it to a referendum as a whole.

To hold a referendum only on some articles may be due to the fact that the Council does not have the heart to put more than some selected articles of the constitution to the people's vote because it is afraid of intense public discussions about crucial constitutional questions such as the Islamic character of the state and the sharia as the main source of law. Moreover, the Council may intentionally avoid a referendum on the interim constitution as a whole because the military is part of the old entourage of Mubarak and benefited a lot from their privileges in the old system. Perhaps they want to continue these privileges and transfer them into the new post-Mubarak era.

For instance, it could become a problem in the near future that the current interim constitution is only partly democratically legitimized, especially when a new parliament and a new president are to be elected. These institutions may be burdened by the fact that they were not established in a democratic way should legal questions based on the interim constitution arise. Another legal problem can be laid aside. That is the constitutional question of whether the referendum has re-enacted the old constitution by amending some of its articles. This problem has become out-of-date with the implementation of the interim constitution.

<sup>68</sup> "Women wary of new Egypt constitution," *Euronews*, 2.3.2011 (<http://www.euronews.net/2011/03/02/women-wary-of-new-egypt-constitution/>), Gesellschaft für bedrohte Völker, "Copts demonstrate for a secular state" ([http://www.gfbv.de/pressemit.php?id=2591&PH\\_PSESSID=bd6d24f2efc90a264f332c7da8fd9a0f](http://www.gfbv.de/pressemit.php?id=2591&PH_PSESSID=bd6d24f2efc90a264f332c7da8fd9a0f)).

<sup>69</sup> To the proposals see <http://news.egypt.com/en/egyptian-constitutional-amendments.html>, <http://english.ahram.org.eg/News/6537.aspx>, [http://mideast.foreignpolicy.com/posts/2011/02/28/it\\_s\\_not\\_a\\_revolution\\_yet](http://mideast.foreignpolicy.com/posts/2011/02/28/it_s_not_a_revolution_yet), <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=42817>, <http://www.reuters.com/article/2011/02/26/us-egypt-constitution-changes-idUSTRE71P28520110226>.

<sup>70</sup> To the discussion see Karin Leukefeld, "Bürgerrechtler prüfen Militärats-Vorschläge," in: *Neues Deutschland*, 16.3.2011 (<http://neues-deutschland.warenform.de/artikel/193285.buergerrechtler-pruefen-militaerrats-vorschlaege.html>) and the statement of the Egyptian Center for Women's Rights (<http://bikyamasr.com/wordpress/?p=29074>).

<sup>71</sup> To the referendum see <http://www.referendum.eg/>, <http://www.bbc.co.uk/news/world-middle-east-12763313> and <http://www.bbc.co.uk/news/world-middle-east-12801125> and Ivesa Lübben, "Das Referendum," in: *inamo* 65, spring 2011, 11.

<sup>72</sup> The interim constitution is to be found on <http://www.almasryalyoum.com/node/380474>.

## Europe's Mediterranean Policy and the Arab Spring

### I. Introduction

The countries in the Southern and Eastern Mediterranean are living through historical changes. Observers are divided on the evaluation of the new situation. Optimists tend to characterise the movement as the "4<sup>th</sup> wave of democratisation", "Arab revolutions", "Arab spring" or "Post-Islamist Era". Pessimists are drafting the scenarios of threatening counter-revolutions, civil wars or a take-over by Islamist forces. The constellation differs very much from one country to another. While Tunisia and Egypt are on a promising course with regard to a sustainable democratisation process, and the Moroccan king is trying to anticipate any uprising by a 'revolutionary' constitutional reform from above, the violent escalations in Libya, Syria and Yemen beg many more victims. Despite these dramatic situations of uncertainty and disorder, it is certain, that we are currently experiencing a paradigm shift in international relations in general and in Euro-Arab relations in particular.

What concrete impact does this current uprising movement in the Southern and Eastern Mediterranean region have on the future of Euro-Mediterranean Relations? As the movement is still going on, caution is advised with regard to speculations about the final outcome of these events in a mid and long term perspective. However it is evident, that EU policies cannot continue as before. During the last two decades, the EU and the EU member states as well as the United States, have considered the authoritarian regimes in the Southern and Eastern Mediterranean as a guarantee for stability in the area, and as a 'practical' instrument against Islamism, terrorism and unwanted migration. This approach is no longer maintainable.

### II. Acceleration of Change in Arab countries and de-phased European Responses

The Arab revolutions represent a major and new challenge for European foreign policy in the Mediterranean area. But while the situations in the Arab countries are developing at an unknown speed, Europe is occupied with its own internal institutional, political and economic problems (Greece, Spain, financial crises), slowed down by its clumsy bureaucracy and competence imbroglios. The Arab countries are shaking in their fundamentals, and Europe is counting Euros and migrants. This leads to a certain *de-phasing* between political realities and perceptions in the EU and the Arab countries.

Two scenarios mainly disquiet Europe: the scenario of Islamist majorities in the newly emerging political landscapes, and the destabilisation of the entire region through more revolutions and revolts, with consequences for the reliability of energy supplies, the size of migration flows and civic and nuclear security. Both scenarios are exaggerated. More likely, the different countries 'in change' will advance in their transition processes by somehow meddling through a jungle of increased difficulties: The socio-economic problems have even been aggravated through the revolutions, intraregional migration has grown<sup>1</sup>, foreign investments and incomes in the tourism sector have drastically decreased<sup>2</sup>, unemployment has increased, and the institutional and constitutional reform processes will take a very long time. The achievements of the Egyptian and Tunisian revolutions remain threatened by strong social problems in terms of demographic development, poverty, unemployment, and partially outdated education systems, producing graduates whose education is not adapted to the needs of the labour market.

But despite these numerous difficulties, the transition process in Tunisia wears on in big steps. One of the first decisions of the transition process was the establishment of the 50% equality principle between men and women candidates for the Constitution Assembly. Strikes and sit-ins now belong to the political daily routine, but are slowly normalising and becoming part of the political process. The security situation has calmed down. New and old politicians have started their campaigns for the election of the Constitutive Assembly, to be held on 23 October 2011. The number of political parties continues to explode; in June 2011, 92 political parties were admitted to the elections. *Facebook* continues to play an important role in the campaigning. Media and the press have become much more free, but often lack professionalism in independent and critical coverage. Civil society is very active in the transition process; since January 2011, more than 150 new associations have been created.

Do these promising developments mean that we can speak of a 4<sup>th</sup> wave of democratisation? The current movements, especially in Tunisia and in Egypt, have shown that it is the end of the "Arab exceptionalism", postulating that democracy and Arab countries were not compatible and that there would be a certain affinity of Arab societies for authoritarian regimes. This thesis has been rendered obsolete by the peaceful democratic revolutions in

<sup>1</sup> For instance, more than 50,000 Tunisian workers employed in Libya came back to Tunisia since the Libyan crises, and have to be integrated in the Tunisian labour market.

<sup>2</sup> The tourism sector in Tunisia in the time period from January to June 2011 has decreased by 50% in comparison to the same time period in 2010.

Tunisia and Egypt, which can to a certain extent be compared to the transitions in the Eastern European countries after the fall of the Berlin Wall, or to the colour revolutions in EU's Eastern Neighbourhood.<sup>3</sup> The revolutions and revolts in the Arab countries are definitely not motivated by Islamist ideologies or driven by Islamist forces. Even so some of them now try to profit from the situation, to become major players in the new emerging political landscapes (such as the Ennahda Party in Tunisia) and influence the further development of the transition processes.<sup>4</sup> The voices asking for a political system following the Turkish model are increasing. This model is understood as a way to combine democracy with Muslim traditions.

## *II. A "Renewed" European Neighbourhood Policy or "more of the same"?*

Through its hesitant reactions to the revolutions in Tunisia and Egypt, Europe has lost a lot of sympathies in the Arab societies. These hesitating reactions were understood as an indication that the EU would have preferred that the authoritarian regimes stay in power. The demonstrators on the Avenue Bourguiba in Tunis were waiting for a signal from Europe, while the French ministry for Foreign Affairs Michéle Alliot-Marie offered intensified security cooperation to the Ben Ali regime. The importance and the dimensions of the revolutionary movement had gone unrecognised and were misjudged until the last moment. Already before the Arab Spring, Europe had been criticised for having a double standards policy. The European reactions were understood as new evidence of this policy. At the same time, the solidarity declarations by European societies were perceived with relief and pride. But the image of the EU as an international actor has suffered. In contrast to the US, the EU has missed a chance to take position and to explain its solidarity with the Arab societies at the right moment with the right words. Then, Europe continued to give a poor public image of itself when the first (irregular) migrants from Tunisia arrived in the Italian island of Lampedusa, in the aftermath of the revolution. Instead of a helping and solidarity-oriented reflex to people who had just experienced a revolution, the securitisation of the Southern borders was in the foreground.

Finally, a wave of visits by European officials, ministers, politicians and representatives came to

Egypt and Tunisia, as well as numerous help announcements from the EU, EU member states and international organisations, including the G8 Summit. In March 2011, the High Representative for Foreign Affairs, Catherine Ashton, announced a new "Partnership for Democracy and Shared Prosperity in the Southern Mediterranean", but in the Southern and Eastern Mediterranean countries almost nobody took note of it.<sup>5</sup> The document is indeed 'more of the same' and somehow a return to the elements of the former Barcelona Process (1995-2008), that had been replaced by the introduction of the Union for the Mediterranean (UfM) in 2008. Political cooperation and the civil society dimension are now being re-introduced. Besides that, the new approach will permit more differentiation with regard to the heterogeneous situations in the respective countries and more flexibility in the cooperation process.

When the Arab revolutions happened, the internal reform process of the European Neighbourhood Policy (ENP) had already been going on since July 2010. Some corrections and adaptations to the new regional context have been made, but in fact, the EU unwinds its neighbourhood programme as planned, in accordance with the European calendar and agenda: without taking the time to get a clearer picture of the further mid and long term developments, and without demonstrating enough sense of hearing to new needs of the Southern and Eastern Mediterranean countries. In this case, the de-phasing is the other way round: for a substantial reform of the entire ENP concept, adapted to the new regional situation in the Southern Neighbourhood, more time for observation, analysis and dialogue with the newly emerging political actors in the Southern Mediterranean countries about their needs, capacities and future plans would have made sense. But here, on the contrary the EU was speedy, while the Southern neighbours are occupied and slowed down with their challenging transition processes. They only have little possibilities to formulate concrete proposals and to keep up with the European speed in this case.

The European Commission's proposal for a "new response to a changing Neighbourhood" (published in May 2011) provides some new indications about the reframing of the different existing cooperation frameworks between the EU and its Southern Neighbourhood, but it does not yet offer a

<sup>3</sup> The so-called colour revolutions include: the "rose revolution" in Georgia (2003), the "orange revolution" in Ukraine (2004), but also the "cedar revolution" in Lebanon (2005) or the "tulip revolution" in Kyrgyzstan (2005). The revolution in Byelorussia in 2006 failed after only five days. The catalyst for these revolutions in the former post-soviet states had been the anger against falsified elections. In Lebanon the catalyst was the killing of former minister president Rafiq al-Hariri in 2005.

<sup>4</sup> The Ennahda movement officially asked for the political party visa on 1 February 2011, only two weeks after the revolution.

<sup>5</sup> European Commission (2011): *Partnership for Democracy and Shared Prosperity with the Southern Mediterranean*. Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions COM (2011) 200, Brussels, 8.3.2011.

long term strategic answer to the current paradigm shift in Euro-Arab relations.<sup>6</sup> For the moment, the EU's Mediterranean policy develops in a more and more heterogeneous and differentiated way, also from an institutional point of view. The bilateral level (ENP: EU + one single Southern and Eastern Mediterranean state) and multilateral level (UfM: 43 European and Southern and Eastern Mediterranean states) continue to interfere with the EU's internal institutional difficulties (implementation of the Lisbon Treaty, competence overlapping of High Representative, Commission President, etc.) and the independent EU member states policies.

### *III. Economic Dimension*

The EU was and remains the major economic and commercial partner for most of the Southern and Eastern Mediterranean countries. Most of them are linked to the EU via the Association Agreements concluded in the framework of the former Euro-Mediterranean Partnership (EMP). The objective of these Agreements remains the creation of a Free Trade Zone in the Mediterranean Area. In the case of Tunisia, for instance, about 75% of the exports go into the EU; about 64% of the imports come from the EU (2008). Numerous investments come from the EU. Numerous jobs in Tunisia and Egypt, also in Morocco, depend on European tourism (alone 300,000 in Tunisia). In the framework of the European Neighbourhood Policy, the Action Plans were signed with almost all Southern and Eastern Mediterranean Neighbours (except Libya, Algeria and Syria). The Action Plans are not legally binding, but render the Association Agreements more concrete and are destined to define priorities and measures for the political and economic cooperation. In order to send positive signals to those states that were willing to go further in the cooperation process with the EU, the new criteria of the 'Advanced Status' was developed. The Advanced Status includes access to the European Internal Market and participation in European programmes, as well as an adaptation to European norms and standards and a further intensification of bilateral economic and political relations. So far Morocco (2008) and Jordan (2010) have received the Advanced Status. Tunisia has been negotiating with the EU for a new Action Plan (for the period 2011-2016) and for Advanced Status since 2010. The negotiations were interrupted by the revolution in January 2011. However, there is a political will to resume negotiations and to bring them to a positive

end as soon as possible. For the implementing of the "new response" the EU foresees 1bn Euro until 2013 to address urgent needs, in addition to the 5.7bn Euro provided under the European Neighbourhood and Partnership Instrument (ENPI) for 2011-2013. Via the ENP, the EU is providing numerous additional funds to the countries in transition, for the moment especially to Egypt and Tunisia.<sup>7</sup>

### *IV. The Migration and Mobility Issue*

In situations of social and political disorder, people tend to migrate. Europe, despite its cooperation with the former regimes, always wanted these to disappear, too. This was part of the contradictions and ambiguities of European policy. In the current situation, Europe is not ready or prepared to support the concerned populations and the natural side effects of the events, such as increased movement of people. "Please democratise, but stay where you are." This way of communicating with the courageous populations, who had just succeeded in overthrowing their dictators, the questioning of the Schengen Agreements by some EU member states and the continuous focussing on the security dimension was not an adequate reaction of the 'civil and transformative power Europe'. Instead of supporting the democratisation process, the security dimension was immediately put in the foreground. The controversial FRONTEX agency was activated in order to control the maritime borders and to send back Tunisian migrants trying to reach the Italian island Lampedusa. The widespread fear in Europe, instrumentalised by right wing and populist European politicians and media, that millions of boat people would be migrating from North Africa to Europe, is unjustified. After the fall of the Berlin wall, populists warned against the millions of people that would come from Eastern Europe to Central and Western Europe and overwhelm Western European labour markets. The 500 million citizens of the EU-27 are able to absorb some ten thousands North African citizens.

### *V. On the Union for the Mediterranean*

The communication of the European Commission on the "new response to a changing neighbourhood" makes clear, that the Union for the Mediterranean is reduced to only one small chapter of the entire Mediterranean Policy.<sup>8</sup> It renders obvious that the European Commission is taking back the lead in this domain. When the Arab revolutions

<sup>6</sup> European Commission (2011): *A new response to a changing Neighbourhood*. Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. COM (2011) 303, Brussels, 25.5.2011.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

started, the UfM was already in an agonising situation. The objectives of the UfM (political dialogue with the heads of state and on a government level, increased visibility, more co-ownership, large infrastructure projects) could only be tackled vaguely.<sup>9</sup> The launching event of the UfM in July 2008 in Paris, initiated and organised by the French President Nicolas Sarkozy, received international attention, but in the aftermath of the summit, the political dialogue within this forum could never really start up until the present day. Politically seen, the initiative is more or less at its dead point. In Brussels, the simple mentioning of the UfM provoked hostile reactions. While the initial French project of a “Mediterranean Union” had found some adherents amongst the governments in the Southern and Eastern Mediterranean, from a European institutional perspective, it was the right decision to place the project into the European frame (see the intervention of Germany, the European Commission and a few other EU member states). But many Southern and Eastern Mediterranean countries did not understand this. Conflicts within the Arab League and amongst the participating Southern and Eastern Mediterranean countries also contributed to the weakness of the UfM.

The French-Egyptian Co-Presidency continued to function somewhat until 2011, although it should have been handed over to a new co-president tandem after two years (in 2010). However, the co-presidency could not function as planned and the working programmes and most of the Euro-Mediterranean conferences could not take place as foreseen. Egypt had and still has much more existential challenges and problems than the UfM's agenda for 2011. For France, Mubarak's Egypt had been a preferred partner within the UfM. But also for the EU and many other EU member states Egypt represented a central ally in the region. This has brought numerous diplomacies into a difficult situation now. The cooperation with the authoritarian regimes in the Southern and Eastern Mediterranean Area, partly necessitated by national interests or missing alternatives, lead to a certain attitude of getting used to dealing with autocrats. The sanding up of political reform processes had become a ‘normal’ situation. European officials continued for many years to ask cautiously here and there for political liberalisation and more respect for human rights, but without insistence and without really expecting any change. Since there was no progress or change to expect, the EU and the member states concentrated more and more on bilateral economic cooperation and the imple-

mentation of non-political projects. The project-oriented Union for the Mediterranean was the institutional result of this “non-political” policy.

When the revolution in Tunisia started on 14 January 2011, one would have expected an official reaction from the Secretariat of the UfM in Barcelona. However, in the very moment the “Secretary General of the Secretariat of the Union for the Mediterranean”, the Jordanian diplomat Ahmad Massa'deh resigned from his job on the 26 January 2011, after one year in office only. The installation of the Secretariat in Barcelona was realised after long debates about the host country. In the meantime, the secretary has been working; it has a team of about 15 experts and disposes over a proper budget (6.2m Euro in 2011), but in fact, the Secretariat has politically been seen more or less as incapable of action so far. As a successor, the Moroccan diplomat Youssef Amrani was appointed as the new Secretary General on 25 May 2011. With regard to the blockade of the UfM through the Israeli-Palestinian conflict<sup>10</sup>, the Second Summit of the Heads of State and Government had to be postponed two times already. A conference of the Ministers of Foreign Affairs could not be held either. However, this forum could have been a constructive place to discuss the current developments in the Mediterranean region. Greater political positioning, proposals or initiatives with regard to the current upheavals in North Africa and the Middle East did not occur, which illustrates that the UfM in its current form is not an adapted instrument to react to such broader regional changes. However, the priority fields and the project-oriented character of the UfM remain valid: the Mediterranean Solar Plan, the de-pollution of the Mediterranean, the development of maritime and land highways, the Mediterranean Business Development Initiative, the Euro-Mediterranean University, and civil protection. The UfM is understood as a complement of multi-lateral cooperation to the bilateral relations between the EU and its Southern neighbours.

The institutional dimension of the UfM (Co-Presidency, Secretariat, Joint Permanent Committee) remains fragile and immature.<sup>11</sup> The Secretariat is lacking a clear profile and presence and has only a few responsibilities. Its task is to act as a catalyst between states, the European Investment Bank (EIB), international financial institutions and the private sector, to instigate concrete economic projects of strategic importance and to generate jobs, innovation and growth in the Mediterranean region. But the Secretariat does not have the means to imple-

<sup>9</sup> For more details on the launching process of Union for the Mediterranean, and on the interrelationship between governmental policies and civil society actors, see: Schäfer, Isabel/ Henry, Jean-Robert (2009): *Mediterranean Policies from Above and Below*. Baden-Baden 2009: Nomos.

<sup>10</sup> In April 2010 a dispute about a single formulation on the Occupied Territories hindered that a common strategy on the water issue could not be finalized.

<sup>11</sup> Jeune Afrique, Pascal Airault, „Requiem pour l'UPM“?, No. 2612, 2011, p. 19.

ment these projects itself. This weakness is also due to the intergovernmental character. The European Commission now profits from the changed regional context as a means to tear the whole Mediterranean policy back to Brussels. This makes sense, but what a waste of time and energy and what a loss of credibility *vis-à-vis* the Southern partner countries. However, French diplomacy remains optimistic and continues to keep up the UfM as a concept of cooperation between Europe and the Southern and Eastern Mediterranean. The UfM could represent an advantage for all Mediterranean states, as well as for the Maghreb and the Mashreq states, but needs the political input and engagement especially from the Southern and Eastern Mediterranean states. More regional integration could also promote new jobs for the younger generations in the Mediterranean area.

During the last three years (2008-2011), the UfM, parts of the former Euro-Mediterranean Partnership (EMP) and the ENP structures and mechanisms have continued to function and to be implemented on a small scale. The UfM institutions were mainly conceived inter-governmentally and thus destined to a closer cooperation of the governments and less of a cooperation between civil societies. The human resource crises of the UfM, but also the political crises in the region represent an occasion to rethink the concept and the instruments of the UfM.

#### VI. Perspectives

In the short and mid term, the EU could more intensively support European companies and enterprises so that they do not relocate their production sites to other countries. Strikes and conflicts in these enterprises will certainly increase in the next time. Here, German enterprises are also concerned. But more political stability can only return, if the economic situation stabilises. Tourism is one of the major income sources for Tunisia as well as for Egypt. When European tourists stay away, numerous jobs are in danger. This leads to more social instability. The North African and Middle Eastern diasporas living in Europe can play a more intensive and more constructive role in the transition processes (be it financially, socially, politically or culturally). The clearance of the bank accounts of the former dictators (Ben Ali, Mubarak, Ghaddafi) and their families has been a first step for European policies and was positively perceived by public opinion. With other organisations, the EU supports the preparation for free and fair elections and will probably send international election observers. The different parties and candidates need to

have equal and just conditions. So far the Islamist forces seem to have much more Internet know-how and presence than other emerging political parties. The EU has proposed a comprehensive aid package, with proposals for the intensifying of the bilateral political relations. Of course, Europe needs to avoid any interference or disruption of the democratic progress.

In the long term Tunisia and Egypt have the potential to reach a democratic system. Tunisia has a strong middle class, economic growth and a relative high level of education. Both countries have a strongly engaged youth and active intellectuals that are finally able to express themselves freely and to push forward a broader political and societal debate about the future of their societies and countries. The transition in Tunisia can represent a positive example for other countries in the region, in the sense that the population here has succeeded to overthrow an authoritarian regime, without the help of external actors. In the last two decades the EU has not become famous for its loud critics of the 'Ben Ali or Mubarak System', although human rights violations and corruption were well known. Now, the EU has a new chance to constructively support and accompany political change. The European Neighbourhood Policy's objective was to construct a ring of democratic states around the EU. Now, there is a chance to help these democratic processes in the direct neighbourhood. It is hardly impossible to measure to which extent the numerous EU democratisation programmes and projects of the last decades and other international actors contributed to the current transition processes in the Southern and Eastern Mediterranean. The EU has not only invested in economic cooperation, but also in political reforms, be it through the attempts of political dialogue, civil society programmes, reforms of the judiciary systems or vocational training for journalists etc.

The EU policy has always been multidimensional: economical, political and social/cultural. However, the positions and political acting of the EU member states limited the *marge de manoeuvre* of the EU. Some member states were ready to cooperate with the authoritarian regimes in Tunisia, Libya or Syria without asking for any conditions and to provide for instance Tunisia with an Advanced Status without conditions or a 'Framework Agreement' for Libya without conditions. Finally, the possibilities of external actors like the EU are limited anyhow. The wish for political change has to come from within the society and it came now from within the society, with much more strength and force than all observers would have thought.

Deutsche Orient-Stiftung/German Orient-Foundation  
-Deutsches Orient-Institut/German Orient-Institute-

gegründet / founded by NUMOV 1960

## Orient- und Islamforschung an Deutschen Universitäten Eine Bestandsaufnahme

Published by the German Orient-Institute in Berlin  
Founded by the German Near and Middle East Association

- A current overview of Middle Eastern and Islamic studies programmes in Germany, including teaching staff and research projects.
- An Introduction to the history of Middle Eastern and Islamic studies.
- With a foreword by Günter Glosier, Member of the German Parliament and President of the Board of trustees of the German Orient-Foundation as well as by Prof. Dr. Mathias Röhe, of Friedrich-Alexander-University's legal faculty and Vice-president of the Board of trustees of the German Orient-Foundation.
- Overview of new programmes of study in the field of Islamic theology at German universities.



### Order Form:

Fax: +49 (0)30-20641010

Email: doi@deutsches-orient-institut.de

- I / We hereby order this publication for the price of 29 € plus an additional 6 € for shipping and handling.  
I / We are a member of the German Near and Middle East Association and are entitled to receive a free copy.

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Signature / Stamp: \_\_\_\_\_

Jägerstrasse 63 D- 10117 Berlin ☎ +49(0)30-20641021 ☏ +49(0)30-20641029 www.Deutsche-Orient-Stiftung.de DOI@Deutsche-Orient-Stiftung.de www.Deutsches-Orient-Institut.de  
DOI@Deutsches-Orient-Institut.de • St. Nr.: 27/007/01023 • Kont. 0007904, B.L.Z. 10070034, Deutsche Bank AG - Vorstand/Rat/D: Dr. Michael Lohrer - Henry Haxelbarth - Helene Rang (Stv. Vorsitzende)  
Wahlerw. Vorsitz: Dr. Gerdie Mutsch (Direktor) • Ali-Saeed Bin-Norzi Al-Ghadban • Melin Bay • Professor Dr. Christian von Braun • Elke Hoff MdB • Salim Mubad • Professor Dr. Dr. Herman Parzinger  
Berni Fioravanti • Abdulsaziz Sagar • Dr. Gerhard Schuler • Professor Dr. Susanne Schuler • Prof. Dr. Werner Schwery • Kuratorium/Board of Trustees: Professor Shaikha Abdalla Al-Marad, Professor  
Dr. Yousef Abdul-Celil • Dr. Käim Bidu, LL.M. • Olive Berben • Parlamentarischer Staatssekretär Dr. Ralph Stausslepp • Peter Brinkmann • Jürgen Chrobog • Thomas Eberbeck • Professor Dr. Friedhelm  
Gehrmann • Günter Glosier, Staatsminister u.D./Präsident • Abdurrahim Güler M.A. • Stephan Hallmann • Dr. Christian Koch • Burkhard Müller-Sonnen MdB • Prof. Dorel Prinz • Dr. Nico Reuber  
Gerald Richter • Professor Dr. Mathias Röhe (Stv. Präsident) • Dr. Gerhard Sabathl • Professor Dr. Dr. Peter Scholz • Olmann Siemels • Dr. Wilh. Stoll •  
Parlamentarischer Staatssekretär Dr. Max Stöckler MdB • Jürgen Stötz • Rainer Wietstock

# Arab Women and the Arab Spring: The Revolution within

## *I. Introduction*

The revolutions that swept the Arab world at the end of 2010 and beginning of 2011 have certainly shattered the previously held stereotypes about Arab women. The predominant images of Arab women outside the region was that they were oppressed, passive, veiled and secluded, and that they were victims of a religious and male dominated culture. Those women undoubtedly exist in the Arab world, but so do highly educated, and professional women, quite emancipated and struggling against restrictive social values.

The revolutions that broke out in Tunisia, Egypt, Yemen, Syria, and Bahrain brought out the other side of Arab women that has been largely overlooked. Images of Arab women leading in the aforementioned revolutions swept over the media outlets in the region: There was a true revolution within the revolution. Arab women have always been part of independence or liberation movements such as in Egypt in 1919 and during the Algerian revolution (Al-Ali 2002). However, revolutions have almost always left women behind once they succeeded. The role of women in the revolution and the impact of the latter on women's status in the region will be further scrutinized in this paper.

The rest of the paper will be devoted to the exploration of the status of Arab women before the revolution. I will show that Arab women have experienced deep socio-economic and political changes in the past two decades. Afterwards, I will shed some light on the forms of female participation played in the current revolutions, and finally explore the potential impact of the revolutions on the future of women in the region.

## *II. Arab Women's Status before the Revolution*

Although the picture that is drawn from regional and international reports about women in the Arab countries is mostly grim and pessimistic because women in the region trail behind women in most regions of the world (UNDP, 2005), women in Arab societies have been going through an immense and irreversible change in the areas of education, economics, politics, and culture. Female education stands out as probably the most important achievement in Arab countries in the last two decades. Average years of schooling increased from 0.5 in 1960 to 5.5 in 2005 and the average literacy rate

for women rose from 16.6% in 1970 to 60% in 2007. (UNDP, 2009). In many countries, the gender gap at the primary and secondary levels has almost been closed. Across the region, female enrolment in university programmes has risen, more than one in four girls now enrolls in post high school education, and females outnumber males in colleges and universities in several countries of the region. On the economic front, starting from a low base, between 1990 and 2005, the Arab region witnessed a greater increase in women's share of economic activity than all other regions of the world: the increase for Arab women was 19% compared to 3% for the world. In all countries of the region women have entered into all professions and business.

It is interesting to note that in spite of the conservative culture found in Arab societies, public opinion polls reveal a strong belief in women's right to work. Studies in select MENA countries reveal that 91% of those surveyed believe that women should have an equal right to work, 89% support equal employment benefits for women, 78% believe that women should have the right to equal work conditions, and 91% believe that women should have an equal right to manage economic ventures (UNDP, 2005).

Politically, most Arab countries have granted women the right to vote after independence. However, political participation by women remains the lowest in the world and in some countries men and women still do not have the right to participate. However, in some countries like Tunisia, Morocco, Jordan, Iraq and Kuwait, women have achieved significant gains in the last decades and the women's quota was introduced in some countries to push for greater female participation.

Probably, one of the most important developments that had an impact on the lives and aspirations of women in the region is the information revolution, and the widespread use of the Internet by women. The introduction of the Internet has had a modernizing effect on the Arab world in general and on the lives of women in particular. The Internet has empowered Arab women to exercise of their rights, to seek and receive information and ideas, and provided them with a new public space. What is unique about Internet use as a communication medium is the individual aspect of its use. Unlike most modern communication methods that are family-oriented, the Internet is individual-oriented.

Women's behavior and social interaction in the conservative Arab culture are largely scrutinized and controlled by the family, the community and society as a whole. The Internet allows women to render traditional social control mechanism useless or ineffective. They can use the medium on their own and outside of family control; and they can be anonymous and that is what contributes to individualized and free interaction. (Shteivi, 2006). The Internet has opened the opportunity for women's groups and activists to use it as a forum for discussion and as a valuable source of information, thus reaching many women who would be difficult to reach otherwise. There are many women's sites on the Internet that provide information about women's issues that are still considered taboo and not discussed in the traditional media. These sites and others provide access to information for women and help to empower and link them with other women's activists and organizations.

I am not trying to present a rosy picture of women in the region since they still suffer from all kinds of discrimination and exclusion. I wanted rather to emphasize that women in the region have been undergoing significant changes which amount to what I call a 'silent gender revolution' that has situated them to be very dynamic and active during the current revolutions.

## II. The Role of Women in the Arab Revolutions

Arab women were instrumental in the recent revolutions because they marched side by side with men and participated in all forms and stages of the uprising. Women's voices and activities have directly influenced the Arab spring and without their participation, the revolution would have been incomplete. Women of all ages and social groups in Egypt, Tunisia, Yemen and Libya and other countries have not only been a part of the marches but actually led them, they have also participated in protests, human shields, braved tear gas, and have even slept in the streets at night alongside men. Nawal El Saadawi, the famous Egyptian feminist stated that:

*"Women and girls, like men and boys, have been in the streets calling for justice, freedom, equality and democracy. For the first time I feel that men and women are equal".* (Lasely, 2011)

Women's participation in the revolutions has taken many forms: The most important one has been organizing and mobilizing the revolutions; young women have been in the forefront calling out, incit-

ing and convincing people to join the uprising. Asmaa Mahfouz, a female leader of the revolution in Egypt, wrote in her blog:

*"I am a woman and I am going out on Jan 25 and am not afraid of the police. For the men who brag of their toughness, why exactly are you not joining us to go out and demonstrate (...) If you stay home, you deserve what will happen to you (...) if each of us manages to bring 5 or 10 people to Tahrir Square (...) talk to people and tell them, this is enough!"* (SNS: 2011)

Social media has been very important for women in communicating with protesters and organizing their campaigns. Fatiha Al-Saidi, a Tunisian sociologist, sampled 550 women operating through Facebook documenting the huge role that women played before, during, and after the revolution (Al-Majalla, 2011). In Tunisia, the first voice of the Jasmine Revolution was the sister of Mohamed Bouazizi, the young man who immolated himself and set off the protests:

*"Of all those who spoke to the media, the most forceful was his sister (Leila), who strongly advocated political equality."* (Cherif in Diab, 2011)

In Yemen, the arrest of Tawakul Karman, an outspoken critic in Yemen, is said to have set off major street demonstrations threatening President Ali Abdullah Saleh's regime (Diab, 2011).

Women also have participated in the revolutions physically; thousands of women joined the protests each day. They came on their own, with friends, colleagues, husbands and children; university students, teachers, doctors and housewives; Muslims, dressed in hijab and without, and Christians. In Egypt, estimates of women's numbers in the revolution have reached up to 50% of the protestors in the days leading up to Hosni Mubarak's resignation (Cassie Biggs, 2011).

Women participating in the revolutions have also used the opportunity to raise awareness about their rights and to change the stereotyped images through joining people's committees, in the neighborhoods that organized the daily lives of people and protected them in their community when the system was paralyzed. Nawal Saadawi argues that the revolts have marked a revolutionary turn because people have been challenging not only Mubarak, but a system causing corruption, oppression of women, unemployment as well as the patriarchal

capitalist system (Koni Benson: April 2011). Women have shown enormous courage and that the struggle for women's liberation can only be carried out as part of the struggle for the liberation of the whole population. It was clear that women knew that equality between the sexes does not flow from formal freedom and formal democracy, but that it requires a real social revolution. Therefore, women activists did not consider women's rights as a special interest, but as an integral part of the people's demands for social justice and democracy. As Mozn Hassan, director of the Cairo-based group Nazra for Feminist Studies said: "It's important to see women's rights as political rights."

Women's remarkable efforts and contributions to the Arab revolutions have inspired women in other Arab countries like Jordan, Syria, Libya, Yemen and Saudi Arabia to ask for their rights. For example, Alia al-Faqih, 19, said the revolts inspired her to join the *Facebook* group of 2,000 women demanding change in Saudi Arabia. (Koni Benson; 2011).

### *III. Women after the Revolutions: The Struggle goes on*

Arab women played an essential and decisive role before and during the revolutions that swept the Arab world in a historical moment for the Arab people. One of the most important and immediate outcomes of these revolutions in regards to women was the change in the perception of Arab women. During the protest days, the gender divide completely disappeared. Men and women mixed with each other, talked, and debated. Men saw the strength of women and their hard work in leading and organizing the revolution which had positively affected their perception of women.

Rami Mohammad, a law student, mentioned that he was surprised and had not expected that girls could play such important leading roles in the revolutions, as he thought that women were only interested in clothing, cooking and such similar things. Sexual harassment has been a large problem in Egypt before the revolution; more than four out of five women have been sexually assaulted at some time, and the police have also used this to intimidate women, but this has been absent in the struggle against the regime (Marie Frederiksen, March 2011).

Women's perception of themselves has changed through the struggle. "We have suffered the taste of teargas, but we are not afraid. The women who are afraid to leave the house, even they see us and

gain courage," explained Riham Muntaz, 25, to the newspaper *The National*, on February 14, 2011 (Cassie Biggs, February 2011). Women who raised their voices to attain their rights and their families' have changed the stereotyped image of Arab women as submissive, passive, victims and quiet. They have worked so hard for the revolution and organized it (Nashashibi, 2011).

The change of stereotyped images has happened gradually throughout the revolutions with the help of women who took the chance to join People's Committees and women centers to raise awareness. Many campaigns held by young people were organized by using social media like *Facebook* and *Twitter*. One woman mentioned that she was scared to go on the streets and join the revolution, but said that it was the time to change culture and traditions that keep women in houses away from real events (NoshKaty, 2011).

The oppressive regimes in the Arab countries have tried to use women to punish the people or to put down the revolutions. In Libya more than 250 women admitted to being raped by the Libyan army (ANSI). The most startling case was that of Iman Al-Obeidi who told the international press that Libyan troops had beaten and gang-raped her. Her public statement challenged both the government and the taboo against discussing sex crimes in Libya (Al-Shalchi, 2011). It is believed that Al-Obeidi's and other women's rape is used to humiliate and break the will of the protesters. Moreover, in Yemen, the president accused women who were protesting against his regime of violating Yemeni cultural norms that prohibit mixing with strange men because it is forbidden in Islam and asked women to stay home. This prompted thousands of Yemeni women to march the next day toward the attorney general's office in the capital demanding legal action for what they called "the president's attacks on their morality" (Almasmari and Mohammed, 2011).

However, the question is whether the outcome will be as decisive in ending gender inequality between the sexes in the region. The answer to this question is not a straight one and is contingent on many issues. First, it will be different from one country to another depending on the level of achievement for women prior to the revolution or the departure point for women. For instance in Tunisia, women enjoyed rights more than any Arab country before the revolution, while women's rights in Yemen and Libya were at a minimum. Therefore, the outcomes for women will be different. The second important point has to do with the nature of the new state that

will be built after the collapse of the old regimes which will be determined through political struggle between different groups within the society. The two major forces in most of the countries are that of the liberals and secularists on the one hand and the Islamist groups on the other. The young and liberal groups that lead the revolutions are vying for a future secular state that is based on democracy and citizenship for all. The other important political group/groups are the Islamic movements who want to veil women and subject them to a strict religious code. The secular and the youth movements are new and not as organized as the Islamist groups. Not only that, but the Islamists will be able to attract socially conservative circles of society when it comes to women's issues which will allow them to double their impact.

In Tunisia the major Islamist group, Al-Nahda ('The renaissance party'), has come out publicly in support of women's rights including the right to become president. Also, the party supported the high commission's decision to have gender parity in the new legislation elections. The party list is to maintain parity between male and female candidates. This is not surprising because Tunisia is the most progressive Arab country in regards to women's rights and this decision reflects the commitment of the transitional government to protecting the public role of women in the country. However, the situation is not the same in Egypt, where the Muslim Brotherhood still espouses a fundamentalist Islamic discourse regarding women's rights. Most likely, they will push for a more 'Islamic' personal status law and they have already come out publicly in opposition to a woman president in Egypt.

#### IV. Conclusion

The Arab revolutions represent a 'renaissance' for women invoking their historical struggle for their rights which began a hundred years ago. The significant role of women in these revolutions has been the culmination of the advances that women have enjoyed in terms of economics, education, and the media over the last two decades.

Women activists in these mass movements have come from all social classes. The women's movement prior to the revolutions drew predominantly from the middle and upper classes that focused mainly on political and legal reforms. The leaders of the 'women's revolution' in the Arab spring did not come from women's groups that had already been established and encompass women from all social classes and all religions. This signifies the emergence of a 'new feminist movement' in the Arab world that has on its agenda: full citizenship with political, legal, economic and social rights for all women. This new movement is going to pose a challenge to the old feminist movement that was largely dominated by a state agenda that focused more on formal equality. Similar challenges will be posed to the 'Islamic feminist' movement that focuses only on Muslim women and envisions their liberation through a re-interpretation of the Islamic discourse and texts.

There is no guarantee that women will be able to achieve gender equality in the new states but there is one thing for sure: Women who played a major part in these revolutions will not accept sitting in the back seat anymore.

---

#### V. References

- ANDREA BARRON, "Tunisia as an Arab Women's Rights Leader," July 11, 2007, *The Globalist*.  
<http://www.theglobalist.com/storyid.aspx?StoryId=6305>.
- AMIRA NOSHOKATY, "Post-revolution Egyptians launch initiatives to sustain social change," March 14, 2011, *Al-Ahram*. <http://english.ahram.org.eg/NewsContentPrint/1/0/7654/Egypt/0/-Postrevolution-Egyptians-launch-initiatives-to-su.aspx>.
- CARLA POWER, "Silent No More: The Women of the Arab Revolutions Time," March 17, 2011.  
[http://www.religiousconsultation.org/NEWS/women\\_of\\_the\\_Arab\\_revolution.htm](http://www.religiousconsultation.org/NEWS/women_of_the_Arab_revolution.htm).
- CASSIE BIGGS, "Women make their power felt in Egypt's revolution," February 14, 2011, *The National*.  
<http://www.thenational.ae/news/worldwide/middle-east/women-make-their-power-felt-in-egypts-revolution>.
- EMTIAZ DIAB, "Arab women: this time, the revolution won't leave us behind," March 9, 2011.  
<http://emtiazdiab.blogspot.com/2011/03/arab-women-this-time-revolution-wont.html>.
- GHALIA QABBANI, "Women of the Revolution: What will the future hold for Arab women after their regimes fall?" May 27, 2011, *al-Majalla*. <http://www.majalla.com/en/Features/article434040.ece>.

HAKIM ALMAMARI and MOHAMMED JAMJOOM, "Yemeni women: President is degrading us," April 16, 2011, *CNN*, [http://articles.cnn.com/2011-04-16/world/yemen.women.protesters\\_1\\_amal-basha-yemeni-women-jawf?\\_s=PM:WORLD](http://articles.cnn.com/2011-04-16/world/yemen.women.protesters_1_amal-basha-yemeni-women-jawf?_s=PM:WORLD).

HASHIMILION, "Arab revolution and social networking sites," April 1, 2011, *Arab Today*. <http://arabia2day.com/reports/arab-revolution-and-social-networking-sites/>.

HADEEL AL-SHALCHI, "Libyan Woman Claims Rape By Soldiers, Is Dragged Away," March 2011, *Huffington Post*. [http://www.huffingtonpost.com/2011/03/26/libyan-woman-rape-soldiers\\_n\\_840951.html](http://www.huffingtonpost.com/2011/03/26/libyan-woman-rape-soldiers_n_840951.html).

KONI BENSON, "Women in the Arab Uprisings," April 2011. [http://www.ilrig.org/index.php?view=article&catid=3%3Abuilding-womans-activism&id=27%3Awomen-in-the-arab-uprisings&format=pdf&option=com\\_content&Itemid=5](http://www.ilrig.org/index.php?view=article&catid=3%3Abuilding-womans-activism&id=27%3Awomen-in-the-arab-uprisings&format=pdf&option=com_content&Itemid=5).

MARIE FREDERIKSEN, "The key role of women in the Egyptian revolution," March 8, 2011. <http://sherryx.wordpress.com/2011/03/10/the-key-role-of-women-in-the-egyptian-revolution>.

MICHELLE FAUL, "Hundreds of women report Rapes by Gadhafi forces," May 29, 2011, The Arab Network for the Study of Democracy.

MUSA SHTEWI, "The contribution of the media in social change and development of civil society in the Arab world" in: *Arab Media in the Information Age*, Emirates Center for Strategic Researches and Studies, 2006.


NADJE S. AL-ALI, "The Women's Movement in Egypt, with Selected References to Turkey," United Nations, 2002.

LESLEY ABDELA, "Egypt: the transition to democracy needs women," February 9, 2011, *Open Democracy*. <http://www.opendemocracy.net/lesley-abdela/egypt-transition-to-democracy-needs-women>.

SHARIF NASHASHIBI, Arab Women: "A Revolution in Perceptions," April 23, 2011, *Libya TV*. <http://english.libya.tv/2011/04/23/arab-women-a-revolution-in-perceptions/>.

SNS: "Arab women need a charge," February 14, 2011, *Street News Service*. <http://www.streetnewsservice.org/news/2011/february/feed-268/arab-women-lead-the-charge-.aspx>.

UNDP, Arab Human Development Report, *Challenges to Human Security in the Arab Countries*, 2009.

	<p><b>Neuerscheinung</b></p> <p><b>Dr. Michael Lüders</b> <b>Die arabische Revolution -</b> <b>Ein Aufstand erschüttert die Welt</b></p> <p>ca. 240 S., 20 Abbildungen, gebunden, ISBN: 978-3-406-62290-8</p> <p>Dr. Michael Lüders, einer der renommiertesten Nahostexperten und Stellv. Vorsitzender des Vorstandes der Deutschen Orient-Stiftung, erklärt in seinem neuesten Buch, wie es zur arabischen Revolution kommen konnte, warum sie sich wie ein Lauffeuer ausbreitete und was sie für uns in Europa bedeutet. Er liefert eine Erzählung von Menschen, die der Geschichte eine neue Richtung zu geben versuchen und erklärt so die Verhältnisse in der arabischen Welt. Der westliche Blick auf die Region und den Islam insgesamt wird sich ändern müssen, wenn wir der historischen Situation gerecht werden wollen.</p> <p><b>Das Buch erscheint in Kürze im C. H. Beck Verlag.</b></p>
---	--

Dr. Ayşe Zarakol

## Turkey and the Arab World: A Reconvergence of Destinies

### *I. Introduction*

It may be too early to speak definitively about the upheavals in the Middle East and North Africa, which started with the ousting of the longtime Tunisian President Zine El Abidine Ben Ali in January 2011, and then continued with the ousting of the longtime Egyptian President Hosni Mubarak in February. Even in Tunisia and Egypt, it is not yet clear what type of regimes the revolutions will ultimately produce. In the wider region of the Middle East and North Africa, the turmoil continues even though no other leader has been ousted since Mubarak.<sup>1</sup> At the time of writing<sup>2</sup>, a war rages in Libya. There are daily protests in Syria, escalating in intensity with each passing day. In response, Syria's President Bashar Assad has increased pressure, arresting thousands of people and killing many others. To the south, in Yemen, the police disperse thousands of protesters daily, and the country seems to be on the brink of another civil war. Bahrain, too, was shaken, until the March 14<sup>th</sup> arrival of Gulf Cooperation Council forces funded by Saudi Arabia, which put down the Bahraini protests forcibly. Hundreds of people have been arrested and convicted since then. There were also some protests in Algeria, in response to which President Abdelaziz Bouteflika said he would seek constitutional amendments that would increase democratic rights.

Whatever the outcomes of these situations, it is clear that the Middle East we are facing today is not the one we were facing a year ago. This article will aim to do two things: to discern general patterns and trends in these upheavals, on the one hand, and to discuss the role Turkey may play in shaping the new Middle East, on the other. Recently, noted scholar Mohammed Ayoob argued<sup>3</sup> that the Middle East faces a future dominated by Turkey and Iran. This article is in agreement with that general assessment, but counters that only the Turkish model offers (some of) the Arab world a way out of its current predicament, and even that hope is contingent on Turkey being able to maintain a balanced course in foreign policy and also sustain democratic deepening of its own domestic institutions. Neither of those outcomes is assured

under continued AKP leadership, but there is reason to hope, both for the future of democracy in Turkey and also in the greater Middle East. The European Union can also help these prospects along by changing the way it treats Turkey, irrespective of the eventual outcome of Turkey's accession process.

### *II. Discerning Patterns in the Middle East Upheaval*

With North Africa included, the region that we call the Middle East today<sup>4</sup> consists of nineteen countries, fifteen of which are primarily Arabic and Muslim in culture. Lebanon is an Arab state with a sizable Christian population. Two of the other three are Turkey and Iran, which are also predominantly Muslim, but not Arab. Finally, there is Israel, which is a Jewish state by definition, but if the West Bank is counted, then Israel as it exists today is demographically half Arab as well. Most of the territory of the Arab states was controlled by European powers in the early twentieth century. Prior to that, most of that area was under the control of the Ottoman Empire. In other words, the Arab states that exist today are relatively recent creations in history, having gained their independence around or after the Second World War.<sup>5</sup>

Since independence, there have been two primary forms<sup>6</sup> of rule in the Arab world, both variations of authoritarianism. On the one hand, there is the secular dictatorship model – leaders of this type have military backgrounds, are not particularly religious (or at least they all started out secular), and have experimented with Arab nationalism and Arab socialism<sup>7</sup> as a way of modernizing and shaking off economic dependency on the West. Part of the appeal of Arab socialism was the support of the Soviet Union during the Cold War years (especially against the American client Israel) but also the emphasis on the state was attractive. In fact, after the end of the Cold War the banner of socialism was jettisoned, but the state remained very much in control of the economy. The current rulers in this group are ideologically barely an echo of their predecessors (or in some cases, their former selves) but they still legitimize their power by arguing that their 'backward' societies can only be elevated with

<sup>1</sup> Yemen's leader, Ali Abdallah Saleh, was forced to leave his country because he was injured by an opposition's rocket attack on the presidential palace in the capital Sana'a on June 3, 2011. He left for medical treatment to Saudi Arabia.

<sup>2</sup> This article was completed on May 26<sup>th</sup>, 2011.

<sup>3</sup> Mohammed Ayoob, "Beyond the Democratic Wave in the Arab World: The Middle East's Turko-Persian Future," *Insight Turkey* 13.2 (2011), pp. 57-70.

<sup>4</sup> The 'Middle East' is a construction, and its boundaries have shifted overtime for a review of the origins and evolution of the meaning of this term, see Karen Culcasi, "Constructing and Naturalizing the Middle East," *Geographical Review* 110.4 (2010), pp. 583-97.

<sup>5</sup> See e.g. Juan R.I. Cole and Deniz Kandiyoti, "Nationalism and the Colonial Legacy in the Middle East and Central Asia: Introduction," *International Journal of Middle East Studies* 32.2 (2004), pp. 189-203.

<sup>6</sup> Lebanon is an exception, and so is the situation in the West Bank and Gaza. I will leave those cases aside for the moment.

<sup>7</sup> For an in-depth discussion of original 'Arabism' see Michael N. Barnett, *Dialogues in Arab Politics* (New York: Columbia University Press, 1998), chapter 5.

a great deal of help from the state. They style themselves as modernizing, nationalistic, anti-imperialist patriarchs.<sup>8</sup> The military also plays a large role in the economic and social life of these countries. The following countries may be included in this group: Egypt, Tunisia, Libya, Syria, Algeria, Iraq and Yemen.<sup>9</sup>

This is the group that is being primarily affected by the upheavals of 2011. Tunisia and Egypt already had their revolutions, Libya is mired in war, Syria and Yemen are facing heavy protests daily. Algeria is also faced protests, including self-immolations which set off the revolutions in other North African countries, but Algerian protests have been more subdued, probably because the destruction wrought by the Algerian civil war of the 1990s is still fresh in their memories. Iraq would likely have followed the same pattern had it not been for the American occupation and the civil war that afterward ensued.

The second type of authoritarian rule in the Arab Middle East is monarchy, and countries controlled by monarchs are situated primarily in the Gulf region: Saudi Arabia, Qatar, Kuwait, the UAE, Bahrain and Oman. The two monarchies not in the Gulf Region are Jordan and Morocco. Many of the ruling families claim descent from the Prophet Mohammad. All aim to base the legitimacy of their rule in tradition, and sometimes in religion, rather than modernization or nationalism, as was the case in the first group of secular (socialist) dictatorships. Until recently, Jordan, Morocco and Bahrain were on track to becoming exceptions to this rule, having moved towards constitutional monarchy and allowing for a greater degree of civil liberty. Interestingly, most of the traditional monarchies have been spared the upheavals that are spreading throughout the region. Out of this second category, only Bahrain was visibly torn by protests, although Morocco and Jordan also had their limited share.

It is not an accident that the few constitutional monarchies in the Middle East have experienced a greater degree of protests than traditional monarchies: the same stimuli that pushed them to liberalize are also what make these regimes vulnerable. Jordan and Morocco do not have vast oil reserves,<sup>10</sup> so they had to diversify their economy, which requires investment in education. Tourism is a primary sector in both countries, which has helped liberalization along. Absence of oil also makes it difficult for the regimes to undermine potential base of protests by guaranteeing a high standard of living for all, as is the case in many of the Gulf mon-

archies, where jobs associated with economic hardship are usually undertaken by foreign workers from countries such as India, Pakistan, Bangladesh and the Philippines. Bahrain is an interesting case because like other Gulf monarchies it has its share of foreign workers, it does not have oil and its economy depends primarily on Saudi tourism and offshore banking. However, it was not as successful as (some of the emirates in) the UAE in turning itself into an investment destination. The real problem there is that the ruling family is Sunni and the majority of the population is Shia. Furthermore, the Shiites in Bahrain are generally worse off economically. The turmoil blew the top off of such resentments. Yet, there is no reason to believe that the protesters can topple the government with no international support as long as Saudi money remains behind the Bahraini royal family.

To sum up, among the Gulf monarchies, not much is likely to change in the near future. Protests in Bahrain are under control for the foreseeable future, and other Gulf monarchies are unlikely to face serious challenges unless (and until) the entire region is transformed. If the wider region moves towards democratization, Jordan and Morocco will feel the pressure to follow along, especially given their ties to the West, but change in these contexts is likely to be gradual (in the absence of external conflicts spilling over).

Turning back to the first group of static, 'modernizing' dictatorships, it is hard to predict at this moment where the turmoil will lead. In Libya, the international commitment to supporting the rebels has not been forceful. If that non-committal attitude continues, and if Qaddafi or a viable heir survives the next few months, Libya could very well split territorially. That may be acceptable to the international community – most of the oil fields and refineries are in the rebel controlled Eastern part (though not all). However, what kind of government the rebels would form remains an open question. The situation is rife with opportunities for sustained uncertainty and altogether state failure. The good news is that the presence of rich oil resources in Libya separates this case from other Arab countries under the rule of militaristic dictators on a developmentalist mission. The bleak picture in Libya does not necessarily apply to others, though the possibility of a split is also present in Yemen, a country unified only two decades ago and wracked with civil war soon after. Furthermore, President Saleh's long-lasting reluctance to make concessions, as well as the longstanding presence of different and radicalized rebel groups in the countryside<sup>11</sup> do not

<sup>8</sup> See also Saad Eddin Ibrahim, "Toward Muslim Democracies," *Journal of Democracy* 18.2 (2007), p.9 and Burhan Ghalioun, "The Persistence of Arab Authoritarianism," *Journal of Democracy* 15.4 (2004), pp. 126-32.

<sup>9</sup> The latter three have deviated from the archetype due to civil wars.

<sup>10</sup> The situation in Western Sahara notwithstanding.

<sup>11</sup> Such as the Shiite al-Houthi movement. I should also be noted that in Yemen (as well as Bahrain), Iran may be providing covert support to various Shiite organizations, which complicates the picture.

make Yemen a candidate for smooth transition to a more democratic system.

Algeria, comparatively, has more opportunities to make good use of this democratic opening in the region. It has recently emerged from its own deadly, destructive and prolonged civil war. The silver lining here is that the country is tired of violence and President Bouteflika was quick to promise liberalizing reforms in the face of recent protests. Algeria was already experimenting with democratization before the civil war,<sup>12</sup> and a gradual transition towards a more liberal system may be possible, especially if the death of Osama bin Laden ends up decreasing fears about radical Islam worldwide and if the viability of democracy within a Muslim context becomes more believable. Turkey has an important role to play in that sense, as I will discuss in the next section.

Syria is still being rocked by protests: more than a thousand people have been killed and many thousands more are under arrest. President Bashar Assad seems to be hanging on for the moment, but given what is happening in countries with very similar regimes to Assad's, it is likely that Bashar Assad will be ousted sooner or later, one way or another. Syria is not exactly Egypt; it is a much smaller, more isolated country, and unlike Mubarak, the Assad family did not cut deals with Israel or the West,<sup>13</sup> which made their rule slightly more legitimate in the eyes of Middle Eastern critics.<sup>14</sup> The regime also draws support from its minority but nevertheless loyal ethnic base: the Alawites, who fear Sunnification if Syria liberalizes. It is for these reasons Assad has been able to hold on to power thus far, but his grasp has considerably weakened after this spring's events. For some time now, Bashar Assad had been carefully cultivating a modern, liberal, moderate image similar to Jordan's King Abdullah. That image has been destroyed due to the brutal manner by which he has repressed the protests. Even Turkey, a recent but nevertheless cozy friend to Syria, has come out in harsh criticism of these measures after much equivocation.<sup>15</sup> Assad does not have many friends left, and Syria's traditional isolationism is not likely to stop the domino effect if other regimes fall. How long can the Iranian regime and Hizbullah in Lebanon support

Assad without undermining their own ideological legitimacy? If he is not careful, Assad may end up playing the part of Ceausescu in the Arab Spring.

Of the two successful revolutions thus far, it is noteworthy that Egypt has the longest state tradition of any Arab country, but if the Russian example has taught us anything, it is that longstanding state traditions do not necessarily guarantee the durability of democratic transitions. Nevertheless, Egypt does have a broadly educated if underutilized population. The military is a strong presence, but it is heavily interested in the stability of the country, as well as in its integration in the international system, given the fact that it controls a sizable portion of the Egyptian economy. A number of Egypt experts have observed that the Muslim Brotherhood is not the threat to democracy it is made out to be in the West, and that unlike the Iranian revolution, the Egyptian revolution is not likely to be hijacked by religious fundamentalists.<sup>16</sup> All of these are reasons to hope for a good outcome in Egypt. Tunisia has good reasons for optimism as well: the fact that it was the first country to shake off its dictatorship; its geographic proximity to Europe, as well as strong ties to the European Union; the significant role played by tourism in its economy; and the generally moderate tone of its culture. Furthermore, like Egypt,<sup>17</sup> Tunisia had a modernizing ruler in the nineteenth century who introduced basic political rights (Muhammad III as-Sadiq (r. 1859-81)),<sup>18</sup> so would-be-democrats in Tunisia can also draw upon a historical legacy of local political pluralism. With the right international incentives and some oversight, there is no reason why Tunisia cannot make the transition toward a more democratic polity.

### III. What will be Turkey's role?

It is now well-acknowledged that the Justice and Development Party (AKP) government (2002-present) has been charting an ambitious foreign policy strategy in order to elevate Turkey into a major regional if not global player.<sup>19</sup> Especially in the AKP's second term that ambition was manifested as a drift away from Turkey's traditional partnerships with the West and toward a betterment of relations with previously neglected regions of the world. Under the leadership of the new foreign minister

<sup>12</sup> In fact, what precipitated the Algerian Civil War was the victory of the Islamic Salvation Front in the 1991 elections and the military's takeover in response.

<sup>13</sup> Having said that, there is reason to believe Bashar Assad was close to doing just that, because the Israeli strategists were banking on it.

<sup>14</sup> And this is also why the mostly secular Assad is being backed by Iran and Hizbullah.

<sup>15</sup> "Turkish PM toughens criticism on Syria unrest, sending envoy," *worldbulletin.net*, April 27, 2011 [http://www.worldbulletin.net/?aType=haber&ArticleID=73026].

<sup>16</sup> See e.g. Asef Bayat, "Arab Revolts: Islamists aren't Coming!" *Insight Turkey* 13.2 (2011), pp. 9-14 and Nader Hashemi, "The Arab Revolution of 2011: Reflections on Religion and Politics," *Insight Turkey* 13.2 (2011), pp. 15-21.

<sup>17</sup> See Saad Eddin Ibrahim, "Reviving Middle Eastern Liberalism," *Journal of Democracy* 14.4 (2003), pp. 5-10 for a discussion of Egypt's liberal heritage.

<sup>18</sup> Saad Eddin Ibrahim, "Toward Muslim Democracies," *Journal of Democracy* 18.2 (2007), p.7.

<sup>19</sup> See e.g. Ömer Taşpınar, "The Rise of Turkish Gaullism: Getting Turkish-American Relations Right," *Insight Turkey* 13.1 (2007), pp. 11-17 and f. Stephen Larrabee, "The 'New Turkey' and American-Turkish Relations," *Insight Turkey* 13.1 (2007), pp. 1-9.

Ahmet Davutoğlu,<sup>20</sup> Turkey has shown greater interest in its southern and eastern neighbors<sup>21</sup> than in any other period since the collapse of the Ottoman Empire. Since the creation of the Turkish Republic in 1923 by Kemal Atatürk, Turkey had generally been aloof to the concerns of the Arab Middle East, in an attempt to distance itself from its neighborhood and signal its Westernness in order to gain acceptance from Europe.<sup>22</sup> This is no longer the case: Turkey is now increasingly vocal and involved in the Israeli-Palestinian conflict, and has attempted to position itself as a mediator in the debate over Iran's nuclear program.<sup>23</sup> It is also heavily invested in, donates to<sup>24</sup> or trades with a growing number of Arab and/or Muslim countries. Since 2001, "Turkey's total trade with Middle Eastern and Asian countries has increased from \$18.7 billion to \$131 billion and Turkey's trade with Gulf Cooperation Council members has also tripled in the same period."<sup>25</sup> More importantly, "from 2003 to 2010, the EU's share in Turkish foreign trade declined from 51.38% to almost 42%, whereas Turkey-Asia and Turkey-Near and Middle Eastern foreign trade increased to 26.5% and 12 %, respectively."<sup>26</sup> The overall shift in Turkish foreign policy is almost revolutionary, not so much because it implies Turkey has abandoned the West as is often feared,<sup>27</sup> but because the degree of (not necessarily hostile) autonomy displayed in the last decade far outmatches any previous period in the Republican era.

Some in Turkey attribute this sea of change to the AKP's disappointment with the EU in general, the European stance about the headscarf ban in Turkey in particular, not to mention the disillusionment with European attitudes about Islam since 9/11. Others believe that the AKP's Islamist background makes it a natural partner to the countries in the Muslim Middle East. Yet others have argued that AKP's foreign policy is not driven by any particular ideology but rather economic pragmatism.<sup>28</sup> I have argued previously<sup>29</sup> that the shift is at least partly

structural, stemming from the changes in the international system.

Whatever the reason, it is undeniable that Turkey is now in a position of influence in the Middle East that it could not even dream of being in a mere ten years ago. Its economic ties and investments will mean that criticism coming from Ankara cannot easily be shrugged off. Its recent relative autonomy from the West means Turkey cannot be written off as a mere lap-dog of the United States or the EU. His public outbursts in defending the Palestinians have made the Turkish PM Tayyip Erdoğan the most popular leader in the Middle East, by a wide margin (followed by Ahmed Ahmedinejad and Hassan Nasrallah).<sup>30</sup> Finally, partly because of the AKP's success in (partially) dismantling the semi-authoritarian structure of Turkish politics through (mostly) democratic means, but also heavily aided by the dissemination of Turkish origin soap operas and increased Arab tourism to Istanbul, Turkey has come to be seen by many in the Middle East as an attractive model of a Muslim polity that has made its peace with modernity and liberalism. Can and will Turkey make use of that influence in order to push the region towards democratization? There are two constraints on the role Turkey may play. The first constraint is obvious: Turkey is unlikely to influence any outcome in the second group of regimes analyzed in the first section: monarchies – especially the Gulf monarchies. Historically, this area was only loosely under Ottoman administration. Cultural ties between the Gulf States and Turkey are weak. Economic relationships have increased in the last decade, but in this generally resource rich area, trade with Turkey is not a primary concern. As I have discussed in the previous section, the social and political dynamics among (most of) the Gulf monarchies are rather different than other countries affected by the upheavals; these same dynamics preclude a vision of Turkey as a role model in these contexts. Finally, this area is the

<sup>20</sup> Davutoğlu is also the author of the "Strategic Depth" foreign policy doctrine, which hold the main principles of Turkish foreign policy to be: "a delicate balance between security and democracy in domestic politics; zero problems with neighbors; close contacts with the Middle East, the Balkans and the Caucasus; a complimentary policy with global actors such as the U.S. and the EU instead of competition; and a diplomatic approach which is active in international organizations and peace-building efforts." Mesut Özcan, "From Distance to Engagement: Turkish Policy towards the Middle East, Iraq and Iraqi Kurds," *Insight Turkey* 13.2 (2011), p. 73.

<sup>21</sup> To be fair, the AKP government has also improved relations with northern neighbors such as Russia.

<sup>22</sup> For in-depth discussion of this particular mindset, see my book *After Defeat: How the East Learned to Live with the West* (Cambridge: Cambridge University Press, 2011), chapter three.

<sup>23</sup> See Volker Perthes, "Turkey's Role in the Middle East: An Outsider's Perspective," *Insight Turkey* 12.4 (2010), pp. 1-8 as well as my own brief article "Arab Revolutions of 2011: What Will Turkey's Role Be?" on [www.muftah.org](http://muftah.org), February 21, 2011 [<http://muftah.org/?p=828>] for an overview of these developments.

<sup>24</sup> After South Korea, Turkey is now the second largest development aid donor among non OECD DAC (Development Assistance Committee) countries, with Afghanistan, Kyrgyzstan, Iraq, Azerbaijan and Pakistan as the top aid receivers from Turkey. There are also major assistance projects involving Africa. See Musa Kulaklıkaya and Rahman Nurdun, "Turkey as a New Player in Development Cooperation," *Insight Turkey*, 12.4 (2010), pp. 131-45.

<sup>25</sup> Mustafa Kutlay, "Economy as the 'Practical Hand' of 'New Turkish Foreign Policy: A Political Economy Explanation," *Insight Turkey* 13.1 (2011), p. 79.

<sup>26</sup> Ibid.

<sup>27</sup> See also Ziya Öniş, "Multiple Faces of the 'New' Turkish Foreign Policy: Underlying Dynamics and a Critique," *Insight Turkey* 13.1 (2011), pp. 47-65, for a more in depth exploration of this argument.

<sup>28</sup> See e.g. Mehmet Babacan, "Whither an Axis Shift: A Perspective from Turkey's Foreign Trade," *Insight Turkey* 13.1 (2011), pp. 129-137.

<sup>29</sup> See my book *After Defeat: How the East Learned to Live with the West* (Cambridge: Cambridge University Press, 2011), conclusion. Other liminal countries such as Japan and Russia are exhibiting similar behaviors.

<sup>30</sup> This is according to a Zogby and University of Maryland poll conducted in 2010. As cited by Mohammed Ayoob, "Beyond the Democratic Wave in the Arab World: The Middle East's Turko-Persian Future," *Insight Turkey*, 13.2 (2011), p.61.

sphere of influence for two other would-be regional powers, Iran and Saudi Arabia, which does not leave much room for Turkey. The AKP government, for its part, is content to limit its relationship with the Gulf countries to the economic realm. This is not the case with the countries in the Levant and North Africa. The secular Arab socialist development model does bear more than a passing resemblance to Turkey's Kemalist development trajectory. This does not mean that the two trajectories are identical; on the contrary, the legacy of being the successor state to the Ottoman Empire, the much earlier transition to democracy (however half-hearted), as well dynamics of Turkish nationalism (among many other factors) separate the Turkish case from the Arab developmentalist states. Nevertheless, there are enough points of similarity for people in one to look to other and see a bit of themselves.

This is why the AKP government believes that it can inspire democratization in those parts of the Arab world previously ruled by secular dictatorships: hence Erdoğan's very vocal criticism of Mubarak before it was at all clear Mubarak was going to be ousted. Having faced its own semi-authoritarian secularist nemesis in the Turkish military-bureaucratic-Kemalist elite, the AKP leadership feels an affinity with other oppressed Islamist movements throughout the Middle East, and believes that the mantle of democratization can help those movements as it helped the AKP in Turkey. However, there are signs that indicate that the AKP is not always using the right framework for comparison. For instance, the AKP government has been more at ease in cultivating relationships with authoritarian regimes at odds with Israel and the West, such as Syria and Iran. This can be explained as prioritizing Turkey's interest by cultivating good relationships to neighbors, especially to ones with similar concerns over the Kurdish issue. Without any doubt, that concern plays a role. An unwillingness to criticize authoritarian regimes if they are not reminiscent of Turkey's military-bureaucratic establishment exposes a hypocritical undertone to the AKP's democracy message (which the AKP realizes to some extent, if its recent criticism of Assad is any indication). This brings me to the second potential limit to Turkey's influence in the region: Turkey's own democratic prospects. The AKP is an umbrella party which brought together socially conservative factions with economic liberals and there were always anti-democratic tendencies within the party, just as there are in any segment of Turkish society. Such tendencies did not matter so much in the AKP's first term because the AKP faced opposition from the much more authoritarian

Kemalist establishment. In its attempts to dismantle that establishment in order to ensure its own survival, the AKP furthered democratization in Turkey, sometimes deliberately and other times unwittingly. However, as the power of the old establishment fades, the AKP's own authoritarian and exclusionary streak becomes more problematic. Erdoğan is increasingly cutting a Putinisque figure, and the AKP's recent attitudes towards the Kurdish issue, if not reversed after the upcoming elections, indicate that the worst is yet to come in Turkish politics.

A Turkey that reverts back to a semi-authoritarian guise – albeit one with an Islamist flavor – is not going to be an attractive model for anyone. We have such an example in Iran already, and Iran is only popular as a model because it defines itself as a negation of the West in a region that has been let down by the West too many times. Ressentiment may be psychologically satisfying but it is not a solution to anything. In my recent book, *After Defeat*, I recall the famous early twentieth century historian Arnold Toynbee, who noted that the choice that faces the East in modernity is between becoming a Zealot or a Herodian: to embrace the West altogether or to reject it entirely. This in fact seemed to be the choice in the twentieth century, and while both Turkey and Iran started out with the former choice, Iran turned to the other path after the revolution. In my book, I argue that the choice is a false one. Neither wholesale emulation of the West nor the childlike negation of its values is the path of deliverance. Forced mimicry does not earn anyone full recognition, and negation still has the West as its primary point of reference. The real choice is not to make a choice at all: to move from a world with the West as its center to a world with many different centers and referents. Ruled by the AKP government, Turkey, for the first time, came close to choosing that option. In that option lies the only road to success and peace, for both Turkey and many parts of the Arab world that resemble Turkey in this manner. If the AKP can sustain that balance without shifting its weight too much to one way or the other, and can maintain democracy at home without giving in to its authoritarian impulses, Turkey may indeed become a model for the region. The European Union for its part must grow comfortable with a Turkey that is more self-assured, and not provoke authoritarian elements in Turkish politics in service of its own internal dynamics. As anyone who has been the recipient of unwanted romantic attention knows, it is flattering to be the center of somebody else's world and almost insulting when they move on, but it is the best outcome for everyone involved. A balanced Turkey is the best outcome for the region.

Dr. Özlem Tür

## Deepening Syrian-Turkish-Relations in the 2000s: Common Security Concerns, Economic Integration and Limitations

### I. Introduction

After decades of conflict, Syrian-Turkish relations have been transformed into a close cooperation that has deepened throughout the 2000s. The reasons behind this can be found in a culmination of domestic, regional and international factors. Changes of leadership in both countries have contributed to the relationship, as well as common security threats after the Iraq War. Recent economic policy shifts have led to a talk of integration – a free trade agreement is already in effect, visa requirements have been lifted, the High-Level Strategic Council is at work, and through the Levant project, free movement of people and goods is on the table. Portrayed as “a model for Turkey’s relations with other Middle Eastern countries”, this paper looks at Syrian-Turkish relations, the reasons for and extent of the relationship and possible drawbacks for the future.

### II. Syria and Turkey – From a Problematic Relationship to Normalization

Syria and Turkey had a troubled relationship until the late-1990s. Not only were the two countries in opposite camps during the Cold War, but they also had bilateral problems stemming from the legacy of the Ottoman past, the Hatay issue<sup>1</sup>, the water problem<sup>2</sup> and PKK terror. During the 1990s, relations were strained due to the PKK issue: PKK infiltrations into Turkey through the Syrian border, its shelter and training in the Syrian-controlled Beqaa Valley and the residence of its leader Abdullah Öcalan in Damascus. The water issue was also linked to the terror issue, as became evident in the words of then-Foreign Minister Deniz Baykal in 1995:

*“Syria as a neighbor country should stop being the headquarters of a terrorist organization. It may be thought that hands with the blood of terror can be washed with more ‘water’. However, Turkey will never bargain the use of terror for water”.*<sup>3</sup>

As diplomatic efforts to find a solution to the dispute failed in 1998, the two countries came to the brink of war. The Turkish Army mobilized an additional ten thousand troops at the border and an ultimatum was given to Syria. Syria responded by expelling Abdullah Öcalan and closing down all PKK activities on its soil. The two countries signed the Adana Accords, and since then relations have begun to normalize. It is interesting to see how the two adversaries normalized their relations from the brink of war, and began to move towards integration within less than a decade. For the Turkish side, rapid normalization was indicative of the primacy of security concerns in its foreign policy during the 1990s. Once the security threat was eliminated there was no reason not to normalize relations. The regionally-focused foreign policy approach of then-Foreign Minister İsmail Cem built on this development, but the water and Hatay issues that had plagued relations continued until the early 2000s.

The 2000s brought a period of close cooperation, deepening and ‘integration’ between the two sides, during which the Ottoman legacy was re-visited by both parties. The water issue became a more technical one and the Hatay issue has been tabled for a future solution, and is not brought up officially in the meantime. What are the reasons for this change? How can it be that two countries that nearly went to war have so rapidly gone from ‘enmity’ to ‘amity’? The reasons can be found in a culmination of international, regional and domestic factors. Among the international and regional factors, the September 11 attacks, the US government’s ‘regime change’ strategy and the subsequent Iraqi War stand out. The possibility that a Kurdish state might be a result of the war and that borders could be redrawn was a common threat that brought the two countries closer. At the domestic level, changes in leadership in both countries worked in favor of cooperation. After Bashar al-Asad came to power in 2000, his need to deliver economically in order to consolidate his power and alleviate Syrian international isolation drew the country closer to Turkey. Meanwhile, the coming to power of the Justice and Development Party (Ada-

<sup>1</sup> The unification of the Sanjak of Alexandretta (Hatay) with Turkey in 1939 was not accepted by Syria and the legitimacy of this unification was rejected. Syrians thought of Hatay as a ‘stolen territory,’ and a sign of Turkish expansionism. Hatay was shown as part of Syrian territory on Syrian maps, although there have recently been slow steps to change this. See Meliha Altunısık, and Özlem Tür: “From distant neighbors to partners? Changing Syrian-Turkish Relations”, *Security Dialogue*, vol. 37, no. 2 (June 2006), p. 231.

<sup>2</sup> While the Tigris and Euphrates are considered by Turkey to be trans-boundary rivers under Turkish sovereignty, Syria sees them as international rivers and demands an international agreement on sharing the waters. This issue became especially important when Turkey embarked on its ambitious Southeast Anatolia Project (GAP) in 1983, which included the construction of the Atatürk Dam, 13 smaller dams and 17 hydroelectric power plants. Syria, in the company of Iraq, protested Turkey’s decision to dam these rivers without the consent of the lower riparians, and complained its livelihoods were in danger. In 1987, Turkey agreed to grant 500 cubic meters per second from the river to Syria, which contested this figure and has continued to press for an international agreement. The issue was put on the agenda of the Arab League in the 1990s. Since the end of the 1990s, however, it has begun to be seen more as a technical issue, although there is still no water sharing agreement.

<sup>3</sup> *Hürriyet*, 31 December 1995.

*let ve Kalkınma Partisi – AKP*) in 2002, with its vision for the Middle East that involved calls for reintegration of the region and a re-visiting of the Ottoman past, made Syria most significant as a gateway country to the Middle East.

### *III. Domestic Changes – the AKP and Bashar al-Asad in Power*

Although relations had already begun to normalize after the 1998 Adana Accords, the major domestic change on the Turkish side was the aforementioned rise of the AKP. Under the AKP, called “Turkey’s Transformers”<sup>4</sup> by Abramowitz and Barkey, Turkey’s foreign policy in general and in the Middle East and Syria in particular, began to change. A significant role in this change has been played by Ahmet Davutoğlu, first as chief advisor on foreign policy issues to Prime Minister Erdoğan and then as foreign minister since 2009. A ‘zero problems with neighbors’ policy was adopted by the party, and a reintegration with neighboring zones was envisaged.<sup>5</sup> A more active policy known as ‘rhythmic diplomacy’ was proposed as a foreign policy strategy and Turkey was to play an active role especially in its surrounding regions where it had a responsibility due to a common Ottoman history and culture.<sup>6</sup>

The stereotypical image of Arabs in the popular Turkish psyche has been based on collective memory from the First World War, especially the Arab Revolt. The idea that Arabs cannot be trusted is deeply ingrained. The AKP, building on an already-reached normalization and cooperation, facilitated a gradual transformation of this mindset. AKP leaders often emphasize that the modern regional borders are artificial, put down by the Western powers irrespective of geographical and sociological realities that, for example, resulted in cities that had previously been part of a single economic zone on opposite sides of national borders, disrupting historical continuity and damaging economic vitality. Families were separated; Turks and Arabs who had lived together for centuries were divided. The need to revisit the past, and to implement policies to reunify divided cities, lands and people, constituted an important part of the AKP’s vision and thus its foreign policy. The classic image of the ‘Untrustworthy Arab’ in this context was reframed as ‘brother’. Syria, as the geographic and diplomatic gateway to the Middle East, became the focal point

of this re-conceived foreign policy and a conduit through which transformations in cultural attitudes were pursued.

On the Syrian side as well, there has been a willingness to revisit the legacy of the Ottoman period which was traditionally characterized as having kept the Arabs backward and underdeveloped. As relations have grown closer, this image has begun to change. The rate of instances, for example, of the popular depiction of Turks on Syrian TV series as ridiculous oppressor figures speaking broken Arabic, has decreased significantly.<sup>7</sup>

### *IV. The Iraqi War and Common Security Concerns*

Despite this ideational framework, it was mainly the Iraqi War that led both sides to see their common position in the region and to deepen relations. Before the Iraqi War, Turkey’s and Syria’s similar concerns over a possible war in the region, and especially over the future of Iraq with respect to the potential impact on their own territorial integrities, brought the countries together. In addition, Syria was worried about its fate in the context of the US’s plans to remake the Middle East. In Hinnebusch’s words, “The US conquest of Iraq threatened the Syrian regime’s very survival”.<sup>8</sup> The growing anti-US sentiment in both Turkey and Syria was another commonality, but more important was their mutual concern about the implications of a possible independent Kurdish state in Northern Iraq as a result of a US-led War. During a state visit to Turkey in January 2004, Bashar al-Asad, in reference to Turkey’s earlier declarations that the establishment of a Kurdish state would be unacceptable and constitute a red line for Turkey, declared that “a Kurdish state would violate our red line too”.<sup>9</sup> Meanwhile, the US’s desire to station troops on Turkish soil as part of its Iraqi War strategy brought back memories of the Sèvres Treaty for Turkey, and symptoms of what some have termed “Sèvres Syndrome” increased resentments.<sup>10</sup>

Apart from Iraq, another important common concern during this period was Israel. Turkish-Israeli relations had significantly cooled off in recent years, which is interesting considering the state of the relationship during the 1990s. It is important to note that Turkey’s relations with Israel followed a path parallel to the progress of the peace process. One of the main problems between Turkey and Is-

<sup>4</sup> Morton Abramowitz and Henri Barkey, “Turkey’s Transformers – The AKP Sees Big”, *Foreign Affairs*, Vol. 88, No. 6, 2009, pp. 118-128.

<sup>5</sup> Ahmet Davutoğlu, “Turkey’s Foreign Policy Vision: An Assessment of 2007”, *Insight Turkey*, Vol. 10, No. 1, 2008 pp. 77-96.

<sup>6</sup> Ahmet Davutoğlu, *Stratejik Derinlik*, (Istanbul: Küre, 2001).

<sup>7</sup> Meliha Altunışık and Özlem Tür, “From distant neighbors to partners? Changing Syrian-Turkish Relations”, *Security Dialogue*, vol. 37, no. 2 (June 2006), pp. 229-248; Various interviews in Syria, November 2010.

<sup>8</sup> Raymond Hinnebusch, “Syria: Defying the Hegemon”, in Rick Fawn, and Raymond Hinnebusch, (eds.) *The Iraq War – Causes and Consequences*, (London, Lynne Rienner, 2006), p.129.

<sup>9</sup> Meliha Altunışık and Özlem Tür, 2006, p. 229.

<sup>10</sup> See for example Cengiz Çandar, “Turkish Foreign Policy and the War on Iraq” in Lenore Martin and Dimitris Keridis (eds), *The Future of Turkish Foreign Policy*, MIT Press, pp. 56-57.

rael in the 2000s was their diverging positions on the Iraqi War and the post-war visions for the region. Rumors that members of Israeli intelligence agents disguised as businessmen were in Northern Iraq, preparing and even training Kurds for independence, had a cold shower-like impact on Turkish policy-makers.<sup>11</sup> It is ironic that the common anti-Syrian stance that brought Turkey and Israel closer during the 1990s had become reversed in 2000s.

#### *V. Post-Iraqi War – the Water Issue, Hatay and Syrian Isolation*

As the relations between Syria and Turkey deepened over their common security concerns, the historical water and Hatay issues came onto the agenda as well. From 2004 onwards, the water issue began to be perceived as a sort of technical glitch between the two parties. While answering the question of 'whether Turkey and Syria were leaving the traditional water problem behind' in 2004, Erdoğan replied:

*"From now on we have agreed. We are pursuing development and cooperation. Other issues are forgotten."<sup>12</sup>*

Although the Hatay issue was not strictly resolved, there emerged an implicit understanding between the two sides that official dialogs would be temporarily put aside. The subtext of such an understanding, however, is that the Syrian leadership has accepted Hatay as part of Turkey, but the Syrian public would need time to absorb a development of this nature. The Turkish side of the tacit understanding, therefore, is to avoid pressuring Syria into making official declarations or signing agreements to that end. Eventually, it is thought, circumstances conducive to the discussion would present themselves, wherein the situation with Hatay will no longer be perceived as a sovereignty issue and will steadily resolve itself. Tentative moves towards depicting Hatay as a Turkish territory on Syrian maps have begun, but it is a gradual process.

With the European Union's acceptance of Turkey's application to begin accession negotiations in 2004, the EU dimension also became important to Syrian-Turkish relations. President al-Asad, during an official visit, announced that Syria was watching the accession process with great interest, and was enthusiastic about the prospect of having a neighbor in the EU.<sup>13</sup> The importance of Turkey's EU ac-

cession to Syria will be revealed during future visits. The al-Asad government has elaborated its plans to use Turkey as a gateway to European markets, while Turkey also accesses Middle Eastern markets through Syria. However, as Turkey's relations with Israel have deteriorated and its EU negotiations have stalled, he also noted that a Turkey that has turned its back to Israel and Europe will not be attractive for Syria.<sup>14</sup>

Later, Syria was cornered by the US over suspicions that it was responsible for allowing infiltrations through its Iraqi border, and by the international community after the assassination of Lebanese Prime Minister Rafik Hariri in 2005. The Turkish President from 2000 to 2007, Ahmet Necdet Sezer, paid a visit to Damascus in 2005 despite strong criticism from the international community. The importance of Sezer's visit, despite this growing pressure to isolate Syria, should be taken not only as a message of support at the highest level for the al-Asad government, but also as a demonstration of the extent of their relations. Sezer's visit was received very positively, not only at the political level but also by the Syrian population, bringing the two societies closer together. A few months later, al-Asad declared "Turkey has become one of the friendliest countries toward Syria in the region, and not only pursues good relations at a bilateral level but also cooperates with Syria on a number of regional issues".<sup>15</sup>

#### *VI. Mediation Effort*

These good relations took a new turn as Turkey embarked on an Israeli-Syrian mediation process. As the only country in the region able to talk to both parties, despite the loss of heart in relations with Israel, Turkey could fill such a role. Just as the fifth round of indirect talks got under way in late 2008, they were cut short by Israel's Operation 'Cast Lead,' and the process stalled. Although there was a willingness on the Syrian side to resume negotiations, after the 'one minute' incident at Davos, Israel announced that Turkey was no longer acceptable to them as a mediator. Despite the lack of results, the effort is still a good example of the level of trust between Syria and Turkey. In an interview, al-Asad expressed how much Syria valued Turkey's support and continued:

*"We have full trust in Turkey. Let me give you an example, even if we do not ask them [Turkey] talks about us to Washington, shares our opinions. This is very important."*

<sup>11</sup> Seymour Hersh, "Plan B", *The New Yorker*, 28 June 2004.

<sup>12</sup> "Ekonomik Partner Olduk", *Hürriyet*, 23 December 2004.

<sup>13</sup> *ibid.*

<sup>14</sup> Mehmet Ali Birand, "İsrail'e ve Avrupa'ya Sırtını Dönmüş bir Türkiye Cazip değil", *Posta*, 8 November 2009.

<sup>15</sup> "Esad ile Özel Röportaj", *CNNTurk*, 6 April 2005.

*Besides, the role it played in negotiations with Israel was very important. Because of this, relations have come to a point where Turkey can talk for us.*<sup>16</sup>

### VII. Economic Relations

Since the beginning of the normalization period between the two countries, economic relations have begun to improve as well. How these economic relations have developed alongside the normalization of political relations should be noted here. Davutoğlu's ideas on integration with neighboring zones and the need to overcome artificial borders have already been discussed above. For Syria's part, Turkey's economic power has been especially important. As Lesch observes, since the beginning, the economy became a test case for "the success or failure of Bashar's tenure".<sup>17</sup> Turkey provided an important outlet for Syria at a time when it was feeling economically stuck and in need of reforms to broaden its ruling coalition. Turkey's EU accession negotiations further increased the economic value of their relationship. In time, Turkey became important for Syria, not only as a market but as an example of economic development. Equally, Turkey also began to portray itself as an economic model. Erdoğan, at the Syrian-Turkish Business Council meeting in Damascus in April 2007, called upon Syrians to follow the Turkish reform process:

*"Our exports were at \$36 billion and then reached \$114 billion over a period of five years. This can easily be done in Syria. All you need is the will and you will be able to extract milk even from a male goat! We are willing to put our hand in yours".*<sup>18</sup>

This 'will' seems to have worked in the case of bilateral trade, which reached \$2.5 billion in 2010, up from \$724 million in 2000<sup>19</sup>, and with a target of \$5 billion for 2012.

Not only has the level of trade between the two countries jumped since the Free Trade Agreement became operational in January 2007, there has also been substantial investment from Turkish companies – particularly in Aleppo – and numerous joint infrastructural projects have been initiated. One of the largest Turkish investments in the Middle East has been in Syria. The Turkish company Güriş has invested 280 million Euros to build a cement factory in Raqqa, generating a workforce of 1,000 during the construction period and 300 for

the period after it opens for operations.<sup>20</sup> Despite these positive developments, there have also been a few drawbacks. Unlike Güriş, most investments in Syria have been made by small businesses, and although officially welcome at the highest level, these Turkish businesses have been pushing large numbers of local businessmen out of their markets especially in Aleppo. In addition, the trade volume highly favors Turkey, leading some Syrians to question the benefits of such a partnership.<sup>21</sup> However, since the political commitment to further relations has been high on both sides, these drawbacks have so far been overlooked.

The relationship entered a new phase in September 2009 with the decision to lift visa requirements for travel between the two countries. This is a key component of the aforementioned plan to reintegrate with neighboring zones. With the lifting of visa requirements, interaction between the two societies has also increased. The number of tourists from Syria to Turkey reached 899,494 in 2010, from 122,417 in 2000 and 406,935 in 2008.<sup>22</sup> In December 2010, a new project called 'East Mediterranean Four: Levant Business Forum' was initiated with the signatures of Turkey, Syria, Lebanon and Jordan. The project aims not only to facilitate free movement of people but also free movement of goods between these four countries, and is the beginning of a regional economic union, "aiming to create a sphere of welfare at the heart of the Middle East".<sup>23</sup>

### VIII. Political and Military Relations

As steps were being taken towards economic integration, initiatives to forge closer political and military relations were also being established. The High-Level Strategic Council between Turkey and Syria was put into effect in 2009, wherein at least once every year Prime Ministers jointly host a meeting of each state's important ministers. The ministers of Foreign Affairs, Energy, Trade, Public Works, Defense, Interior Affairs and Transportation meet at least twice a year to build a common action plan to be discussed in detail at the Ministerial Council, and executed under the joint leadership of the two Prime Ministers. The success of the Council is indicative of the extent and depth of diplomatic relations.

On the military front as well, there has been impressive improvement. Turkey and Syria held a joint military exercise in April 2009. The Turkish mi-

<sup>16</sup> Mehmet Ali Birand, 2009.

<sup>17</sup> David Lesch, *The New Lion of Damascus – Bashar al-Asad and Modern Syria*, New Haven, Yale University Press, 2005 p. 208.

<sup>18</sup> Sami Moubayed, "Turkish-Syrian Relations: The Erdoğan Legacy", *SETA Policy Brief*, No. 25, 2008, p. 3.

<sup>19</sup> See Turkish Statistical Institute – TÜİK. [www.tuik.gov.tr](http://www.tuik.gov.tr).

<sup>20</sup> Güriş'ten Suriye'de Dev Yatırım", *Dünya Gazetesi*, (15 January 2011).

<sup>21</sup> Various interviews in Damascus, November 2010.

<sup>22</sup> See TÜİK – [www.tuik.gov.tr](http://www.tuik.gov.tr).

<sup>23</sup> *Vatan*, 8 August 2010.

lilitary announced that the aim of the exercise was “to boost friendship, cooperation and confidence between the two countries’ land forces and to increase the ability of border troops to train and work together”.<sup>24</sup> The drills were especially important for the Syrian forces, which are considered to be very weak. The drills also attracted concern from Israel, primarily due to the possibility of a transfer of technology that Turkey had received from Israel, to Syria. Although there was no such sign of leakage, Israeli concern about the issue persisted. In October 2009, Israel was excluded from an annual military drill – called ‘Anatolian Eagle’ – when Turkey announced it had cancelled the international component of the exercise. Syrian officials, both Foreign Minister Walid al-Muallim and Defense Minister Ali Habib, welcomed the decision, praising Turkey’s stance against Israel.<sup>25</sup>

### *IX. Challenges and Conclusion*

As these lines are written, Syria is in turmoil and Turkey, thus far, although it has called for reform, is pursuing a ‘wait and see’ policy. Turkish policy makers appear to be stuck between a rock and a hard place: if Turkey goes on cooperating with the al-Asad regime, its position as a regional model for democracy and freedom will be discredited. Neither, however, can it openly give its support to the opposition, due to its close cooperation with the current government and close personal relationships with its leaders, not to mention the importance of Syria to Turkey’s Middle East policy.

In 2007, Davutoğlu wrote that Turkey’s relations with Syria “stand as a model of progress for the rest of the region”.<sup>26</sup> Turkey has pinned its policy hopes for the Middle East on Syria, and if the regime collapses, Turkey will lose its most important

asset to this end. On the other hand, cooperation with the regime in a time of popular unrest might damage its credibility among Syrians, which might also have implications among the populations of other Middle Eastern countries. Furthermore, the AKP has been very verbal about its goal of upholding moral and ethical concerns, and of defending the rights of the oppressed, which it cited while criticizing Egyptian authoritarianism and Israeli unilateralism. But this ‘wait and see’ policy cannot be sustained for long. The problems that had been tabled to be solved bilaterally at another time, like the Hatay issue, could resurface, or Turkey’s economic power in Syria could be questioned. Turkey needs to make a decision: is it going to uphold universal principles it claims to be working to protect in its role as the ‘order setter’ of the region, or will it go on pursuing a ‘wait and see’ policy, which will in the end please no one?

This article argues that a combination of international, regional and domestic dynamics have been important in the deepening of bilateral relations between Turkey and Syria. How these relations were normalized after Turkey’s domestic security threat, the PKK issue, was solved in 1998, and how relations deepened after a common regional security threat, the Iraqi war and the possibility of an independent Kurdish state, emerged have been discussed here.

This relationship, through the first months of 2011, has continued without major problems, and has become a model for Turkey’s relations with the region. Whether this relationship will prove to be sustainable in the wake of the events in Syria, and whether the institutionalization of these relations during the last decade has been deep enough to survive after the dust has settled is yet to be seen.

<sup>24</sup> “Turkey Brushes off Israel Concern over Syrian Drill”, at <http://www.ynetnews.com/Ext/Comp/ArticleLayout/CdaArticlePrintPreview/1,2506>.

<sup>25</sup> Türkiye Suriye ile Tatbikat Yapacak, *Yeni Şafak*, 14 October 2009.

<sup>26</sup> Ahmet Davutoğlu, 2008, p. 80.

Dr. Carsten Wieland

## Syrian Scenarios and the Levant's Insecure Future

The waves of Arab popular protests have been edging ever further towards the Middle East conflict. With Syria in turmoil there seem to be no limits of imagination to where fundamental changes may lead in the region. The illegal but peaceful trespassing of Israeli borders by Palestinians from Syria and Lebanon on Naqba Memorial Day in May 14, 2011, shows a new quality of agitation that is taking place not only within Arab countries but also spilling over their borders. These were the first troubles on the Israeli-Syrian border since ex-US Secretary of State Henry Kissinger negotiated the line of separation on the Golan Heights in 1974. Who would have thought that the first 'incident' at the quietest UN observed border was to be of a purely non-military nature, although hardly less dangerous?

The upheavals in Syria will have more repercussions for the Middle East conflict than other popular revolutions in Tunisia or even in Egypt. Unlike Egypt, Syria has not signed a peace treaty with Israel. Any new political leadership will not be bound to formal agreements. And an old leadership struggling for survival is likely to cross formerly respected lines, too. The suspicion that the Syrian-Palestinian intrusion into Israeli occupied Druze villages in the Golan was at least supported by the Asad regime in order to divert attention from its domestic struggle is not too far-fetched.

Moreover, in the past years, in particular following the Iraq war from which Iran emerged as a net winner, Syria and Lebanon have been integrated into the interface of the Saudi-Sunni and Persian-Shiite spheres of interest. The tectonic plates of this growing power struggle lead right through the Levant. In the long-term perspective, Syria has to worry about its influence in Lebanon. Time will show after Syria's rising domestic challengers how much leverage Damascus will still have over Hezbollah and to what extent Hezbollah has gained in power to such an extent that it can dictate terms of its own. Moreover, Iran's direct influence in Lebanon is rising and a Syrian nightmare is that one day Syria will be reduced to a logistical interface between Iran and Hezbollah.

The overwhelming welcome of Iran's President Mahmud Ahmedinejad in Lebanon in mid-October 2010 is the more visible aspect of this development. During Ahmedinejad's visit the British daily Telegraph published an article prophetically titled:

"A landlord visiting his domain."<sup>1</sup> On the radical Sunni side, Syria could turn into an interesting playground for al-Qaida activists because of its proximity to Israel. A country that for many years has been fighting Islamic extremism and terrorism – although it was often left alone in its efforts by the West because of US and Israeli pressures – may lose the capacity to fight on this domestic front. Already now Syrian inhabitants report an increasingly aggressive tone by Sunni extremists who mingle into the protesters or lead the protests in certain areas fostering the worst fears of Christians and Alawis.

Sadiq al-Azm, Syrian philosopher and leading member of the Civil Society Movement, said weeks before the Syrian uprising:

*"If the revolts reach Syria, it will become far bloodier than in Tunisia or Egypt because of the sectarian nature of Syrian politics."<sup>2</sup>*

Instability in Syria is also a worst case scenario for Israeli security strategists. Syria has always been a stable and reliable enemy. If it was politically opportune, Syria was able to restrain Hezbollah's shelling of northern Israel. It was Asad who dissuaded Ahmedinejad from throwing stones toward the Israeli border during his visit to southern Lebanon. The occupied Golan Heights served both Syria and Israel as a welcome status quo, too. During the upheavals Syrian opposition figures commented with contumeliousness on the lifting of Syria's Emergency Laws from 1963. They reminded of the fact that the state of emergency has always been justified by the Syrian regime with the official state of war with Israel. Suddenly, it was lifted – at least rhetorically – due to street pressure (and thus lost any political effect of showing the will to reform). Adding fuel to the fire, the fourth branch of the presidential guard that is commanded by Bashar al-Asad's brother Maher is militarily responsible for the Golan dossier – and it was Maher who commanded the bloody clampdown on the people's protest in Der'a. Some of the protesters shouted: "Maher you coward. Send your troops to liberate the Golan."<sup>3</sup> Almost everything that is happening inside Syria has a visible foreign policy aspect to it. Therefore, the future of Syria is crucial for the whole region and the Israeli-Palestinian conflict as well. Here are a few scenarios how events in Syria could unfold:

<sup>1</sup> "Mahmoud Ahmadinejad in Lebanon: 'a landlord visiting his domain'", in: *Telegraph*, October 14, 2010.

<sup>2</sup> Interview with the author in February 2011.

<sup>3</sup> "Bashar al-Assad's inner circle", in: *BBC news* ([www.bbc.co.uk/news/world-middle-east-13216195](http://www.bbc.co.uk/news/world-middle-east-13216195)), April 27, 2011.

**(1) Bloody Clampdown with Regime Survival, including al-Asad.**

After a painful process of maybe months, the regime will be able to suppress and suffocate the upheavals through brute force, targeted arrests and sophisticated intelligence work. Bashar al-Asad will ever more grow into the traditional role of his father Hafez who successfully ruled with blood on his hands after the massacre of Hama in 1982.

In this scenario, the younger Asad will be able to continue his career in Syrian politics by playing the sectarian card more visibly. At the very least he will face a more sectarian scenario that is fuelled by Sunni extremists. Asad himself can rely on major parts of Christian and Alawite minorities (although they may be personally appalled by the regime's violence) and he may manage to forge new alliances in an alternating manner as his father did. Asad may also be able to maintain the bond with the pragmatic Sunni merchant class. This, however, requires an economic upswing in order to distribute wealth and privileges as in the past. At this point, this looks at the least very difficult to manage.

Asad will hardly have any soft power left and will depend ever more on his security apparatus and on the crueler members of his family clan like Maher al-Asad, Asef Shawkat, brother-in-law and deputy chief of staff of the armed forces, or the much hated tycoon and Asad's cousin Rami Makhloof. Asad will continue to play the tunes of false alternatives such as 'Islamism and chaos or Baath rule and law and order'. And he may need to get tougher with the external enemy Israel to compensate for his loss of credibility among Syrians.

Those who had hoped that the President would embark on reforms as soon as he can rid himself of hardliners and vested interests will finally turn away from him. After the clampdown on the Damascus Spring in 2001 Asad will become known for the clampdown on the Arab Spring in Syria.

Moreover, painstaking efforts to improve Syria's image abroad are lying in tatters. Not long before the wave of Arab protests reached Syria, the regime in Damascus had started to regain the initiative in foreign policy matters. European governments and even the US administration seemed to have come to the conclusion that

Syria was at least a stable, politically approachable, and important geo-strategic player in the Middle East whose president was on the path of piecemeal reforms. US President Barack Obama played soft on Syria in his effort to reverse the Syrian drift towards Iran and sent an ambassador to Damascus in January 2011 after nearly six years of diplomatic vacuum. This represented the last foreign policy success for Bashar al-Asad before the popular protests.

It was hard work for Asad to get to this point after years of isolation and stigmatization following the Iraq war. Two years of successful diplomacy, constructive engagements like in Lebanon, rapprochement with Europe and even with the US, and a clever diversification of foreign policy with Turkey as a partner were destroyed by the unsuccessful approach of the Syrian regime towards popular demands.

On the other hand, clinging to power with all means has created common grounds with other autocratic Arab states and can ease traditional tensions with Saudi Arabia or the Gulf States, for instance. Remember that Syria declared that the Saudi military invasion to crush the protests in Bahrain had been justified.<sup>4</sup>

By contrast, Syria's shift away from pragmatism will have its cost in another area. If Turkish Prime Minister Tayyip Erdogan remains serious about his democracy agenda in the Middle East, he will not be able to do business as usual with Syria in the described scenario. The loss of Turkey as a partner will be hard for Syria to compensate. Moreover, Turkey was Syria's back door for mending relations with the West.

**(2) Bloody Clampdown with Regime Survival, excluding al-Asad.**

In this scenario many of the above mentioned consequences apply, too. There will be hardly any scope for a quick healing of Syria's estrangement from the West. Relations with Turkey will be strained. The alliance with Iran will remain the most important anchor for Syria's foreign policy. Syrian influence in Lebanon will be exerted more openly and bluntly again. An aggressive stance *vis-à-vis* Israel is probable.

Already during the first weeks of the mass protests, rifts within the Syrian power structure looked like a possible collateral effect. Some incongruencies also became visible. Contradic-

<sup>4</sup> "Syria Justifies Saudi Military Intervention in Bahrain", in: *Al-Sharq Al-Awsat*, March 20, 2011.

ting statements were issued by the President's advisers concerning a lift of emergency law and other steps toward reform. Rumours spread about tough controversies within the Asad family and also between members of his cabinet and his surrounding clan. In an unprecedented step in modern Syria, hundreds of members of the Baath Party, especially from Der'a, resigned in protest against the use of violence against civilians.

An internal coup against Bashar al-Asad cannot be excluded. Already in 2005 after the assassination of Lebanon's Prime Minister Rafiq Hariri and Syria's forced military withdrawal from Lebanon, not many observers were betting on Asad's political future. He was criticized by hardliners of being unable to protect Syrian interests.

"Bashar is not the regime", a leading oppositional figure of the Civil Society Movement said a few months before the unrest.<sup>5</sup> The regime has always been a complex web of direct or subtle influences, priorities, jealousies and power struggles. The oppositional figure claimed that Asad is left to act freely in foreign policy only, whereas domestically the secret services, the Baath Party, clan and big business representatives are in control of the sinecure.

After the death of Hafez al-Asad the Syrian regime has experienced a pluralisation of power centres. Red lines are difficult to anticipate since they shift every now and then. Contradictions occur within one and the same institution or on different levels of hierarchy. Translated into the events in Dar'a, Homs and beyond, this opens the question of who has been behind the orders to shoot and which groups did shoot in the end. Remember that after the bloody Easter Friday Asad declared (indirectly, via advisers and opposition figures) that there will be no more targeting of civilians. And still, the bloodshed continued.

The same question came up after the Hariri assassination, and played a crucial role in the investigation by the Special Tribunal: Was Asad personally involved in the murder, did he know about it but could not prevent it or was it done behind his back? None of the three possibilities casts the leader in a good light.

A putsch could be led by Asad's brother Maher who is now branded as the 'slaughterer of Der'a' and would have much to lose from tran-

sition or regime collapse. The circle around Asad's sister Bushra and her husband, Asef Shawkat, has had its share of frictions with the president for a long time. In addition, a few key intelligence and military figures could also participate in a coup.

If Asad survives such a scenario he can paint himself as the weak but willing reformer who was unable to end his task because of vested interests. Although he had eleven years time to embark on serious reforms, Syrians who profited from the selective economic opening in particular may be inclined to adhere to this version.

### (3) National Reconciliation Efforts and Gradual Transition with al-Asad

This possibility has been supported by an unexpected protagonist who has been in conflict with the regime and Asad personally for many years, was imprisoned twice, and played the leading role in Syria's moderate and intellectual Civil Society Movement and the Damascus Spring. In regular articles in the Lebanese press, the Christian journalist Michel Kilo called for a national dialogue in Syria with Bashar al-Asad on board in April 2011. Kilo feared the collapse of Syria's societal fabric. He wrote in the leftist independent newspaper *as-Safir*:

*"This civil/consensual Syrian possibility implies two things: The regime's abstinence from relying on the security related solution in confronting the current situation; and the abstinence of the current movement from calling for ousting the regime. There must be a solution entirely based on a global national dialogue that would push away these two situations in order to prevent the country from turning into a fighting arena (...). No matter who will be on the victorious side, the cost of the confrontation will be deadly for the regime (...). In addition, [there will also be a hefty price to pay] for the other side, which must realize that erroneous calculations will not lead to the desired freedom but rather to the collapse of the Syrian society's unity in addition to the destruction and dismantlement of the state. The only side that could benefit from a security solution (...) will be Israel."*<sup>6</sup>

This stance against the polarizing currents in Syria has brought Kilo considerable criticism from oppositional figures who are being hunted down, must fear for their lives, change their

<sup>5</sup> Interview with the author in Damascus, November 2010. The person asked to remain anonymous.

<sup>6</sup> Kilo, Michel: "Yes, there must be a political solution", in: *As-Safir*, April 16, 2011. Quoted according to: *Mideast Wire*.

beds every night or see their friends being tortured. Others have applauded Kilo's far-sightedness in such a crucial moment of Syria's history. Kilo was invited for talks with Asad's adviser Buthaina Sha'ban, a thing that was unthinkable only a few months ago. The German-speaking opposition activist has a wide horizon and knows that he is walking a dangerous tightrope, especially in a situation in which it is not clear where the regime defines its limits of violence. While his method may be controversial, there is no doubt that Kilo's fundamental goals remain clear. He wants to work toward change "from the status quo to the revolution; from tyranny to freedom; from change driven by the authorities to societal change; and from the familial society to the civil society."<sup>7</sup>

People like Kilo may be the last window of opportunity for Asad who has missed innumerable chances during his rule.<sup>8</sup> Domestic and secular opposition in Syria has always been a moderate actor that shunned a violent regime change and partly shared the regime's positioning in foreign policy. But after the events in 2011 ever more Syrians consider Asad not to be part of the solution but rather part of the problem. At the moment when this article was written it remained open if Kilo's initiative would survive the dynamic of events.

#### (4) Regime Change and Democratization

This scenario has been regarded as unlikely during the past months because of various factors: The high degree of violence involved in the process, the criminalization of protests by the regime and an induced sectarian spin, the arming of various criminal groups, the decentralized nature of the Syrian uprising, the low degree of political organization and articulation compared to Egypt and Tunisia, and the high political, societal and military costs that the toppling of the Asad regime would imply.

In spite of these dim projections a glance at Syria's history brings about more encouraging aspects. Firstly, Syrian society has for centuries been known for its moderate and tolerant approach to religious matters throughout the rule of foreign dynasties and empires. Most of Syria's Sunnis (roughly two thirds of the population) have traditionally been more interested in good trade relations than in religious dogmatism or fanaticism. The politics of the Baath re-

gime has continued this tradition of a peaceful co-existence of religious groups. The Asad dynasty has promoted moderate religious leaders and has a strong record of fighting Islamist currents and of granting privileges to religious minorities (despite of a tendency to manipulate Islamist influence and playing sectarian cards).<sup>9</sup> In the end, the predominantly Alawite regime has always relied on minority support, especially from the Druze and Christians.

Secondly, Syria can look back on past democratic experiences. The country enjoyed intermezzis of civilian rule during its turbulent phase after independence in the 1940s and 50s. One of the most respected prime ministers, Faris al-Khoury, was a Christian.<sup>10</sup> Although most civilian cabinets were short-lived, Syria has a tradition of democratic thinking and articulation. This has led to Syrian self-confidence developing to the point that the Syrian intelligentsia sees the roots and key contents of today's Arab revolutions in the Syrian Civil Society Movement and its numerous declarations from the Damascus Spring to subsequent years.<sup>11</sup>

What makes the picture more complicated is that the mainly grey-haired figures of the Civil Society Movement had originally not been in tune with the street protests in Syrian cities and villages. Some of them have later participated in the demonstrations like Riad Seif, an entrepreneur and ex-Member of Parliament who spent most of Asad's rule behind bars, and several other prominent figures. But the impetus of the upheavals – at least in their beginning – were popular grievances that go beyond the overall intellectual approach of Syria's traditional home-grown opposition.

It took almost three months until the opposition abroad tried to form a national council modeled on the Libyan experience. Figures outside Syria have often been mistrusted by representatives of the domestic opposition or the wider population. External opposition has traditionally been more radical in its demands of regime change. But the protagonists are very diverse. Among them are serious intellectuals and scholars in exile in Washington, London, Paris and elsewhere as well as figures with a highly controversial record like Syria's long time vice president and hardliner Abdul Halim Khaddam, who surprisingly defected to Paris shortly after

<sup>7</sup> Ibid.

<sup>8</sup> Wieland, Carsten: Asad's Lost Chances, in: Middle East Research and Information Project, April 13, 2011.

<sup>9</sup> More on the political history of inter-religious relations in Syria: van Dam, Nikolaos: *The Struggle for Power in Syria*, London 1981, and on secularism in Syria: Wieland, Carsten: *Syria – Ballots or Bullets? Democracy, Islamism, and Secularism in the Levant*, Cune Press, Seattle 2006, esp. pp. 87ff.

<sup>10</sup> More on Khoury's biography see: Moubayed, Sami: *Steel & Silk: Men and Women Who Shaped Syria 1900-2000*, Cune Press, Seattle 2006, pp. 277ff.

<sup>11</sup> Interview with Sadiq al-Azm in February 2011.

the Hariri assassination in 2005. Another person who has open bills to pay with Bashar al-Asad is his uncle Rifat who is said to hold supporters in the coastal town of Baniyas, one of the hotbeds of the early protests. The latter personalities are far from being democrats, and the democratic opposition is far from homogenous. Domestically, Riad Seif and Michel Kilo are probably the most well-known figures although they have different approaches as described above. All in all, no charismatic figure is in sight who could lead a transition with determination. Neither an institution is visible that could take over the task like the military in Egypt or Tunisia.

### (5) Chaos and Civil War

This scenario is the most deterring one for many Syrians. Only in 1982 the last civil war ended in Syria with the massacre at Hama. Since then Syrians have enjoyed a period of exceptional security and quietness whereas examples of civil strife, sectarian clashes, crime and terrorism ravaged around Syrian borders. The ruling Baath regime has often tapped into these fears – a well-known discourse for Tunisians and Egyptians as well. It was the autocrats who inferred chaos and intended to criminalize the opposition shortly before they finally stumbled. Also in Syria thousands of protesters that have dared to go out into the streets have been labeled as criminals, Islamists, and sectarian bandits by the regime. Having said this, radicals and bandits have indeed tainted the protests more than in Tunisia or Egypt. A factor that could lead to a Libyan scenario is the military. The elite troops such as the presidential guard are under tight control by the Asad

clan. Mostly composed of Alawites, they have a lot to lose. During the protests the regime has mainly fallen back on these troops for good reason.

The ordinary army of conscripts is in a dismal state of frustration, corruption, poverty and poor equipment. It is unlikely that ordinary soldiers would shoot their kin in Syria's villages in great numbers. Cases of intra-army strife have been reported, including the killing of soldiers by other soldiers for refusing to shoot civilians. This may only be the beginning of a Libyan scenario. The army may split into frustrated and appalled soldiers who join the rebels on the one side and Asad loyal elite troopers on the other side. This would lead to a prolonged conflict, most probably with international intervention or intents of mediation, most plausibly by Turkey.

Since any of these scenarios will affect the power fabric in the region and finally the Israeli-Palestinian conflict, an intervention in Syria would be far more complex than in Libya. Innumerable interests are involved, among them the Saudi-Iranian dichotomy and repercussions for Lebanon. Syria, once a self-conscious and pragmatic middle power under Hafez al-Asad, could turn into the chessboard of conflicting interests in the region. No matter how the events in Syria will unfold and to which scenario they will turn, one thing looks certain: Syria has been shaken, domestic power structures are shifting, and the regime is stigmatized. Only a peaceful transition can avoid Syria losing weight in the region. Similarly, Egypt, whose pivotal regional role had faded away under the encrusted Mubarak regime, has a chance to regain the initiative with a new dynamic should domestic politics develop peacefully.

---

#### Cited Sources

"Bashar al-Assad's inner circle", in: *BBC news* ([www.bbc.co.uk/news/world-middle-east-13216195](http://www.bbc.co.uk/news/world-middle-east-13216195)), April 27, 2011.

VAN DAM, NIKOLAOS: *The Struggle for Power in Syria*, London 1981.

KILO, MICHEL: "Yes, there must be a political solution", in: *As-Safir*, April 16, 2011.

"Mahmoud Ahmadinejad in Lebanon: 'a landlord visiting his domain'", in: *Telegraph*, October 14, 2010.

MOUBAYED, SAMI: *Steel & Silk: Men and Women Who Shaped Syria 1900-2000*, Cune Press, Seattle 2006.

"Syria Justifies Saudi Military Intervention in Bahrain", in: *Al-Sharq Al-Awsat*, March 20, 2011.

WIELAND, CARSTEN: Asad's Lost Chances, in: Middle East Research and Information Project, April 13, 2011.

WIELAND, CARSTEN: *Syria – Ballots or Bullets? Democracy, Islamism, and Secularism in the Levant*, Cune Press, Seattle 2006.

Several interviews by the author.

Konstantin Kosten

## “*Tunes tunest, Iran nemitunest*”\*

# Reconciliation as a Tool for Peaceful Change in Iran?

\*“*Tunes could, Iran couldn't!*”

### I. Introduction

That was one of the partly cynical sayings floating across Tehran this February in the aftermath of the revolution in Tunisia in January 2011<sup>1</sup> referring to the success of it while for Iran there was no visible change after the protests in 2009. But at the same time as a ‘wind of change’ is re-shaping the political landscape of the region and overthrowing one-party systems and dictatorial regimes, the situation in Iran differs much from that of other states in the region. With the Green Movement an important civil rights and reform movement gained momentum in Iran two years before the so called ‘Arab Spring’ started, independently of these developments. However, the movement for reform as well as the biggest protests in the history of the Islamic Republic in summer 2009 did not lead to an upheaval of the masses in Iran. But that does not mean at all that no ‘change’ has come about in Iran. The opposite is the case: within the last two decades, social life as well as the political elite in Iran underwent tremendous changes.

This article argues that ‘change’ in Iran is a far more complex issue than only the political protest movements which marked international attention on several occasions within the last 14 years.<sup>2</sup> It exemplifies ongoing change in Iran with the development of two very different groups, the reformist movement leading to the Green Movement, and the Pasdaran, Iran’s ‘Revolutionary Guards’. The development of both groups serves as a striking example that in Iran, too, there are processes of change which are ongoing and could challenge the very ideological foundations of the Islamic Republic of Iran at least in part. In order to manage this change, a process of national reconciliation might have to be implemented in order to adjust the system to the everyday needs of the people.

### II. Perhaps “Iran could”?

“Yes, we can” might also be the leitmotiv for Iran’s critical, young and well-educated middle class which has grown within major urban centres across the country and has constantly been in the centre

of the protest movements over the last decade. But the same slogan as well as the concept of ‘change’ not only contributed to the growth of the middle class in urban centres throughout Iran – it also influenced and re-shaped major ideological institutions of the state principle *velāyat-e faqih*<sup>3</sup>, such as the Basij or the Pasdaran since the end of the war with Iraq in 1988. For them, the revolutionary credentials and self images are still the main constituents of their self-perception as a resistance against perceived imperialistic global aspirations from world powers, most notably, the West and the U.S. There are constant processes of change in Iran and within the various groups in politics and society – be it political divisions among the conservatives (principalists, classical conservatives), the emergence of the reform movement, the situation of women, of workers, teachers or students to mention a few. But given the ongoing clashes and growing conflicts between reformist groups and state institutions which are all dominated by conservative groups, one question that arises is what further way can there be to manage and foster Iran’s future development in a way that reconciles various competing lifestyles and ways of political and religious thinking.

### III. Parameters of Change in Iran

#### III.1 Politics in the Islamic Republic of Iran: United at odds

In the aftermath of the Iranian protest summer of 2009 and the emergence of the ‘Green Movement’ the enormous discussions and power struggles not only between reformists and conservatives, – as they are usually labelled – but also between different groups of conservatives became more visible than ever before. This is a result of the ‘factionalism’ of Iranian politics, ensuring a balance between different political factions from the beginning of the Islamic Republic until today<sup>4</sup> – regarding different and changing political camps or affiliations to these by individual politicians.<sup>5</sup> One aspect is the tactic of Supreme Leader Ayatollah Ali Khamenei in securing his own power base. He did this by balancing out different political camps and power centres. A side effect – as paradoxical as this might sound – was an opening process for the political

<sup>1</sup> Personal conversations by the author in Tehran, Iran, February 2011.

<sup>2</sup> From the student movements in 1999 and the following years (until 2003) to the protests of 2009 and beyond.

<sup>3</sup> For a discussion see Brumberg’s biographical approach to Khomeini’s concept of the “The Rule of the Jurist”. Daniel Brumberg 2001, *Reinventing Khomeini. The struggle for reform in Iran*, The University of Chicago Press, p. 80-97.

<sup>4</sup> Mohammad Ayatollahi Tabaar, *Laying low but not gone. Iran’s Green Movement and the Gray Strategy of Patience*, p. 278. In: Nader Hashemi, Danny Postel (eds.) 2011: *The People Reloaded, The Green Movement and the struggle for Iran’s future*, Melville House, p. 277-280. See also the remarks on a direct line from Khomeini’s concept of the *velāyat-e faqih* and former president Khatami’s victory in 1997: Daniel Brumberg 2001, *Reinventing Khomeini. The struggle for reform in Iran*, The University of Chicago Press, p. 3-4.

<sup>5</sup> Walter Posch 2009, *Prospects for Iran’s 2009 Presidential Elections*, Policy Brief No 24, Middle East Institute, June 2009, accessed at <http://www.mei.edu/Portals/0/Publications/Posch2.pdf>, p. 4.

scene in Iran, intensified by the business-friendly policies of then president Ayatollah Hashemi Rafsanjani. The Rafsanjani era remains a decisive time for the Islamic Republic of Iran: through its focus on reconstruction and at the same time a slight tendency for political opening as well as for the relaxation of some of the very strict societal conducts<sup>6</sup> this era enabled, among other things, a new culture of political discussion and a first emergence of reform-oriented politicians paving the way for the campaign and the landslide victory of the reform-orientated president Seyyed Mohammad Khatami in 1997.

After a “coma”<sup>7</sup> of the conservatives from 1998 onwards their strategy was to counter Khatami and the reform movement of the “2<sup>nd</sup> Khordad”<sup>8</sup> whenever possible, starting in an unprecedented closing down of the newly emerged reform-oriented press. The following student protests between 1999 and 2003 were the first calls for a far-reaching change of the existing system and more basic rights. But due to the first ever public calls for a removal of the state principle *velāyat-e faqih* and the stepping down of Supreme Leader Khamenei, then-president Khatami was unable to formulate a cohesive response to the protesting student masses leading to massive disappointment among those who brought Khatami to power, most notably students, women and more generally, the young generation. However, for Khatami, it was impossible to turn against the system by supporting the slogans for radical change. In the end it seemed that the conservative power apparatus of the Islamic Republic also regained political authority but this was far from being the whole story. The regaining of a majority for the conservatives in parliament (2004) and in the presidential office (2005) has led to increased political rivalries among conservative factions in Iran’s political system ever since. The original plan to unite the conservative factions within one umbrella called the ‘Principalists’ (*osulgāran*)<sup>9</sup> has resulted in ferocious debates and rivalries among different conservative camps. The most important antagonists to president Ahmadinejad are not the reformists, who barely have a representation in the current parliament, but other conservative repre-

sentatives such as Ali Larijani or Ahmad Tavakoli who regularly attack the president due to his weak performance in economic policies, try to question him before the parliament<sup>10</sup> and are also increasingly trying to blame officials close to the president for illegal activities, such as corruption.<sup>11</sup>

Never before in the history of the Islamic Republic of Iran has there been such a massive front against the acting president from affiliated political camps. Especially since his failed attempt to sack Heydar Moslehi as Information Minister and his attempt to take over responsibility for the oil ministry, conservative opposition against Ahmadinejad has become stronger than ever. Due to his partly very bold attempts to overrule the parliament and even to ignore the stance of the Supreme Leader on the Moslehi case Ahmadinejad sees himself as well as his advisors exposed to an unprecedented political power struggle. This applies especially when it comes to the upcoming presidential elections in 2013: Given the constitutional limit of only two consecutive legislative periods for each president, Ahmadinejad’s recent manoeuvres seem to aim at installing his closest advisor, Esfandiar Rahim-Mashaie, as a possible presidential candidate. The ongoing political quarrels are a clear indicator for the impact of the change in the political sphere, most notably within the conservative camp. For the first time, the Islamic Republic experiences the emergence of a conservative faction which might even have aspirations to challenge the clerical power base of the establishment.<sup>12</sup> For this reason it is possible that two approaches might be emphasized to attract new groups of voters: Elements of the popular beliefs in Shia Islam, most notably the return of the Mahdi, the 12<sup>th</sup> Imam, as one of the ideological pillars of the president’s political performance<sup>13</sup> or the attempt to promote, among the greater amount of people to whom the religious and revolutionary credentials of the state ideology do not appeal, a form of thinking which has been subsumed by the “Iran first” dogma.<sup>14</sup> However, it is unlikely, that Ahmadinejad and his camp will be successful in their efforts to create a new ideological school in Iran with the aim of securing the political heritage of the neo-conservative camp. The

<sup>6</sup> Shahla Haeri, *Woman, Religion, and Political Agency in Iran*, p. 130. In: Ali Gheissari (ed.) 2009, *Contemporary Iran. Economy, Society, Politics*, Oxford University Press, p. 125-149. Mehdi Moslem 2002, *Factional Politics in Post-Khomeini Iran*, Syracuse University Press, p. 142ff.

<sup>7</sup> This metaphor is borrowed from Akbar Ganji, taken from: Hamid Debashi, „The real revolution is that people are entering the society as agents”: An interview with Iranian dissident Akbar Ganji, p. 271. In: Postel et al, 2011, p. 271-276.

<sup>8</sup> The Iranian date 2nd Khordad refers to the day of Khatami’s first election in 1997.

<sup>9</sup> For a definition of the term see Walter Posch 2009, *Prospects for Iran’s 2009 Presidential Elections*, Policy Brief No 24, Middle East Institute, June 2009, accessed at <http://www.mei.edu/Portals/0/Publications/Posch2.pdf>, p. 4.

<sup>10</sup> Ali Motahari speaking to Khabar Online: “I will organize a petition with 90 signatures to question the President” [Ali Motahari dar goft-ogu bā khabar online: soāl-rā az rais djomhur ba 90 emzāh be djariān miandāzam] <http://khabaronline.ir/news-156075.aspx>, accessed on 14 June 2011.

<sup>11</sup> See: [Mohseni-Ejei confirms Tavakoli’s statements on corruption by Ahmadinejad’s First Advisor] *Mohseni Ejei sokhanān-e Tavakoli darbāreh-je fesād-e eghtesādi moāven-e awal-e Ahmadinejad-rā tāid kard* <http://www.khodnevis.org/persian/> and <http://www.enduringamerica.com/home/2011/6/13/the-latest-from-iran-13-june-back-to-the-normal-of-in-fight.html>, accessed on 14 June 2011.

<sup>12</sup> See also: Geneive Abdo, Arash Aramesh, 20 April 2009, *Clash Over Mashaiee Reveals Fissures Within the Regime*, [insideiran.org](http://www.insideiran.org/news/clash-over-mashaiee-reveals-fissures-within-the-regime/), <http://www.insideiran.org/news/clash-over-mashaiee-reveals-fissures-within-the-regime/>.

<sup>13</sup> Kasra Naji 2008, *Ahmadinejad. The secret history of Iran’s radical leader*, University of California Press, p. 91-109.

<sup>14</sup> Ashkan Parsa, 20 April 2011, *Clerics, Former Loyalists Attack Ahmadinejad Over Mashaiee’s ‘Heretical’ Ideas*, [insideiran.org](http://www.insideiran.org/news/clerics-former-loyalists-attack-ahmadinejad-over-mashaiee-%e2%80%99s-%e2%80%98heretical-%e2%80%99-ideas/), <http://www.insideiran.org/news/clerics-former-loyalists-attack-ahmadinejad-over-mashaiee-%e2%80%99s-%e2%80%98heretical-%e2%80%99-ideas/>.

resistance within the remaining clerical establishment as well as in the camp of Supreme Leader Khamenei seems to be too powerful for this. But these developments indicate the processes of change in Iran which might have the potential to undermine the very ideological foundations of the Islamic Republic. Thus, change is affecting the whole political spectrum in the Islamic Republic of Iran, not only the reform movement but also some of the influential conservative factions within the Islamic Republic's political elite. This is also the case for another main pillar of political power in the Islamic Republic of Iran.

### III.2 Change in the power structure: The rise of the Pasdaran

Most striking and generally seen with growing concern regarding the possibility that Iran might evolve into a "military dictatorship"<sup>15</sup> is the rising influence of the Pasdaran. They were founded as parallel military by Ayatollah Khomeini in the aftermath of the revolution in order to counter possible divisions and disloyalty towards the new Islamic regime among the regular military which was in large parts the same as during the Shah era. During the Iraq-Iran war the Pasdaran contributed to important victories on the battle fields such as the recapturing of Khorramshahr in May 1982. The most martyrs of the so-called 'Holy Defence' came from among the Pasdaran.<sup>16</sup> Following the war, during the Rafsanjani era the cornerstone was laid for the economic activity of the Pasdaran, officially giving them the opportunity to be active in key industries such as the infrastructure sector.<sup>17</sup> This was, for example, the beginning of today's well-known conglomerates such as Khatam Al-Anbia which are seen as one example of how the Pasdaran gathered more and more power in economics, first laying the foundation for their economic and then also their political influence today. So, this development started much earlier than Ahmadinejad's coming to power.<sup>18</sup> As so often when analyzing Iranian politics, only at first glance is it tempting to think that the developments are so clear. The "Pasdaran"<sup>19</sup> and their role in the power structure of the Islamic Republic are also not so easy to define due to religious and social differences in Iranian society which of course are also

represented within the Pasdaran.<sup>20</sup> Since the end of the war with Iraq, the Pasdaran has developed to more than just a purely military organisation. With their heterogeneous involvement in Iranian politics as well as in various segments of the business sector, their leverage has extended beyond the military sector. But this is not linked to a 'military plot' but results from a generational fact in Iran which sees former war veterans now in charge of running the country. It remains most important to know that the Pasdaran are as manifold in their views as is Iranian society.<sup>21</sup> The era of Ahmadinejad and the far more visible rise of the Pasdaran may however represent a genuine process of change in Iranian elites – a process whose real outcome can still not be assessed, but it is certainly changing the power apparatus of the Islamic Republic and might influence their ideological foundations and lead to a new form of technocratic and pragmatism-oriented elite. This shows, that just as any other institution in Iranian society, the Pasdaran reflect the manifold dynamics of change in the political reality in Iran – inheriting extreme contrasting divisions during the last eight years: while during the era of Khatami a letter of threat against the reform policies of the president was published<sup>22</sup>, around recent protests in Tehran in February 2011 there have been rumours<sup>23</sup> stating that parts of the medium ranking commanders warned the bureau of the Supreme Leader that they would not act against their own people in the streets anymore.

### III.3 The Green Way of Hope, its Opponents and the Need for a Reconciliation Process in Iran

One may remember the emotional scenes during Khatami's farewell speech at the University of Tehran in summer 2005. Students shouting that he had betrayed their struggle for political reform made even Khatami cry during this session. When looking at this scene in light of developments in Iran since the presidential elections in 2009 it becomes clear that the two presidencies of Mohammad Khatami were just one episode within the struggle for political reform in Iran. But the disappointment among the young generation towards Khatami disappeared in the course of merely one year: One

<sup>15</sup> Glen Kessler, Clinton says U.S. fears Iran is becoming a military dictatorship, *Washington Post*, 15 February 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/02/15/AR2010021501064.html>. A further worrying account is given in Dieter Bednarz, Erich Follath, *Die Schattenkrieger* (German only), *DER SPIEGEL*, 13 February 2011 <http://www.spiegel.de/spiegel/print/d-69065823.html>, accessed on 12 June 2011.

<sup>16</sup> Alireza Nader, *The Revolutionary Guards*, Iran Primer, <http://iranprimer.usip.org/resource/revolutionary-guards>, accessed on 13 June 2011.

<sup>17</sup> Ibid.

<sup>18</sup> See Parsi 2011, p.11.

<sup>19</sup> Mostly labelled as the Islamic Revolutionary Guards Corps (IRGC), in short often referred to as the Revolutionary Guards.

<sup>20</sup> Rouzbeh Parsi 2011, Iran in the shadow of the 2009 presidential elections, Occasional Paper 90, April 2011, European Institute for Security Studies, p. 10.

<sup>21</sup> Bernard Hourcade, The Rise to Power of the Guardians of the Revolution, *Middle East Policy* 16, 3/2009, p. 3-4.

<sup>22</sup> Navid Kerami 2005<sup>2</sup>, *Die Revolution der Kinder* (German), C. H. Beck Verlag, p. 161-179.

<sup>23</sup> See the ambiguous statements from Revolutionary Guard's representatives: Shayan Ghajar, 23 May 2011, Ahmadinejad Beset on All Sides by Khamenei Loyalists, [insideiran.org](http://www.insideiran.org), <http://www.insideiran.org/critical-comments/ahmadinejad-beset-on-all-sides-by-khamenei-loyalists/> or the comments on the ambiguous speech by Hassan Firouzabadi, Head of Iran's Armed Forces, Enduring America Live Blog, 20 February 2011, <http://www.enduringamerica.com/home/2011/2/20/the-latest-from-iran-20-february-so-what-happens-on-1-esfand.html>, both accessed on 14 June 2011.

can not imagine the euphoria in the assembly hall of a university in Tehran in May 2006: Hundreds of students, welcoming Khatami like a popstar by clapping hands and repeatedly shouting his name. When the former president finally made his way through the assembly hall, which was totally overcrowded, hundreds of students fell silent from one moment to the next and carefully listened to every single word of the former president.<sup>24</sup> Afterwards, this event might be seen as a harbinger of what should erupt three years later in the silent protest marches in Tehran following the disputed re-election of president Ahmadinejad on 12 June 2009. The formation of the Green Movement during the campaign for the presidential elections in 2009 and most notably in its disputed aftermath certainly can be seen as a turning point for Iranian politics, despite the fact that politically and with regard to media appearance, Iran's power apparatus has done everything to curb the voices in public with still ongoing arrests of journalists, human rights and student activists. It is very closely monitoring any activity to which they refer to as 'sedition' – a crime for which the death penalty is a possible outcome at court. But the Green Movement is still there and continues to be a kind of umbrella for all groups within Iranian society calling for improvement regarding substantial political freedoms. What is strength – uniting different groups in the country – is at the same time also a weakness. The movements most famous representatives, Mir Hussein Mussavi and Mehdi Karrubi are still under strict house arrest and at the same time obvious divisions can be seen within the movement among groups claiming radical change and the political mainstream stating that changes have to be achieved within the current system. However, given the rare chance to realize this goal under the present repression in Iran, the Green Movement is still in search of a method for gaining future political leverage. Despite the crackdown, it remains questionable that a real revolution will take place in Iran soon. Talking to Iranians of different age groups can give an impression why the 'big bang' in Iran or any kind of 'next revolution' does not appear: First, the experience with the last revolution seems to be too negative. Then, and most importantly, there also seems to be a lack of a concise idea of what comes next and what will be the political alternative. Also within the Green Movement there are diverging groups, some calling for a reform within the system, others for a complete withdrawal of it. Dissatisfaction among Iranians is fuelled mostly by the economic failures of the cur-

rent administration as well as the deprivation of their basic civil rights. Thus, there remains a lot of potential in Iran for change. But still, as is the argument of this article, this struggle for change is also fought out within the current political system and its different camps in Iran. The rise and decline of the political reform movement, the rise of the Pasdaran as well as the rise of the Green Movement are all parts of a much-divided Iranian society continuously searching for ways to find terms of engagement on how adherence to religion and moral values as pillars of regime support and more political rights and freedoms as well as a less socially and culturally restricted everyday life can be brought together. An interesting and striking picture of a divided society is given by some liberal and reform-minded younger Iranians seeing a crucial gap between religious and non-religious minded people within the Iranian people. Some say that without a dialogue between the different political camps and ways of thought, a common future seems not to be possible. Or to put in the words of a conversation partner in Iran:

*"What Iran really needs and what really would be revolutionary for us will be some kind of national reconciliation. We have to get around one table and talk about our ideas for life."<sup>25</sup>*

Due to a lack of political alternatives and ongoing processes of change in political institutions and movements of the Islamic Republic, a radical change in Iran does not seem very likely. Also, if there are no prospects for a radical change that does not at all mean that the current status quo is the solution: The Green Movement will continue to have influence and support in Iran. It has become part of the political system even though it is continuously suppressed. At the same time, there are signs from conservative<sup>26</sup> and from reformist sides that the notion of 'reconciliation' should be taken into account. A recent effort by former president Khatami, which sparked positive as well as very critical reactions, is aiming in exactly this direction of promoting a dialogue and reconciliation under the current circumstances.<sup>27</sup> For the future of Iran it is to hope that prospects for a peaceful reconciliation of the different religious cultures, different life-styles and different political camps will become a more convincing alternative than another bloody revolution with no real political alternatives in sight. Yet, the representatives of the Islamic Republic have possibilities to initiate this process.

<sup>24</sup> Author's participation in the event, May 2006, Allameh Tabataba'i University, Tehran, Iran.

<sup>25</sup> Conversation by the author in Tehran, February 2011.

<sup>26</sup> As occurred for example from Ali Larijani and Ali Motehari, Enduring America Live Blog 20 February 2011, <http://www.enduringamerica.com/home/2011/2/20/the-latest-from-iran-20-february-so-what-happens-on-1-esfand.html> , accessed on 14 June 2011.

<sup>27</sup> Farideh Farhi, Khatami calls for national reconciliation, 24 May 2011, <http://www.ipsnews.info/news.asp?idnews=55768>, accessed on 13 June 2011.

Niklas Hünseler

## Islamist and Democrat?

# Rachid al-Ghannouchi's Concept of an 'Islamic Democracy' and his Perspectives in post-Ben Ali Tunisia

### I. Introduction

Rachid al-Ghannouchi, the Tunisian Islamist opposition leader, has returned from London to Tunisia after more than 20 years. Even though he spent two decades in exile he still remains Tunisia's most important Islamist actor. At his arrival at the Cart-hago airport Ghannouchi was welcomed by several thousands followers. Preliminary estimations say that about 20-30% of the voters would favor Ghannouchi's an-Nahda party in the upcoming elections<sup>1</sup>. Considering these numbers Ghannouchi's movement can be seen as one of the most important organized political forces in post-revolutionary Tunisia. Since his return, Ghannouchi has kept stressing his moderate political orientation. He emphasizes the absolute necessity of democracy, freedom, women's rights and he considers his Nahda party as an equivalent to Turkey's AKP<sup>2</sup>. However, Tunisia's current political landscape is diverse – secularists and liberals are sceptical of Ghannouchi's moderate positions since his politics have not always been this way.

In this article I will try to examine Ghannouchi's political position by presenting his concept of an 'Islamic-democratic' state. Furthermore I will attempt to outline Ghannouchi's standing in post-revolutionary Tunisia and his future perspectives.

### II. The Tunisian Uprising – An Astonishment to Islamists

No one who has observed the Tunisian uprising culminating in the overthrow of President Zine el-Abidine Ben Ali can seriously claim that he has witnessed a revolution with a religious background. The slogans chanted in the streets or spotted on banners carried by protest marchers have had no reference to Islam. Those who could be found on the streets rallying against Ben Ali were mostly young people unsatisfied with their personal situation which was and still is shaped by unemployment, corruption and repression. Tunisia's Islamist movements themselves must have been heavily surprised by the extent and the outcome of the protests. Mohamed Talbi, an important Tunisian scholar of Islamic studies, remarks that an-Nahda

played absolutely no role in the revolution of the Tunisian youth<sup>3</sup>.

But while Islamists were not among those who caused the toppling of Ben Ali's regime they certainly benefit from it. As a consequence of the revolution Rachid al-Ghannouchi has been able to return to Tunisia and his movement has finally been approved as a political party.

### III. From Panarabism to Islamist Leadership

Rachid al-Ghannouchi was born in 1941 in Gabès, southern Tunisia. While studying philosophy in Damascus he made first contacts with the Muslim Brotherhood. Under the brotherhood's influence Ghannouchi was transformed from a Panarabist into a 'serious believer'. Ghannouchi's idols at this time were Sayyid Qutb, Hassan al-Banna and Malik Bennabi<sup>4</sup>. Later on he also admired Abu al-'A'la al-Maududi and Ayatollah Khomeini.

Back in the early 1980s, when Tunisia was ruled by Habib Bourgiba, Ghannouchi appeared in public for the first time with the announcement of the MTI (*Mouvement de la Tendance Islamique*). Very soon he was imprisoned for a longer term, as the Islamic movement's growing support from parts of the youth and working class increasingly alarmed Bourgiba<sup>5</sup>.

In 1987 several tourist hotels were hit by bomb blasts. In consequence of these incidents, Ghannouchi and the MTI were accused of "spearheading an Iranian-backed plot to overthrow the Tunisian government"<sup>6</sup>. Ghannouchi was sentenced to life imprisonment. Thanks to the dramatic change in Tunisian politics – interior minister Ben Ali successfully carried out a bloodless *coup d'état* against President Bourgiba – Ghannouchi was granted amnesty in 1988. The MTI, now known as an-Nahda, very soon challenged Ben Ali's regime in the elections by taking the way of the independent lists, although it had not been approved as a political party yet. Ben Ali responded by carrying out massive repression against the movement<sup>7</sup>. As a consequence Ghannouchi left Tunisia for exile in London in 1989.

<sup>1</sup> Stauffer (2011), Schäfer (2011).

<sup>2</sup> Abedin (2011).

<sup>3</sup> Stauffer (2011).

<sup>4</sup> Roy, Sfeir, King (2007), p.122.

<sup>5</sup> Tamimi (2001), p.58f.

<sup>6</sup> Jones (1988), p.19.

<sup>7</sup> Hamdi (1998), p.68-70.

Ghannouchi, an avowed Salafist and member of the Muslim Brotherhood, is an ambivalent figure. On the one hand he has acted as a supporter of the Iranian Revolution and the Revolutionary Leader Ayatollah Khomeini. In the Second Gulf War he sympathized with Saddam Hussein and called on Muslims to support Hussein with their money and lives<sup>8</sup>. He issued a fatwa, which justified the killing of Israeli civilians, because they were members of the Israeli army<sup>9</sup>. On the other hand Ghannouchi presents himself as a proponent of Islamic democracy, calling for nonviolence and propagating women's rights. Robin Wright says Ghannouchi postulates an "Islamic system that features majority rule, free elections, a free press, protection of minorities, equality of all secular and religious parties, and full women's rights in everything (...)." <sup>10</sup>

#### IV. Ghannouchi's Position in post-Ben Ali Tunisia

With Ben Ali's resignation on January 14, 2011 the path was paved for Ghannouchi's return to Tunisia. He left his exile in London about two weeks later. Though aged 69 and having spent more than 20 years abroad Ghannouchi is still the most influential Tunisian Islamist leader and an-Nahda's most lucid figure. For this reason many were curious about the role he might play in post-Ben Ali Tunisia.

After he was reelected by a majority of 63% of the delegates in 2007, Ghannouchi currently holds the presidency of the an-Nahda party<sup>11</sup>. The first survey conducted in Tunisia after the revolution comes up with interesting figures<sup>12</sup>. According to these, Ghannouchi is known to 37% of the respondents. By this, he is presently the second most known political person after Beji Caid as-Sebsi, Prime Minister of Tunisia since February 27, 2011. Tunisians are even more familiar with him than with the famous opposition politician Najib Chebbi or the former interim Prime Minister Mohammed Ghannouchi. Similar to Ghannouchi the an-Nahda movement – despite being banned for two decades – is still very present to most of the Tunisian people. Only Ben Ali's dissolved RCD is better known to Tunisians. However, while Ghannouchi and his movement achieve significant numbers concerning

their recognition, especially Ghannouchi himself does not perform well regarding credibility. Only 6.9% of those who were asked, which politician they judge to be the most honest and most credible, said that it was Rachid al Ghannouchi. Furthermore, with 23.64% Ghannouchi ranks at the top of these politicians people feel most distant to.

In spite of this, the an-Nahda movement, which was legalized in March 2011<sup>13</sup>, may gain 20-30% of the vote, according to preliminary estimations.<sup>14</sup> Although an-Nahda will not be able to form a government on its own it will be part of a coalition government. Up to this point about fifty parties have been approved<sup>15</sup>. As Tunisia's political landscape consists of Communists, Trade Unionists, Human Rights Activists, Liberals, Conservatives and Islamists the decision of what Tunisia's future character will be like is hard to foresee.

Rachid al-Ghannouchi, as he has been remarking in several interviews previously, envisages an 'Islamic democracy' similar to the Turkish one ruled by the AKP<sup>16</sup> and clearly rejects the separation between religion and state<sup>17</sup>. It is questionable, if an-Nahda's possible coalition partners will agree on this concept. Concerning his role in post-Ben Ali Tunisia Ghannouchi appears to be modest. He announced that he will not run for president in the national elections<sup>18</sup> and says that he is going to abstain from running for the presidency of an-Nahda in the next internal elections to open the position to younger members<sup>19</sup>. Nevertheless it is unlikely that Ghannouchi will retire from politics on the whole. He is an-Nahda's most prominent figure and has an excellent reputation in Islamist circles. If Ghannouchi retires from the Nahda-presidency, he will probably pull strings behind the scenes and make sure that his movement is taking the right course.

#### V. A Vision of 'Islamic Democracy'

Rachid al-Ghannouchi's prominence in Islamist as well as in Islamic circles is not primarily based on his an-Nahda-leadership but on the fact that he appears to be one of the most distinct proponents of 'Islamic democracy'. Gudrun Krämer explains that

<sup>8</sup> Ibid., p.33, 118.

<sup>9</sup> MEMRI-report (2004).

<sup>10</sup> Wright (2003), p.229.

<sup>11</sup> Abedin (2011).

<sup>12</sup> *Les tunisiens et la politique après le 14 janvier* – Résultat du sondage d'Opinion, Réalisé par Global Management Services du 1 au 22 mars 2011 (2011).

<sup>13</sup> *Bi-'imkānihā mumārasat al-'amal al-ḥizbī. Tūnis ta'tarifu qānūniyyan bi-ḥarakat an-nahḍa* ('Permission to conduct party business, Tunis declares Nahda-movement legal'), *al-Jazeera online* (2011).

<sup>14</sup> Schäfer (2011) and Stauffer (2011).

<sup>15</sup> Thedrei (2011).

<sup>16</sup> Abedin (2011).

<sup>17</sup> Ismail (2011).

<sup>18</sup> "Islamisten-Partei beantragt Zulassung in Tunesien" ('Islamist party applies for political party status') *FAZ online* (2011).

<sup>19</sup> *Al-ḡaiš yata'ahadu bi-ḥimāyat al-ṭaura. An-nahḍa qad tušāriku bi-ḥukūmat tūnis* ('The army commits itself to protect the revolution, an-Nahda will probably take part in forming a new government'), *al-Jazeera online* (2011).

Ghannouchi considers a free and democratic basic order as a cornerstone for the realization of a reasonable implementation of the sharia<sup>20</sup>. Robin Wright says “Ghannouchi now ranks among Islamism’s most accessible and mature thinkers on the issue of democracy”<sup>21</sup>. As Ghannouchi is one of post-Ben Ali Tunisia’s most prominent figures his ideas might have a sizeable bearing on its political community. For this reason I will try to examine Ghannouchi’s conception of an ‘Islamic democracy’.

### V.1. The Interlinkage between Islam and Democracy

According to Ghannouchi a democratic government is not only compatible with Islam, but “may in fact be of Islamic origin”. Free elections, basic freedoms like freedom of expression, associational autonomy and judicial independence shall form the basic structure of a ‘democratic Islamic’ state<sup>22</sup>.

Ghannouchi presents himself as a skeptic of the absolute sovereignty of the people by stressing the fact that absolute sovereignty belongs to god. The ‘Islamic democracy’ differs from western ones as there exists no higher authority than the sharia. While “political power belongs to the community (*ummah*)”, “supreme legislative authority is for the Shari’ah, that is the revealed law of Islam, which transcends all laws”<sup>23</sup>. No single law must contradict the sharia’s commandments.

Divine principles own the absolute sovereignty in Ghannouchi’s Islamic democracy, yet the problem is that sharia cannot be seen as a codified bill which comes up with a specific answer for every question. Rather the sharia consists of the divine text (al-Qur’an), the written records of Muhammad’s actions (sunna) and methods of their interpretation. Ghannouchi is aware of this fact. He proposes to use the fundamental commandments, which are contained in the Qur’an and the sunna, as a basis of any ordinance passed by the Islamic state. However, as there are often several options to transform Islamic commandments into ordinances and interpret them, no single person can own the right to do it. The decision about the adoption of an ordinance, which is derived from Islam’s elementary sources (Qur’an and sunna), shall lie in the people’s hands indirectly. Ghannouchi’s apparently very liberal vision is constrained by the fact

that an interpretation of the Qur’an “not supported by the grammatical rules of the Arabian language”<sup>24</sup> is inadmissible.

### V.2 The Separation and Fusion of Powers

For Ghannouchi separation of powers is not a Western but an Islamic concept. The origin of the concept of separation of powers is the Islamic state. Legislative power is to be found in the Qur’an and the sunna and Islamic jurists, interpreting the sharia’s commandments, work independently from the state<sup>25</sup>.

But while separation of powers is an Islamic phenomenon, a strict separation of powers is a purely Western idea. Western societies are based upon individual interest, which demands organized conflict and implicates “rival forces in the social and governmental sphere, which suppress and tyrannize each other”<sup>26</sup>. In contrast to this Islamic societies own a consensus, which arises out of the people’s piety. The Islamic state is not touched by internal conflicts as its faith and brotherliness brings about unity<sup>27</sup>. According to Ghannouchi an essential mechanism to prevent the corruption of decision makers and institutions is to be found in their “submission to god and the fear of punishment”. The goal is a society regulating itself by the principle of *al-amr bil-ma’rūf wa-n-nahy ‘an al-munkar* (‘enjoin what is good and forbid what is wrong’) set forth in the Qur’an<sup>28</sup>.

### V.3 Executive

Head of the Islamic state is the *imām* or *ra’īs* (‘president’). In recent writings Ghannouchi demonstrates progressiveness by enabling women to assume the presidency<sup>29</sup>. Although in an interview, approximately one month after his return to Tunisia, he criticizes the Muslim Brotherhood for barring Copts from presidency<sup>30</sup>, Ghannouchi originally interlinked the right to run for presidency with the candidate’s religious background. In his writings he emphasizes that the head of state should by all means be a pious Muslim with a minimum age of 40 years<sup>31</sup>.

Ghannouchi’s skepticism against a separation of powers in the Western sense is expressed by the fact that he considers the president to be the head

<sup>20</sup> Krämer (1999), p.71-72.

<sup>21</sup> Wright (1996), p.229.

<sup>22</sup> Hamdi (1998), p.104.

<sup>23</sup> Ghannouchi (2007), p.273.

<sup>24</sup> Dunn (1996), p.154.

<sup>25</sup> Ghannouchi (1993), p.238.

<sup>26</sup> Ibid., p.236, 246.

<sup>27</sup> Ibid., p.247.

<sup>28</sup> Ibid., p.236.

<sup>29</sup> Ghannouchi (2009).

<sup>30</sup> Abedin (2011).

<sup>31</sup> Hamdi (1998), p.111.

of state and the head of the legislative at the same time<sup>32</sup>. The executive character of the Islamic state becomes manifest in this concentration of power, which is aimed at making governance more dynamic and orientates itself by Muhammad's rule.

The head of the Islamic state is not elected by the people directly. At first the legislative decides on one or more candidate(s). Secondly the people (Muslims and non-Muslims) elect the head of state from among these candidates<sup>33</sup>. Once the head of state has been chosen, he shall not be dismissed any more unless he becomes an infidel or immoral. However, Ghannouchi adds that theoretically a limitation of the Imām's mandate and by that regular elections are also possible<sup>34</sup>.

#### V.4 Legislature

In contrast to Western parliaments which embody the people's sovereignty, the Islamic legislature's (*maǧlis aš-šūrā*) sovereignty is constrained by the fact that supreme legislative authority is reserved for the Qur'an's and the sunna's commandments<sup>35</sup>. No law must contradict the requirements, bans and rules, set forth in Islam's holy scriptures<sup>36</sup>. Legislation is processed by interpreting the sharia's existing commandments and transforming them into convenient law. If Islamic law does not offer a specific rule with regard to an actual situation, the members of the *maǧlis* shall enact a law by practicing *iǧtihād* and taking into account Islam's ethics<sup>37</sup>. Members of the parliament are elected by the whole people (Muslims and non-Muslims). Non Muslims can also be part of the legislature<sup>38</sup>.

As the legislative is not necessarily composed of Muslim legal scholars (*ulamā*), Ghannouchi envisages a council of *ulamā*, which supports the parliament in enacting laws and supervises the legislative process<sup>39</sup>. The state's executive character is strengthened through the legislature's oath of allegiance to "obey and follow" the head of state<sup>40</sup>.

#### V.5 Judiciary

Ghannouchi's 'Islamic democracy' comprises an independent judiciary. The judiciary is authorized to check the legality of the president's action. Except the presidency of the judiciary, judgeship can be pursued by non-Muslims<sup>41</sup>. The legal experts, who support the *maǧlis aš-šūrā* in passing laws, furthermore serves as some kind of constitutional court, which has to make sure that the laws enacted by the legislature do not contradict Islam's commandments<sup>42, 43</sup>.

#### V.6 Parties

The political party scene of the Islamic state encompasses Muslim as well as non-Muslim parties. According to Ghannouchi, Muslims are even permitted to join non-Muslim-parties as Islam's persuasiveness enables it to defend itself<sup>44</sup>. In an interview Ghannouchi asserted that he would accept the people's verdict, even if they chose Communists<sup>45</sup>.

This sounds as if he was willing to accept a dismissal of the state's Islamic character. However, de facto, this does not apply. Once the Islamic state has been implemented, the supreme authority forests with the sharia<sup>46</sup>. This implicates that "all parties and organizations have to submit to Islam's principles and commandments"<sup>47</sup>.

Parties which do not announce their "affiliation to Islam" will be isolated and will have to act in secrecy. If a party conflicts with Islam's principles in some point of view, civil society shall defend Islam. But any party which seriously aims at superseding the Islamic society's order has to be banned or fought<sup>48</sup>.

#### V.7 Freedom of Speech and Religion

Ghannouchi rejects the Western conception of freedom as it is solely a "formal or negative" one

<sup>32</sup> Ghannouchi (1993), p.246f.

<sup>33</sup> Hamdi (1998), p.110f.

<sup>34</sup> Ghannouchi (1993), p.170.

<sup>35</sup> Ibid., p.238.

<sup>36</sup> Ibid., p.221.

<sup>37</sup> Tamimi (2001), p.101.

<sup>38</sup> Ghannouchi (1993), p.83.

<sup>39</sup> Ghannouchi (2002), p.114.

<sup>40</sup> Ghannouchi (1993), p.246.

<sup>41</sup> Ibid., p.292.

<sup>42</sup> Ibid., p.238.

<sup>43</sup> Surprisingly Ghannouchi criticised the Muslim Brotherhood's "idea that a body of Ulama should oversee the parliament" in an interview recently, see: Abedin (2011).

<sup>44</sup> Ibid., p.293-94.

<sup>45</sup> Davis (1999), p.95.

<sup>46</sup> Wöhler-Khalfallah (2007), p.86.

<sup>47</sup> Ghannouchi (1993), p.292f.

<sup>48</sup> Ibid., p.294.

founded on “utilitarianism” and “hedonism”. If man tries to base freedom on reason by rendering himself the master of all things, he will turn to a slave of his own desires. Freedom must not only consist of the absence of coercion but also of the adherence to religious commandments<sup>49</sup>. According to him “freedom without a submission to God’s will must not be existent”.<sup>50</sup>

Ghannouchi’s conception of religious freedom allows all believers to practice their specific religion and to erect places of worship. Actually “freedom to propagate non-Muslim religions, even if it includes arguments (though not abuse) to discredit Islam”, is admissible<sup>51</sup>. Referring to Koran 2:2256 (“There’s no compulsion in religion”) he announces any person’s free choice of religion<sup>52</sup>. Based on this statement some authors conclude that he postulates absolute freedom of religion<sup>53</sup>. This is definitely wrong. For Ghannouchi apostasy (*ridda*) is a political action, which aims at corroding the society’s basis and therefore has to be punished<sup>54</sup>. In former times Ghannouchi’s MTI even called for considering not only those who leave Islam voluntarily as apostates, but also those “who agree with words of unbelief (...) or clearly oppose the Qur’an or interpret it in a way not supported by the grammatical rules of the Arabic language or basically behave in a way that does not support anything but unbelief”<sup>55</sup>.

### V.8 Women and non-Muslims

The fact that Ghannouchi opens the presidency to women is particularly striking. But while he makes the highest office accessible to the other sex, he obviously avoids dealing with matters of Islamic family law in public. Furthermore the equality of the sexes he propagates is touched by some exceptions in “minor matters relating to women’s physical nature”. In the past Ghannouchi even stressed that the separation of the sexes in public and the veiling of women was a must<sup>56</sup>. Nowadays he explains that “we have continuously defended the right of women and men to choose their own lifestyle, and we are against the imposition of the headscarf in the name of Islam (...)”<sup>57</sup>. Concerning the equal treatment of Muslims and non-Muslims Ghannouchi asserts that “non-Muslims who live in a Muslim nation have all the rights and privileges accorded to Muslims”<sup>58</sup>. In contrast to this statement his vision

of an Islamic state implies different kinds of citizenship for Muslims and non-Muslims. While Muslims hold the ‘general citizenship’ (*muwāṭina al-‘āmma*) and by that have access to the states leading positions like the presidency, the presidency of the parliament, the army command, the presidency of the jurisdiction etc., non-Muslims occupy a special position.

They hold the ‘special citizenship’ (*muwāṭina al-ḥāṣṣa*) which restrains them from taking the states leading positions. Access to the parliament and the diplomatic service for example is granted them. Not only non-Muslims hold this ‘special citizenship’ but also those Muslims who are not members of the state and live outside of it. Both groups can obtain the ‘general citizenship’. While Muslims living outside of the state have to immigrate to it, non-Muslims have to convert to Islam<sup>59</sup>.

### VI. A new Ghannouchi?

Now that a revolution has taken place in Tunisia and Ghannouchi’s movement is back on the political scene, he sounds particularly moderate. He criticizes, for example the Muslim Brotherhood for barring Copts from the presidency and their vision of a body of ‘*ulamā*’ to oversee the parliament and asserts that he is against the imposition of the headscarf in Tunisia. His present statements are in part quite the opposite of that which he has called for in the past. So far it is not clear whether Ghannouchi really has changed in mind or if his political orientation is still the same as in the past.

There has often been a discrepancy between his public statements – regarding religious freedom and the status of non-Muslims for example – and the actual position exposed in his writings. Nevertheless, the possibility that Ghannouchi has truly become much more liberal should be paid regard to. The best way for Ghannouchi to prove that his change of mind is credible, will be an-Nahda’s participation in Tunisia’s democratic process, as it demands from Ghannouchi’s movement that is expose its views in detail.

### VII. Conclusion

Is Rachid al-Ghannouchi an Islamist and democrat at the same time? Apparently there are strong ar-

<sup>49</sup> Tamimi (2001), p.72-75.<sup>48</sup> Ibid., p.294.

<sup>49</sup> Tamimi (2001), p.72-75.

<sup>50</sup> Wöhler-Khalfallah (2004), p.408.

<sup>51</sup> Hamdi (1998), p.108.

<sup>52</sup> Ghannouchi (1993), p.44.

<sup>53</sup> Sonn (2005), p.77.

<sup>54</sup> Ghannouchi (1993), p.50.

<sup>55</sup> Dunn (1996), p.154.

<sup>56</sup> Shehadeh (1999), p.79.

<sup>57</sup> Moshiri (2011).

<sup>58</sup> Ghannouchi (1990), p.43.

<sup>59</sup> Ghannouchi (1993), p.290-92.

guments for Ghannouchi's democratic and liberal position. Free and universal suffrage, the election of the head of state, a presidency which is open to women, non-Muslims in the parliament as well as the admission of non-Muslim parties and an independent judiciary indicate a democratic attitude.

However concerning religious freedom and the status of non-Muslims, things obviously look different. Ghannouchi does not admit Muslims to leave Islam and non-Muslims are discriminated against on account of their faith.

In former times he even called for considering a non-orthodox interpretation of the Qur'an as apostasy. Furthermore the existence of non-Muslim parties is severely limited by the fact that they are obliged to announce their affiliation to Islam. However, as Ghannouchi's present statements sound quite different and much more liberal we

have to take into account the possibility that he has changed his mind. In fact he does not explicitly renounce his view on apostasy and actually his criticism of barring Copts from presidency is no definite statement about his view on the status of non-Muslims. Nevertheless Ghannouchi and his movement should be given the chance to prove their change in mind by participating in Tunisia's democratic process – as it is already about to happen. Thinking of Ghannouchi's role in post-Ben Ali Tunisia, it is particularly striking that he is still very present to Tunisian minds, while at the same time he ranks at the top of those politicians people feel most distant to.

His movement has excellent chances to participate in a newly elected coalition government, but surprisingly he announced that he will not run for presidency in the national elections and says that he is going to abstain from running for the presidency of an-Nahda.

### VIII. References

- ABEDIN, MAHAN: "Islamist leader returns from exile – an interview with Rashid al-Ghannouchi", *Le Monde diplomatique online*, (31.1.2011), retrieved from: <http://mondediplo.com/openpage/tunisia-islamist-leader-returns-from-exile-an>.
- Al-ğaiš yata'ahadu bi-ḥimāyat aṭ-ṭaura. An-nahḍa qad tušāriku bi-ḥukūmat tūnis* ('The army commits itself to protect the revolution. An-Nahda will probably take part in forming a new government'), *al-Jazeera online*, (3.3.2011), retrieved from: <http://www.aljazeera.net/NR/exeres/848EC8CA-6FA8-43C6-9E35-F94F533A3193.htm>.
- Bi-ḥimāniḥā mumārasat al-ʿamal al-ḥizbī. Tūnis ta'tarifu qānūniyyan bi-ḥarakat an-nahḍa* ('Permission to conduct party business. Tunis declares Nahda-movement legal'), *al-Jazeera online*, (1.3.2011), retrieved from: <http://www.aljazeera.net/NR/exeres/F46D960F-6A9E-429E-AC72-9816749FC863.htm>.
- DAVIS, JOYCE, *Between Jihad and Salaam. Profiles in Islam*, Macmillan Press Ltd., Hampshire, London, (1999), ISBN 0-333-71362-1.
- DUNN, MICHAEL COLLINS, "The Al-Nahda Movement in Tunisia: From Renaissance to Revolution," in: Ruedy, John: *Islam and Secularism in North Africa*, Macmillan Press Ltd., Houndsmills, Basingstoke, Hampshire and London, (1996), p. 149-165.
- GHANNOUCHI, RACHID, *Al-ḥurriyāt al-ʿamma fī-d-daula al-islāmiyya* ('Public liberties in the Islamic state'), Markaz ad-Dirāsāt al-Waḥḍa al-Murabbiyya, Beirut, (1993).
- GHANNOUCHI, RACHID, "Secularism in the Arab Maghreb," in: Esposito, John L./ Tamimi, Azzam: *Islam and Secularism in the Middle East*, Hurst & Company, London, (2002), p. 97-123.
- GHANNOUCHI, RACHID, "The Participation of Islamists in a Non-Islamic Government", in: Donohue, John J./ Esposito, John L.: *Islam in Transition – Muslim Perspectives*, Oxford University Press, New York, Oxford, (2007), p. 271-278.
- GHANNOUCHI, RACHID, *The Right to Nationality Status of Non-Muslim Citizens in a Muslim Nation*, Islamic Foundation of America, (1990).
- GHANNOUSHI, RASHID, "How to Emancipate Muslim States from the Plague of Autocracy and Despotism?"

- Ikhwanweb online*, (11.12.2009) retrieved from: <http://www.ikhwanweb.com/article.php?id=22085>.
- HAMDI, MOHAMED ELIHACHMI, *The politicization of Islam*, Westview Press, Boulder, Oxford, (1998).
- "Islamisten-Partei beantragt Zulassung in Tunesien," ('Islamist party applies for political party status'), *FAZ online*, (2.2.2011) retrieved from: <http://www.faz.net/s/Rub87AD10DD0AE246EF840F23C9CB CBED2C/Doc-E1F22328BD17F4AD98F62AFCD48D4FD23~ATpl-Ecommon~Scontent.html>.
- ISMAIL, FARRAG, "Talk about possible role in the next government", *Al-Arabiya online*, (20.1.2011), retrieved from: <http://www.alarabiya.net/articles/2011/01/20/134294.html>.
- JONES, LINDA G., "Portrait of Rashid al-Ghannoushi," *Middle East Report*, No. 153, (July-August 1988), p. 19-22.
- KRÄMER, GUDRUN, *Gottes Staat als Republik*, ('God's state as a republic'), Nomos, Baden-Baden, (1999).
- Les tunisiens et la politique après le 14 janvier* ('Tunisians and politics after 14th January') – Résultat du sondage d'Opinion, Réalisé par Global Management Services du 1 au 22 mars 2011, (2011).
- MEMRI-REPORT 2004: "Arab Liberals Petition the U.N. to Establish an International Tribunal for the Prosecution of Terrorists", The Middle East Media Research Institute online, (8.11.2004), retrieved from: <http://www.memri.org/report/en/0/0/0/0/0/1254.htm>.
- MOSHIRI, NAZANINE, "Interview with Rachid Ghannouchi", *al-Jazeera online*, (7.2.2011), retrieved from: <http://english.aljazeera.net/news/africa/2011/02/2011233464273624.html>.
- ROY, OLIVIER/ SFEIR, ANTOINE/ KING, JOHN: *The Columbia World Dictionary of Islamism*, Columbia University Press, New York, Chichester, West Sussex, (2007).
- SCHÄFER, ISABEL: "Von der Revolution ins Reformlabor" ('From revolution to reform-laboratory'), *IP online*, (17.2.2011), retrieved from: <http://www.internationalepolitik.de/2011/02/25/von-der-revolution-ins-reformlabor-2>.
- SHEHADEH, LAMIA, "Women in Islamic Fundamentalism: The Discourses of Turabi and Ghannoushi," *Journal of South Asian and Middle Eastern Studies* No.2, (Winter 1999), p. 61-79.
- SONN, TAMARA, "Islam and Modernity: Are they compatible?" in: Hunter, Shireen T./ Malik, Huma: *Modernization, Democracy, Islam*, Praeger Publishers, Westport, (2005), p. 65-81.
- Stauffer, Beat, „Wie viel Islam für Tunesien?“ ('How much Islam for Tunisia?'), *NZZ online*, (26.1.2011) retrieved from [http://www.nzz.ch/nachrichten/kultur/aktuell/wie\\_viel\\_islam\\_fuer\\_tunesien\\_1.9223647.html](http://www.nzz.ch/nachrichten/kultur/aktuell/wie_viel_islam_fuer_tunesien_1.9223647.html).
- TAMIMI, AZZAM S., *Rachid Ghannouchi. A Democrat within Islamism*, Oxford University Press, New York, Oxford, (2001).
- THEDREI, ARIELLE, "La course électorale est ouverte en Tunisie" ('Electoral race has started in Tunisia'), *Le Figaro online*, (7.3.2011), retrieved from: <http://www.lefigaro.fr/international/2011/03/06/01003-20110306ARTFIG00267-la-course-electorale-est-ouverte-en-tunisie.php>.
- WÖHLER-KHALFALLAH, KHADIJA KATJA, "Democracy concepts of the Fundamentalist Parties of Algeria and Tunisia – Claim and Reality," *International Journal of Conflict and Violence*, Vol.1(1), (2007), p. 76-88.
- WÖHLER-KHALFALLAH, KHADIJA KATJA, *Der islamische Fundamentalismus, der Islam und die Demokratie* (Islamic Fundamentalism, Islam and Democracy), VS Verlag, Wiesbaden, (2004).
- WRIGHT, ROBIN, "Two Visions of Reformation," in: Diamond, Larry/ Plattner, Marc/ Brumberg, Daniel: *Islam and Democracy in the Middle East*, The Johns Hopkins University Press, Baltimore, London, (2003), p. 220-231.

Mohammed Moustafa Orfy  
 NATO and the Middle East. The geopolitical context post-9/11



Orfy, Mohammed Moustafa: *NATO and the Middle East. The geopolitical context post-9/11*, Routledge, New York 2011, p. 256, ISBN: 978-0-41559-234-5

In his book, Mohammed Moustafa Orfy gives an overview of NATO's changing role in the Middle East after the events of 9/11 and illustrates, from a Western point of view, why the region has become insecure and instable. The central questions raised are whether the 9/11 attacks have affected the role of NATO in the Middle East and, secondly, if the United States uses NATO for its own interests in the region.

Mohammed Moustafa Orfy is an Egyptian diplomat, writer, academic and lecturer with wide practical and academic experience in various fields including diplomacy and international relations. This enables him to gain access to NATO documents that are not publicly accessible and to hold numerous interviews with NATO experts and officials, on the basis of which the book was written. At the outset, the author provides a theoretical framework for the relationship between NATO and the Middle East in the context of International Relations Theory. Special emphasis is hereby placed on the theory that neoliberal institutionalism best explains this relationship.

At the beginning of the first chapter, Orfy, concisely debates the concept of the Greater Middle East, highlighting that, particularly after the attacks of 9/11, the term has been used to outline a political construction rather than a geographic region:

*"The Middle East is no longer a mere geographical identity, but a political concept that encompasses various pressing security concerns. These security concerns are being identified or perceived by the great powers and they are still in area of contention". (p.38)*

Orfy himself conceives of the Greater Middle East as a region stretching from Morocco to the Gulf

States, i.e. the Arab countries and Israel, thus explicitly excluding countries like Iran or Afghanistan. He refers to an analysis of NATO documents which deem that Afghanistan is not a part of "NATO's current endeavour in this specific area" (p.39). The main part of the chapter is dedicated to a review of the Western strategic interests in the Middle East and the ramifications of 9/11 thereupon. Prior to the attacks, the major concern was related to Western energy security, namely the adequate supply of oil and natural gas. The events of 9/11 marked a shift in the Western attitude, which now focuses on concerns of world peace and security. In this context, he also gives mention of the threatening danger of weapons of mass destruction to global world peace, thereby identifying the purpose of international efforts.

The second chapter outlines NATO's transformation processes in the post-Cold War era towards a global institution as well as its rising relevance to the Middle East. Orfy distinguishes two stages: An early stage including the 1991 and 1999 Strategic Concepts dealing with the change of the alliance's long-standing guiding principles and the involved substantive realignment of NATO. Besides the change of geographic priorities, particular focus is given to the analysis of NATO's development from a military organisation to a political one as well. The following stage is related to post 9/11 developments marking a further veritable turning point in NATO's history since the end of the Cold War. The post 9/11 developments particularly reflect new threats concerning terrorism and global security.

In the next chapter, the developments between NATO and the Middle East pre-9/11 are followed up in detail. Orfy presents that, as a consequence of NATO's new orientation towards the South Mediterranean region, the pre-9/11 era was mainly characterized by the evolution of NATO's Mediterranean Dialogue aiming at "common understanding and shared interests that might serve as catalysts to improve regional security" (p.108). At this point, Orfy also elaborates on "practical cooperation" between the Middle Eastern countries and NATO, emphasizing that this practical dimension, apart from the political dialogue, is a decisive success factor for NATO's work in the region. Practical cooperation includes, inter alia, activities in the fields of public diplomacy, defence reform and economics, as well as consultations on terrorism. Finally, the author conducts an assessment of the Mediterranean Dialogue's overall efforts. At this point, the author presents several pro and contra arguments of interviewed regional experts. Although the question is raised whether the pro-

gramme's efficiency and efficacy can be evaluated due to its vague scope, he finally stresses the merits in terms of soft security, i.e. building of confidence and trust. This is why, he concludes, the programme partially succeeded at least.

The fourth chapter focuses on NATO's endeavours in the Middle East post- 9/11 and on the question of whether, and how, the attacks have had an impact on NATO's policies in the region. Orfy deduces from his analyses that 9/11 strongly affected NATO's pursued strategy, since its major concerns switched from stability to combating terrorism and the danger of weapons of mass destruction. Furthermore, practical cooperation was enlarged whereas the political consultations rather maintained at a low level. In sum, the "previously limited and low profile security dialogue [was transformed] into an effective mechanism that is backing up other efforts aiming to incur required change and modernization in the region" (p.140). Concerning the success of the adjustment and the question of whether NATO is able to respond to threats including terrorism and weapons of mass destruction, the answers of the interviewees differ. In accordance with Orfy's analysis, only a small minority believe that NATO can play a significant role in tackling the challenges through Mediterranean Dialogue. Contrasting the efforts of the Dialogue, in this chapter, the author also addresses NATO's energy concerns in the region which are demonstrated by the two case studies of Egypt and Kuwait.

The last part of the book comprises a comprehensive analysis regarding the question of how much the United States determines NATO's endeavour in the Middle East pre- and post-9/11. Orfy draws the conclusion that, albeit often suspected of being so, NATO cannot be seen as a tool of the United States. The argumentation is twofold: On the one hand, "there must be concurrence between the policies (...) of the US and its European allies" (p.162), which is not always the case, as the Darfur crisis has shown. On the other hand, it is illustrated that, in case of concurrence, the European allies are able to uphold their interests, e.g. "prevent[ing] the US from using NATO in launching the 2003 invasion of Iraq" (p.162). This notwithstanding, Orfy holds that the United States, at least in the cases of Iraq and Afghanistan, has sought to do so. It is furthermore outlined that, as a consequence of the Iraq crisis, European and US-American policies have converged. The United States has incrementally realized that they are in need of NATO's support in order to handle the Middle East's complex challenges. Hence NATO's role is prospectively going to grow in the Middle East, Orfy reasons.

In his conclusion, Orfy summarizes that 9/11 clearly marked a turning point in NATO's history pointing to the fact that since then cooperation has strongly increased and also that regional issues, like the Individual Cooperation Programme with Egypt, have been of concern. Furthermore, NATO can be seen as a US tool to the extent that it is acceptable for its European allies. Looking at NATO's prospects for the future of the Middle East, Orfy's conjecture is the following:

*"NATO seems, at the current stage, satisfied with recent developments and is not seeking to take more significant steps in this evolving relationship on the belief that the best that could be done is to enhance 'cultural security' "* (p.164).

In sum, this monograph has the merit of providing an excellent overview of the NATO-Middle East relationship and of presenting new insights into the topic. Until today comprehensive contributions concerning the relationship between NATO and the Middle East have been missing. By giving practical evaluation of NATO's operations and policies in the Middle East, this book is filling the gap. In addition, given the fact that resources concerning NATO are barely available since information often underlies secrecy, the insights are highly valuable. The in-depth evaluation of the interviews, NATO documents, statements and declarations finally enabled the author to supplement the existing literature through a valuable contribution.

This notwithstanding, several critical points can be identified. As mentioned above, Orfy relates to the Greater Middle East as a region leading from Morocco to the Gulf States. Without doubt, this geographical identification is correct. But nevertheless, the reader wonders why Afghanistan is not mentioned in the book. Orfy himself concludes that the Middle East has long since become a "political concept" – in the media Afghanistan and especially NATO's war in Afghanistan is often linked to Middle Eastern politics. Although Afghanistan might not be part of NATO's current strategy of "Dialogue"– it cannot be denied that the applied resources for the Afghanistan war, financial as well as human, exceed those for the Mediterranean Dialogue by far. Taking that argument even further, Orfy's conclusion, NATO's endeavour in the Middle East mostly consists of dialogue and mutual cooperation, then is one-dimensional. In all, it seems a bit paradox that the military side of NATO, at least a military organisation, does not receive much attention. At this point, mention should also be made of NATO's military intervention in Libya on behalf of the UN. Alt-

though the recent upheavals in the Arab World were not foreseeable, the question should be raised how successfully the 'cultural security' has in effect been implemented in recent years. Is Orfy's mainly positive assessment of the "Mediterranean Dialogue" justified? Current research in this field does not always mirror Orfy's view either. Moreover, in this light, Orfy's conclusion that "NATO seems satisfied (...) with recent developments and is not seeking to take more significant steps" (p.164) seems overhauled.

*Katharina Schmoll*

Michael Bröning

The Politics of Change in Palestine: State- Building and Non-Violent Resistance



*Bröning, Michael: The Politics of Change in Palestine: State- Building and Non-Violent Resistance, Pluto Press, New York 2011, ISBN: 978-0-74533-093-8*

Even if Michael Bröning's "The Politics of Change in Palestine: State- Building and Non- Violent Resistance" was published only a few months ago, the recent developments in Palestine and the MENA region have thoroughly changed the political map in the region. Therefore, several passages in Bröning's book should now be adapted to the current political situation. The agreement between Fatah and Hamas which was signed in Cairo on 3rd May 2011 has deeply altered the situation in Palestine as have the revolutions in Tunisia and Egypt as well as the political unrest in other Arab states. Since Bröning could not have predicted these events, his arguments have partly lost their force and actuality. Nevertheless, his approach to the Middle East conflict through an analysis of the situation in Palestine remains fascinating and well-founded with clear argumentation and positive outlooks.

Since 2009, Michael Bröning has been the director of the East Jerusalem office of the Friedrich-Ebert-Stiftung, a political foundation affiliated with Germany's Social Democratic Party. Previously he has worked in Jordan and Iraq and has published va-

rious articles and books on topics concerning the Middle East. Bröning is proficient in Arabic as well as in Hebrew.

The Middle East conflict spans all areas of life in Israel and Palestine. Writing on one entity without mentioning the other potentially harbours the danger of one-sidedness. Bröning is aware of this danger and has managed to write a book on Palestine without neglecting the Israeli side of things as well as the socioeconomic and political influences from the other Arab states and the Western world. Thus, he has presented an encompassing description of the situation in Palestine and the region.

His approach focuses on the most relevant political players and the new process in Palestine that reformulates and moves beyond traditional conceptualism. Bröning starts his argumentation by giving an historical overview on the Middle East peace process. He lays down the historical developments and points out the revolutionary changes that have taken place in Palestine during the last years. According to him, the most notable political trends and changes can be identified in terms of the programmatic reinvention of the Hamas movement, ideological and personal developments in Fatah, state-building efforts of the Palestinian National Authority (PNA) and the rise of non-violent resistance to Israeli policies. The analysis of these four criteria – the Palestinian parties Hamas and Fatah and the principles of state building and non-violent resistance – constitute the body of Bröning's book.

Although adhering ideologically to the abstract objective of "liberating all of Palestine", Hamas has recently experienced programmatic transformation towards the factual and pragmatic acceptance of a Two-State-Solution, according to the author. This transformation has gone widely unnoticed by Western observers which leads Bröning to state that Western decision-makers' and Arab governments' view of Hamas is outdated. He examines the party's ideological frame of reference, recent programmatic developments in the movement and Hamas' changing role as the ruling party of Gaza. According to him, one of the most influential policy dogmas of Middle East diplomacy is that Hamas cannot be engaged in a constructive manner. Bröning is convinced that breaking this dogma is of the utmost importance and says that the strategy of isolationism applied by Israel and the international community made them miss an opportunity to influence Hamas' transition. Therefore, understanding Hamas as a multi-layered organisation with overlapping and competing power centres is critical.

Relating to Fatah, Bröning says that the movement has transformed from a heterogeneous group with an extensive support base abroad into a streamlined political institution firmly rooted in the Palestinian territories. After an historical overview on the foundation of Fatah, Bröning identifies the 6th General Conference in August 2009 as a turning point in the history of the party. During this long overdue conference, Fatah finally freed itself from Yasir Arafat's ghost and Mahmoud Abbas was affirmed as Fatah's leader. A significant programmatic shift was the elaboration and acceptance of a new political programme and the amendment of the internal charter which now does not even mention Israel, Jews or Zionism. Concerning the new programme, Bröning highlights Fatah's approach to the concept of non-violent resistance after the model of Bil'in. The issue of the right of Palestinian refugees to return to their former homes in today's Israel is supplemented in the programme with their right for compensation which denotes a huge step in the political flexibility of Fatah. This shows that the party seeks to find alternatives to the political dead end in which this issue finds itself for years. From Bröning's point of view, Fatah has re-invented itself and has cast off its reputation as an old, corrupt party without party democracy.

Palestinian decision-making in general has undergone a revolution since 2009, according to the author, when Salam Fayyad and Mahmoud Abbas implemented a comprehensive plan for Palestinian state-building which includes fighting nepotism and corruption, unilateral state- and institution building and was supplemented by efforts to lobby internationally for recognition of a Palestinian state. This plan broke with the PNA's previous dogma of "liberation before state-building". With Prime Minister Fayyad's plan state building seems more important than liberation which means de facto state-hood with Israeli occupation. Since the launching of the plan, state-building activities have increased significantly which tells Bröning that the Palestinians are by now ready for their own state even if the Israeli occupation is still in place.

Another important change which Bröning points out took place in Palestine outside formalised political institutions: the general shift away from violent Palestinian struggle and towards strategies of non-violent resistance. According to Bröning, Palestinian non-violence per se was always there but that an unprecedented rise in non-violent resistance has occurred during the last years. This rise has the potential to alter the equation of confrontation in a dramatic way but has failed to receive substantial attention in international discourse and

Western and Israeli news coverage. Bröning fails to explain this phenomenon which obviously denotes the Orientalist point of view that prevailed in the Western world prior to the Arab spring saying the people of the Middle East were not ready for democracy.

In addition, Bröning lays out the different strategies of non-violent resistance including the boycott of Israeli goods in general and the boycott of goods produced by Israeli settlements and the non-violent demonstrations against the separation wall. According to Bröning, the boycott of settlement products has shown to be rather successful, but overall the success of these approaches remains difficult to assess.

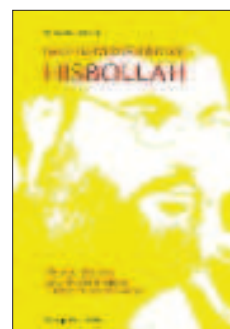
The book is completed with a highly informative appendix which includes the Programme of the 13th PNA Government and the Political Platform of Fatah and which gives the reader the opportunity to read and assess these writings for him or herself.

Bröning's work highlights the need for dialogue despite all challenges and remaining obstacles in Palestine. His highly optimistic point of view on the possibility of dialogue may be criticized by many as being slightly unrealistic, but since Bröning has actually lived in the area, felt the tensions and experienced the despair caused by the conflict his book leaves room for hope.

*Lea Tomppert*

Wiebke Diehl

Das Selbstverständnis der Hisbollah. Libanon, Islam und die arabische Dimension in Hassan Nasrallahs Reden



*Diehl, Wiebke: Das Selbstverständnis der Hisbollah. Libanon, Islam und die arabische Dimension in Hassan Nasrallahs Reden, Verlag Hans Schiler, Berlin 2011, 182 S., ISBN 978-3-643-80049-7*

Unter dem Eindruck des israelischen Eingreifens in den libanesischen Bürgerkrieg wurde 1982 die islamistische Hisbollah mit dem Ziel gegründet, die israelische Besatzung im Libanon zu bekämpfen.

Die Hisbollah verfolgt auch sozialpolitische Ziele, etwa im Bereich Bildung und Gesundheitswesen. Die schiitische, vom Iran und Syrien unterstützte Organisation verfügt über einen politischen und einen militärischen Arm. Im Libanon ist sie mittlerweile zu eine der bedeutendsten politischen Kräfte des Landes geworden, stellt seit dem Juli 2005 zwei Minister und unterhält soziale Einrichtungen wie Krankenhäuser, Schulen und Waisenhäuser.

Wiebke Diehl untersucht die vielfältigen Ebenen der Identität der Partei anhand von Reden ihres Generalsekretärs Hassan Nasrallah aus den Jahren 2000 bis 2006. Die Autorin entkräftet den Vorwurf, dass es sich beim Diskurs von Hassan Nasrallah um schiitischen Konfessionalismus handelt. Konfessionalismus definiert sie als die „ideologische Instrumentalisierung der eigenen Konfessionszugehörigkeit in Auseinandersetzung mit dem konfessionell Anderen“ (S. 9). Die Verwendung schiitischer Traditionen verstehe sie aber als Teil seiner Identität, nicht als Konfessionalismus. Es lassen sich vielmehr mehrere miteinander verbundene Identitäten der Zugehörigkeit feststellen. Zu diesen Ebenen zählen die schiitische Dimension, die „Einheit aller Unterdrückten“ auf der Welt, eine islamische, arabische sowie libanesisch-nationale Dimension.

Nasrallah war Gründungsmitglied der Hisbollah und wurde nach dem Tod Abbas Al-Musawi's 1992 zum Generalsekretär ernannt. Diehl bezeichnet Nasrallah als „eine der glaubwürdigsten und ehrlichsten Führungspersönlichkeiten – wenn nicht *die* glaubwürdigste in der arabischen Welt“ (S. 62). Dazu habe der Tod seines Sohnes 1997 beigetragen. Seine Reden, die aus Sicherheitsgründen seit 2006 nicht mehr öffentlich abgehalten werden, finden vor allem an schiitischen und libanesischen Gedenktagen statt. Hauptthemen sind die Befreiung von Israel und die Einflussnahme der USA, ebenso stehen national-libanesischen Themen im Vordergrund.

Seine speziell schiitischen Reden an Ashura zur Erinnerung an den Märtyrertod Hussains im Jahr 680 lassen thematisch den Eindruck erwarten, sich nur an Schiiten zu richten, die im Libanon mittlerweile die größte Glaubensgemeinschaft bilden. Nasrallah bietet hier eine moderne aktivistische Interpretation des Gedenktages und vergleicht den Kampf der Hisbollah gegen Israel mit der Opferbereitschaft Hussains. Dabei ruft Nasrallah zu Einheit zwischen Schiiten und Sunniten auf und fordert die Überwindung der *fitna*, der Spaltung: Nasrallah sei „konstant bemüht (...), seinen Aussagen keinen ausschließenden Charakter zu geben – gemäß der

oben eingeführten Definition stellen seine Aussagen demnach keinen Konfessionalismus dar“ (S. 80). Die Schlacht von Karbala soll daher auch „keine schiitischen Partikularitäten herausstellen, sondern als universal-islamische Botschaft zu politischem Aktivismus animieren“ (S. 83).

Die zweite Dimension, die Wiebke Diehl in seinen Reden herausarbeitet, ist die sogenannte „perzipierte Einheit aller Unterdrückten dieser Welt“. Diese dient als Brücke zwischen den vier Ebenen von Schia, Islam, arabischer Umma und Libanon. Als Unterdrückte bezeichnet er zum einen die Schiiten des Libanons, da sie über Jahrhunderte hinweg marginalisiert wurden und zum anderen aufgrund ihrer Verteilung im Süden Libanons mit Israel aneinander gerieten. Des Weiteren spricht er von einer politischen und kulturellen Unterdrückung durch die USA. Gleichsam gäbe es eine Form der Unterdrückung durch internationale Akteure. Andere Staaten, Parteien und Institutionen bewertet er generell hinsichtlich ihrer Position zu Israel. So äußerte er sich häufig solidarisch gegenüber dem säkularen Ba'ath-Regime im Irak und dem venezuelischen Präsidenten Hugo Chávez aufgrund deren klarer Position gegenüber Israel und den USA.

Die arabische Dimension in Nasrallahs Reden fällt relativ knapp aus und diene vor allem der Vergrößerung der Anhängerschaft gegen Israel, so Diehl. Die Hisbollah betrachte sich als Teil der arabischen Welt und die arabische Dimension sei durchaus mit der schiitisch-islamischen Zugehörigkeit vereinbar. Nasrallah übt jedoch Kritik an der Tatenlosigkeit vieler arabischer Organisationen wie beispielsweise der Arabischen Liga im Hinblick auf den Palästinakonflikt. Der Palästinakonflikt sei für ihn Angelegenheit der gesamten arabischen Umma und nicht nur der Palästinenser selbst.

Die libanesisch-nationale Dimension ist der schiitisch-islamischen Ebene untergeordnet. Dennoch nehmen politische Themen zum Libanon einen Großteil seiner Reden ein. Er mahnt immer wieder vor einem erneuten Bürgerkrieg und betont deshalb die Kooperation aller Libanesen, da die Hisbollah die Interessen aller Religionen vertrete. Nasrallah definiert den Nationalismus gar als islamisch, ebenso sei der libanesischen Befreiungskampf ein Kampf aller Religionsgemeinschaften. Diehl bekräftigt an dieser Stelle, dass der friedlichen Einstellung der Hisbollah gegenüber anderen Religionen im Libanon tatsächlich bis dato noch nie durch den Einsatz von Gewalt widersprochen wurde. Für den Libanon fordert Nasrallah volle Souveränität sowie Unabhängigkeit aller Par-

teien, aber nicht explizit die Abschaffung des politischen Konfessionalismus<sup>1</sup>. Damit sei ein Imagewandel der Hisbollah seit den 1980er Jahren erkennbar: heute besitze der nationale Frieden und die Verteidigung gegen Israel Priorität vor dem Wandel des politischen Systems.

Die Analyse der verschiedenen Zugehörigkeitsebenen in den Reden Hassan Nasrallahs zeigen demnach auf, dass er sich keiner Ebene explizit zuordnen lässt. Vielmehr verschwimmen alle Ebenen miteinander unter dem gemeinsamen Ziel der Erlangung eines lang anhaltenden Friedens für Libanon und der Zusammenarbeit aller Religionen. Weiterhin sieht er die Schia als integralen Bestandteil der islamischen Umma und verurteilt jegliche innerislamischen Auseinandersetzungen:

*„Nasrallah plädiert also für die Aufgabe konfessioneller Mentalitäten zugunsten ‚wahrer Religion‘, als deren Grundprinzip ihm der Kampf gegen Unterdrückung gilt“ (S. 157).*

In seinen Reden lassen sich die schiitische und die islamische Dimension oftmals gar nicht voneinander trennen. Die Spaltung der islamischen Gemeinde sei sowieso bewusst durch äußere Feinde, wie Israel, entstanden.

Wiebke Diehls Untersuchung liefert einen wertvollen Beitrag zur Analyse der Hisbollah allgemein und zu Hassan Nasrallah, über dessen Person

kaum Literatur zu finden ist. Diehls Wertung über Nasrallahs tatsächliche Haltung bleibt dabei eher vage.

*“Ob es sich dabei um die tatsächliche Überzeugung handelt, dass der Mensch egal welcher Konfession, Abstammung und Nationalität Priorität hat, kann nicht zweifelsfrei bewertet werden.” (S. 164)*

Ob Nasrallahs mit den Religionen aus Überzeugung oder aus politischer Taktik geschieht, lässt sich freilich schwer beantworten. Dennoch gelingt es der Autorin, den oftmals geäußerten Vorwurf des schiitischen Konfessionalismus in überzeugender Art und Weise zu entkräften.

Wiebke Diehls Untersuchung liefert einen wertvollen Beitrag zur Analyse der Hisbollah allgemein und zur Person Nasrallahs. Es gelingt der Autorin, den oftmals geäußerten Vorwurf des schiitischen Konfessionalismus in überzeugender Art und Weise zu entkräften. Das Buch eignet sich dank seiner einleitenden Kapitel zum schiitischen Islam und den Schiiten im Libanon sowie zur Hisbollah und Hassan Nasrallah auch für Leser, die sich zum ersten Mal mit der Thematik befassen. Vorgehensweise und Aufbau sind logisch nachvollziehbar und verständlich geschrieben, jedoch teilweise sprachlich noch etwas holprig.

Samira Akrach

## Arabisch verstehen lernen

Redewendungen und Kommunikationsformen im Umgang mit arabischen Geschäftspartnern

**Vom 15. bis 16. September 2011**

findet wegen des großen Erfolgs ein weiteres Seminar des Nah- und Mittelost-Vereins/NUMOV und der Deutschen Orient-Stiftung / des Deutschen Orient-Instituts in Berlin statt.

Dieses wichtige Seminar ist ein Muss für jeden Geschäftsreisenden in die Arabische Welt.

**Seminarleitung: Botschafter a. D. Dr. Jürgen Hellner**

Jeder Seminarteilnehmer erhält eine Arabisch-Dokumentation mit 2 CDs und 2 Kassetten.

Da die Teilnehmerzahl begrenzt ist, bitten wir Sie schon jetzt, sich für dieses wichtige Seminar vormerken zu lassen. Kostenbeitrag inkl. der genannten Dokumentation mit CDs und Kassetten sowie Tagungsgetränken beträgt für Mitglieder des Nah- und Mittelost-Vereins 285,-EURO (Nichtmitglieder 485,-EURO). Nicht eingeschlossen sind die Kosten für das arabische Dinner, Mahlzeiten und Hotelkosten.

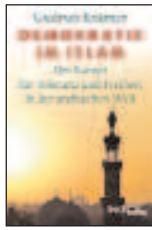
Rückantwort:  
An FAX 030 20641010 oder  
E-Mail numov@numov.de  
DOI@deutsches-orient-institut.de

Ich bin / wir sind an dem Seminar „Arabisch verstehen lernen“ vom 15. - 16. September 2011 interessiert und bitte/n um Zusendung der Anmeldeunterlagen und des Programms.

Ich bin / wir sind NUMOV-Mitglied.

Name, Firma, Anschrift, Telefon, Fax, E-Mail

<sup>1</sup> Dieser beruht auf dem Nationalpakt von 1943 und der Verteilung der Staatsämter unter den verschiedenen Religionsgemeinschaften auf Grundlage einer Volkszählung von 1932. Damals stellten die Christen vor den Muslimen eine knappe Mehrheit, mittlerweile soll der Anteil der Muslime bei etwa 60% liegen.



Krämer, Gudrun: *Demokratie im Islam- Der Kampf für Freiheit und Toleranz in der arabischen Welt*, C.H. Beck, München 2011, ISBN 978-3-406-62126-0: In Tunesien, Ägypten, Libyen und anderen arabischen Ländern kämpfen Bürger für die Demokratie – aber

für welche? Steht am Ende eine „islamische Republik“ oder ein säkularer Staat nach westlichem Muster? Ist ein demokratischer Rechtsstaat auf der Basis der Scharia überhaupt denkbar? Gudrun Krämer beschreibt, wie Muslime seit Jahren über Demokratie, Toleranz, Menschenrechte und das Verhältnis von Religion, Recht und Staat debattieren und welche Bedeutung diese Debatten für die gegenwärtige Entwicklung in den arabischen Ländern haben. Sie zeigt, welche reformistischen Ansätze es im Islam gibt, und macht mit den aktuellen islamistischen Strömungen bekannt.



Perthes, Volker: *Der Aufstand. Die arabische Revolution und ihre Folgen*, Pantheon, München 14. November 2011, ca. 180 S., ISBN: 978-3-570-55174-5: Erst in Tunesien, dann in Ägypten, dann in immer mehr Staaten der Region haben die Menschen im Nahen Osten und Nordafrika be-

gonnen, ihr politisches Schicksal selbst in die Hand zu nehmen. Auch wenn 2011 zunächst nur einige Autokraten stürzten und die Mühen des Aufbaus demokratischer Staaten und Gesellschaften noch ausstehen, kann diese Phase doch als Zeitenwende in der arabischen Welt beschrieben werden. Es gibt einen politischen Bruch, eine neue Generation meldet sich zu Wort, die Verhältnisse zwischen den Staaten ordnen sich neu. Veränderung bedeutet dabei auch Unruhe und Unsicherheit. Aber von Marokko bis zur Arabischen Halbinsel herrscht vor allem Aufbruchsstimmung, in einigen Ländern auch die Euphorie der Befreiung. Die Forderungen der Bürger in den Staaten der arabischen Welt wie auch in Iran sind sehr ähnlich: Würde, Freiheit, demokratische Beteiligung und ein Ende von Korruption und Unterdrückung. Und überall sind die Proteste vor allem von einer jungen Generation – den 2011ern – getragen. Allerdings unterscheiden sich die einzelnen Staaten hinsichtlich ihrer politischen Traditionen und Systeme sowie ihrer wirtschaftlichen Macht. Entsprechend verlaufen die Ereignisse in den einzelnen Ländern auch ganz verschieden: Das Spektrum reicht dabei von Reformversuchen von oben und relativ raschen Machtwechseln über die blutige Unterdrückung friedlicher Proteste bis hin zum Bür-

gerkrieg. Volker Perthes analysiert die Vielgestaltigkeit des Aufbruchs der arabischen Welt und fragt auch nach den Folgen für die deutsche und europäische Politik.



Nordhausen, Frank, Schmid, Thomas (Hg.): *Die arabische Revolution. Demokratischer Aufbruch von Tunesien bis zum Golf*, Ch. Links Verlag, Berlin 2011, 216 S., ISBN: 978-3-86153-640-6: Die arabische Welt wird im Frühjahr 2011 von Aufständen erschüttert.

Von Marokko bis zum Persischen Golf gehen die Menschen gegen korrupte Regime auf die Straße und fordern den Sturz der Diktatoren. Zehn Kenner der Region stellen die Ursachen für den demokratischen Aufbruch dar, zeichnen den Verlauf der Ereignisse nach und stellen die Akteure vor. Das Buch gibt einen kompakten Überblick über die Ereignisse und die Entwicklung in den einzelnen Ländern und über die Perspektiven, die der arabische Frühling eröffnet hat.



Bergmann, Kristina: *Tausendundeine Revolution: Die arabische Welt im Umbruch*, Lenos, Basel 2011, 150 Seiten, ISBN: 978-3-857-87420-8: Der Arabische Frühling begann in Tunesien und nahm seinen Fortgang in Ägypten. Die Bewegung ist mittlerweile auf diverse andere Länder

übergesprungen. Die arabische Welt ist in Aufruhr. Die NZZ-Korrespondentin Kristina Bergmann hat Ägypterinnen und Ägypter getroffen, die die Revolution miterlebt haben und von ihren Erlebnissen erzählen, aber auch von ihren Erwartungen an ein neues, freies Ägypten und ihren Hoffnungen auf ein besseres Leben. Sowohl Muslime als auch Christen kommen zu Wort, ebenso wie Frauen und Männer unterschiedlicher sozialer Herkunft. Das Buch wird ergänzt mit Originalbeiträgen von bekannten Autorinnen und Autoren, wie Ghada Abde-laal, Chalid al-Chamissi und Hisham Matar.



Zurayk, Rami, Khalidi, Rashid: *Food, Farming, and Freedom: Sowing the Arab Spring*, Just World Books, Charlottesville 2011, 250 pp., ISBN: 978-1-935-98205-0: The wave of anti-government protests that swept through the Arab world from December 2010 on is transforming politics and society in the Middle East. The protests came as a surprise to many observers-- but not to Rami Zurayk, an ex-

perienced Lebanese agronomist and social activist who had been charting the collapse of traditional agricultural livelihoods in the Middle East since the late 1980s. In 2007, Zurayk started writing the "Land and People" blog, which charts food-policy and agricultural policy issues throughout the Middle East. Now, *Food, Farming, and Freedom: Sowing the Arab Spring* presents his choice of the best of the posts in the blog from 2007 through April 2011.



**Courbage, Youssef, Todd, Emmanuel: A Convergence of Civilizations: The Transformation of Muslim Societies Around the World,** Columbia University Press, New York 2011, 152 pp., ISBN: 978-0-231-15002-6: We are told that Western/ Christian

and Muslim/ Arab civilizations are heading towards inevitable conflict. The demographics of the West remain sluggish, while the population of the Muslim world explodes, widening the cultural gap and all but guaranteeing the outbreak of war. Leaving aside the media's sound and fury on this issue, measured analysis shows another reality taking shape: rapprochement between these two civilizations, benefiting from a universal movement with roots in the Enlightenment. The historical and geographical sweep of this book discredits the notion of a specific Islamic demography. The range of fertility among Muslim women, for example, is as varied as religious behavior among Muslims in general. Whether agnostics, fundamentalist Salafis, or al-Qaeda activists, Muslims are a diverse group that prove the variety and individuality of Islam. Youssef Courbage and Emmanuel Todd consider different degrees of literacy, patriarchy, and defensive reactions among minority Muslim populations, underscoring the spread of massive secularization throughout the Arab and Muslim world. In this regard, they argue, there is very little to distinguish the evolution of Islam from the history of Christianity, especially with Muslims now entering a global modernity. Sensitive to demographic variables and their reflection of personal and social truths, Courbage and Todd upend a dangerous meme: that we live in a fractured world close to crisis, struggling with an epidemic of closed cultures and minds made different by religion.



**Gerlach, Julia: Wir wollen Freiheit! Der Aufstand der arabischen Jugend,** Herder, Freiburg September 2011, ca. 200 S., ISBN 978-3-451-33253-1: Eine vor wenigen Monaten undenkbare Entwicklung hat in vielen arabischen

Ländern ihren Lauf genommen. Die arabische Jugend hat sich erhoben und die scheinbar so sicheren Throne der Diktatoren ins Wanken gebracht. Wie kam es dazu? Warum jetzt, und warum waren es nicht die bereits bekannten politischen Oppositionellen, sondern eine Internetbewegung, die so vieles erreichen konnte? Julia Gerlach lebt als Journalistin in Kairo und hat die dort heranwachsende neue "Generation Freiheit" seit Jahren beobachtet. Vom Westen, der seit 2001 vorwiegend über die Bedrohung durch den militanten Islamismus diskutiert, haben diese jungen Menschen sich längst enttäuscht abgewandt.



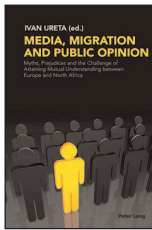
**Flores, Alexander: Zivilisation oder Barbarei? - Der Islam im historischen Kontext,** Suhrkamp Verlag/ Verlag der Weltreligionen 2011, 200 S., ISBN: 978-3-458-72019-5: Alexander Flores plädiert für eine Ausweitung des Horizonts über den aktuellen Tell-

errand hinaus. Er zeigt, dass über weite Strecken der islamischen Geschichte die Hegemonie der Religion über das Leben menschliche Freiheit, Kreativität und Produktivität kaum eingeengt hat. Erst bestimmte neuzeitliche Entwicklungen haben dazu beigetragen, daß sich das bis zu einem gewissen Grad geändert hat. Die Gründe dafür liegen aber nicht zwingend in der Logik islamischen Denkens und Handelns, was den heutigen Muslimen ganz andere Möglichkeiten gibt, wenn sie diese wahrnehmen wollen, so Flores.



**Liverani, Andrea: Civil Society in Algeria. The Political Functions of Associational Life,** Routledge, Abingdon 2011, 228 pp., ISBN 978-0-415-61277-7: Between 1987 and today Algeria has been engaged in a conflict pitching the army against Islamist guerilla

groups which has killed more than 200,000 people. During the same period, Algeria also witnessed the explosion of more than 70,000 voluntary associations, making it one of the most civic-dense countries in the Arab world. This book analyses the development of these association in Algeria and the state's attempt to retain political legitimacy. Starting from a critique of portrayals of Algerian 'civil society' as a force conducive to democratization, the study examines the changing relationship of the state to voluntary associations in both the colonial and post-colonial eras. An in-depth assessment of the social bases of the associative sphere then leads to questioning its independence from the state



Ureta, Ivan: *Media, Migration and Public Opinion*, Peter Lang Verlag, Wien, 2011. 290 pp., ISBN 978-3-034-30577-8: The main motive of this book is linked to the fact that migration, media and public opinion related issues focusing on North Africa have not been addressed properly by

available literature. Against this background, the objective of *Media, Migration and Public Opinion* pursues three aims: Firstly, it fills a gap in the scholarly literature regarding media, political communication and migration by shifting the focus to the North African countries Morocco, Algeria and Libya. Secondly, it assesses to what extent the paradigms of the "other" and its characterization as a source of problems established in receiving countries are also present in sending and transit countries. Thirdly, the book puts North African issues in relation to European countries by presenting case-studies focused on Spain, Malta and Switzerland in order to raise commonalities and differences.



Eddé, Anne-Marie: *Saladin*, Belknap Press of Harvard University Press, Harvard November 2011, 629 pp., ISBN: 978-0-67405-559-9: *Saladin* represents a portrait of a man who is said to have made an age, and the most complete account we have to date of an age that made the man. Eddé's narrative draws on an array of contemporary sources to develop a picture of a ruler shaped profoundly by the complex Arabian political environment in which he rose to prominence. The result is a unique view of the Crusades from an Arab perspective.



Al-Shammary, Zahim M.: *Lessing und der Islam*, Verlag Hans Schiler 2011, 340 S.; ISBN 978-3-89930-327-8: Zwar ist in den vergangenen Jahren zu den Themenfeldern Lessing und das Christentum und Lessing und das Judentum viel geschrieben worden, doch ist die Lücke der germanistischen Forschung zu Lessings Verhältnis zum Islam nach wie vor eminent. Nun haben die Nichtgermanisten die Initiative ergriffen, die literarische und theologische Haltung des deutschen Aufklärers Lessings gegenüber dem Islam zu erforschen und eine Reihe von Studien publiziert, die in der germanistischen Forschung bisher weitgehend unberücksichtigt geblieben sind. Diese Lücke zu füllen und die interdisziplinären Forschungstraditionen zusammen-

zuführen, hat sich die Arbeit zur Aufgabe gemacht. Ihr Ziel ist es, den Leser, insbesondere den Literaturkennern und der deutschen Bibliothek der Germanistik etwas von Lessings Auseinandersetzung mit dem Islam in die Hand zu geben, die bis heute als großes Modell für die interkulturelle und interreligiöse Menschheitstoleranzdebatte im Gedächtnis der deutschen Literatur vorhanden ist. So leuchtet diese Behandlung einen deutschen Dichter im 18. Jahrhundert, der sich nicht nur auf den Islam theologisch und kulturgeschichtlich einließ, sondern er hat auch die Version eines Miteinander von Christen, Juden und Muslimen entworfen, um ein ‚Bild‘ von einer toleranten einheitlichen Weltgesellschaft zu strukturieren, das bis heute ein ‚Gegenbild‘ zur existierenden Gesellschaft geblieben ist.

zuführen, hat sich die Arbeit zur Aufgabe gemacht. Ihr Ziel ist es, den Leser, insbesondere den Literaturkennern und der deutschen Bibliothek der Germanistik etwas von Lessings Auseinandersetzung mit dem Islam in die Hand zu geben, die bis heute als großes Modell für die interkulturelle und interreligiöse Menschheitstoleranzdebatte im Gedächtnis der deutschen Literatur vorhanden ist. So leuchtet diese Behandlung einen deutschen Dichter im 18. Jahrhundert, der sich nicht nur auf den Islam theologisch und kulturgeschichtlich einließ, sondern er hat auch die Version eines Miteinander von Christen, Juden und Muslimen entworfen, um ein ‚Bild‘ von einer toleranten einheitlichen Weltgesellschaft zu strukturieren, das bis heute ein ‚Gegenbild‘ zur existierenden Gesellschaft geblieben ist.



El Tiby, Ahmed: *Islamic Banking-How to Manage Risk and Improve Profitability*, Verlag C.H. Beck 2011, 212 S., ISBN 978-0-470-88023-4: The guiding principle of Islamic finance has existed throughout Islamic history, yet modern Islamic banking has been

around for a relatively short period of time. Author Amr Mohamed El Tiby is an expert in this field, and with this new book, he reveals how you can benefit from the use of Islamic banking strategies in your financial endeavors. Engaging and accessible, *Islamic Banking* shows the impact this approach has made on conventional banking since the 1950s, and why it's such a big player in the current market. It offers a unique look at various aspects of this field, including the salient features of Islamic banking that distinguishes it from non-Islamic banking, the development of the regulatory bodies and supervisory agencies that support the Islamic banking system, and much more. It also explores the nature of risk in Islamic banking and the issues of capital adequacy, corporate governance, transparency, and risk associated with Islamic banking.



Lahlali, El Mustapha: *Contemporary Arab Broadcast Media*, Edinburgh University Press, Edinburgh October 2011, 192 pp., ISBN: 978-0-7486-3909-0: This book follows three dominant Arab media channels (*Al-Jazeera*, *Al-Hurra*, and *Al-Arabia*) as they

have grown in importance and presence after the events of 9/11. It surveys the modern history of Arab media; the aims, objectives, and programs of *Al-Jazeera Arabic*, *Al-Hurra*, and *Al-Arabia*; and the similarities and differences between these channels' broadcasting.

Events ● Events ● Events ● Events ● Events ● Events ● Events ● Events ● Events ● Events ● Events

### Exhibition

#### **Snow in Samarkand – Impressions from the outback of wars. Photographs by Daniel Schwartz**

Date: 23 June - 12 September 2011

Location: Berlin, Germany

Organisation: Martin-Gropius-Bau

Between 1995 and 2007, well-respected Swiss photographer Daniel Schwartz has taken pictures in the five Central Asian republics Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan as well as in Afghanistan. The photographs stand between documental and art photography. They show places whose perception has been highly influenced by the media report on conflict and war.

For further information please contact [Presse@gropiusbau.de](mailto:Presse@gropiusbau.de).

### Congress

#### **Muslim Diaspora Communities outside Europe**

Date: 15-16 July 2011

Location: Erlangen, Germany

Organisation: Friedrich Alexander University Erlangen Nuremberg, Institute for Geography, Institute for Political Sciences, Fritz Thyssen Foundation

The interdisciplinary congress aims to by new momentum to the debates on Muslim diaspora communities. Social contexts from outside Europe and European integration discourses shall be taken into consideration. The congress tends to reveal heterogeneity and complexity of identity constructions among Muslims in the diaspora. In this way new perspectives on diaspora research will be offered.

For further information see [www.ezire.uni-erlangen.de/muslimische-diaspora.shtml](http://www.ezire.uni-erlangen.de/muslimische-diaspora.shtml).

### Conference

#### **Educational Borders: Film and Media Analysis of Cultural Foundations**

Date: 7-8 October 2011

Location: Bolzano, Italy

Organisation: Faculty of Education, Free University of Bolzano

The Conference focuses on educational film analysis and its relation to common research methods in cultural investigations. Evolving pedagogies provide exciting opportunities for academics and artists to investigate the role of film and media as witnesses and voices of social reality. Scholars, artists and civic group leaders need to focus on the visual component as it affects the individual's ability to learn. The most recent trends in the use of visual literacy to reflect/depict physical cultural shifts in immigration and cultural mores will be addressed. The focal point of the different films and texts reflects and problematizes the position of visual representations as a new meeting place for people and researchers from different disciplines.

For further information see [www.annemarieprofanter.net](http://www.annemarieprofanter.net).

### Congress

#### **Religion-State-Affiliation**

Date: 4-5 November 2011

Location: Münster, Germany

Organisation: University Münster, Hans Böckler Foundation

The congress deals with the relationship between religious and nation-state-based constructions of affiliation in Western Europe and the states of the Former Soviet Union. It is open to scholars of any social or humanitarian discipline.

For further information see [www.uni-muenster.de](http://www.uni-muenster.de).

# „Der arabische Frühling“ Auslöser, Verlauf, Ausblick

veröffentlicht vom Deutschen Orient-Institut

Die Revolutionen in Tunesien und Ägypten haben das Gesicht des Nahen und Mittleren Ostens nachhaltig verändert. Mittlerweile begehren in vielen Ländern der Region weite Teile der Gesellschaften gegen soziale, politische und wirtschaftliche Missstände auf.

Die Proteste richten sich gegen korrupte und repressive autoritäre Regime, gegen die Zukunfts- und Perspektivlosigkeit, gegen Patronagenetzwerke und Klientelismus. Wohin der „Arabische Frühling“ führt, bleibt dabei ebenso schwierig zu prognostizieren wie die Reaktionen der einzelnen Regierungen.

Mit Reformwille? Demokratisierung? Gegenrevolution? Öffnung? Repression?

**Das Deutsche Orient-Institut analysiert diese Fragen in seiner neuesten Publikation, ordnet die Entwicklungen ein und wagt Prognosen.**

## INHALTLICHE SCHWERPUNKTE

- Auslöser der Proteste
- Ablauf der Proteste
- Erfolgsaussichten der Proteste und Perspektiven
  - Die Bedeutung Deutschlands und der EU
- Die Bedeutung regionaler Akteure wie die Türkei und Israel

## REGIONALE FALLSTUDIEN

- Ägypten ■ Algerien ■ Bahrain ■ Irak ■ Jemen ■ Jordanien ■ Katar
- Libanon ■ Libyen ■ Marokko ■ Oman ■ Palästina ■ Saudi-Arabien
- Syrien ■ Tunesien ■ Vereinigte ■ Arabische Emirate

Die Publikation finden Sie zeitnah zum Download auf unserer Homepage [www.deutsches-orient-institut.de](http://www.deutsches-orient-institut.de)

*Dr. Mohammed A. Bamyeh* is currently a professor of sociology at the University of Pittsburgh. He has held the Hubert H. Humphrey chair in International Studies at Macalester College in Saint Paul, Minnesota, and the SSRC-MacArthur Fellowship in International Peace and Security. He has previously taught at Georgetown University, New York University, SUNY-Buffalo, and the University of Massachusetts. He has delivered guest lectures at many other universities and institutions in the United States, Canada, China, Taiwan, Sweden, Jordan, Turkey, Egypt, Italy, Malaysia, Macau, and Zimbabwe. He received his Ph.D. in sociology from the University of Wisconsin-Madison in 1990. His subsequent areas of interest have included Islamic studies, sociology of religion, political and cultural globalization, civil society and social movements, and comparative social and political theory. His books include *Anarchy as Order: The History and future of Civic Humanity* (Rowan & Littlefield 2009); *Of Death and Dominion: The Existential Foundations of Governance* (Northwestern UP 2007); *The Ends of Globalization* (Minnesota UP 2000); *The Social Origins of Islam: Mind, Economy, Discourse* (Minnesota UP 1999, winner of the Albert Hourani Honorable Mention from the Middle East Studies Association); and the trend report *Transnationalism*, published as a special issue of the International Sociological Association's journal *Current Sociology* (1993). He has also edited *Palestine America* (published as a special issue of *South Atlantic Quarterly*, 2003, and runner-up for the best special issue award from Council of Editors of Learned Journals); co-edited (with Brett Neilson) *Drugs in Motion: Mind and Body Altering Substances in the World's Cultural Economy* (published as a special issue of *Cultural Critique*, 2009); and has just finished editing the forthcoming volume *Intellectuals and Civil Society in the Middle East* (I. B. Tauris 2011). Mohammed Bamyeh is the founding editor of the journal *Passages: Journal of Transnational and Transcultural Studies*, the former book series editor of "World Heritage Studies on Multiculturalism and Transnationalism," and the current co-editor of the book series "Tracking Globalization" (Indiana UP). His articles and reviews have appeared in, among others, *The Royal Bulletin of Interfaith Studies*, *Arena Journal*, *American Sociological Review*, *The American Journal of Sociology*, *Rethinking Marxism*, *Social Semiotics*, *The Canadian Journal of Sociology*, *The Middle East Journal*, *The International Journal of Middle East Studies*, *Social Text*, *Criteria*, *Social Analysis*, as well as in various edited volumes and encyclopedias (such as the *International Encyclopedia of the Social Sciences*, *International Encyclopedia of Social and Behavioral Sciences*, the *UNESCO's Encyclopedia of Life Support Systems*, and *The Encyclopedia of the Qur'an*). He has further organized a number of community-oriented film series on the Arab World, and participated in organizing two large scale Arab film festivals in Minneapolis.

*Niklas Hünsele* was born in Cologne in 1982. He studied Islamic Studies and Political Science at the University of Mainz from 2003 to 2010. He wrote his master's thesis about "Rachid al-Ghannouchi's vision as an example for the idea of an 'Islamic-democratic' state". Furthermore, he did internships at the CIBEDO in Frankfurt (2007) and the German Embassy in Paris (2007). He was member of the student's council of the department of Islamic studies at the University of Mainz from 2005 to 2007. Currently, he is Ph.D. candidate at the University of Mainz and works as a visitors' guide at the Hessian Parliament.

*Konstantin Kosten* studied social anthropology at universities in Marburg and Tehran. From 2008 until 2010 he has been programme officer at the Berlin based think tank DGAP covering Iran, and working for an in-service programme for international diplomats. Until September 2011 he is a fellow in the "Mercator Fellowship on International Affairs" working on EU and transatlantic Iran policy with working placements in Tehran (UNODC, German-Iranian Chamber of Industry and Commerce), Paris (EU Institute for Security Studies) and Washington DC.

*Dr. Isabel Schäfer* is Senior Research Fellow in International Relations and Mediterranean Studies at the Institute for Social Sciences, Humboldt University Berlin. Her research fields include Euro-Mediterranean relations, transformation processes in Arab societies, migration and mobility.

*Professor Dr. Dr. Peter Scholz* studied law, Islamic studies and history of art at the University of Hamburg. In 1995 he finished his PhD thesis in Islamic studies and in 2006 he received a Doctor of Laws at the Free University of Berlin. Since 1995 he has worked as a judge in Berlin; in 2007 he was appointed judge of the Higher Regional Court and in 2009 he became Vice President of the Magistrates' Court Tiergarten in Berlin. After teaching Islamic law and modern law of the Islamic states for some years the Free University of Berlin appointed him in 2007 to a honorary professor of Islamic law and private international law. Recently he founded the Berlin Research Group for State and Islam in Germany. He has edited and published widely on these issues and is member of different associations, especially of the Research Group for Overseas Comparative Constitutional Law, as well as one of the curators of the German Orient Foundation and of the As-

sociation for Arabic and Islamic law. His fields of research are the modern law of the Islamic shaped states, especially the constitutional, the family and the inheritance law, and the legal problems of Muslims in Germany and Europe.

*Dr. Musa Shteivi* holds a Ph.D. in sociology from the University of Cincinnati / Ohio / United States in 1991. He currently teaches in the sociology Department, in the Gender Studies, and in the Human Rights and Development programs at the University of Jordan. He has wide research experience in the areas of social development, political reform, social movements and gender issues. His experience includes advisory and consultancies with government, UN, and other international organizations and research institutions. He also has a team leader in many national research projects such as social violence in Jordan and family violence. His current research focuses on the current political developments in Jordan and the region.

*Dr. Özlem Tür* is Associate Professor at the Department of International Relations at the Middle East Technical University (METU) in Ankara. He wrote his Ph.D. dissertation about "Islamist Movements – The New Social Movements of the Middle East? A Case Study of Turkey" at the Institute for Middle Eastern and Islamic Studies, University of Durham, UK. His international publications comprise a monography entitled "Turkey – Challenges of Continuity and Change" (2005, Routledge, co-authored with Meliha Benli Altunışık) and several journal articles: "Turkish-Syrian Relations – Where Are We Going? (2010, *UNISCI Discussion Papers*), "Feminist IR Theory – Contributions and Problems" (2010, *Uluslararası İlişkiler*), "Women Between Tradition and Change: The Justice and Development Party Experience in Turkey" (2008, *Middle Eastern Studies*, co-authored with Zana Citak), "Civil Society in the Middle East and the Mediterranean" (2008, *Civil Society Index Global Report*, Kumarian Press, co-authored with Mahi Khallaf), "From Distant Neighbours to Partners? Changing Syrian-Turkish Relations" (2006, *Security Dialogue*, co-authored with Meliha Benli Altunışık). Özlem Tür directed several projects including, inter alia, "Turkish Syrian Relations" (2009- December 2011, co-director, with Raymond Hinnebusch of St. Andrews University) and "Israeli Foreign Policy in the 2000s" (2009, director, Middle East Technical University Research Fund). Moreover, Tür is Editor-in-Chief of *Orta Doğu Etüdüleri* and Assistant Editor of *Uluslararası İlişkiler Dergisi* (SSCI). He is also a member of Middle East Studies Association (MESA), the British Society for Middle Eastern Studies (BRISMES), the British International Studies Association (BISA), the International Society for the Study of Religion (ISSR) as well as member of the Advisory Board of Journal *Orta Doğu*. Currently he is a fellow at the Center for Syrian Studies, University of St. Andrews, UK, and at Schusterman Center for Israel Studies, Brandeis University, USA.

*Dr. Carsten Wieland* is a political consultant and analyst, historian, and journalist. He spent several years in the Middle East, above all in Damascus and Cairo. Research and media missions led him to conflict areas such as Bosnia, India/Pakistan, and Colombia. Since May 2011 he has been working at the German Foreign Office. Wieland has published several articles and books on nationalism, ethnic conflicts, Islamism and secularism in Syria and the Middle East. His books on Syria were published in Berlin in 2004 (Syria after the Iraq War), in the US in 2006 (Syria: Ballots or Bullets? Democracy, Islamism and Secularism in the Levant, Cune Press) and the United Kingdom (Syria at Bay: Secularism, Islamism, and 'Pax Americana', Hurst). In 2006 Wieland was a fellow at the Public Policy Institute at Georgetown University, Washington, DC. Before that, he reported from the United States, the Middle East, and Latin America as a foreign correspondent for the German Press-Agency (DPA). In 1994, he worked as a freelance journalist in Sarajevo during the Bosnian War. After returning from Syria, Wieland worked as a senior executive at the Goethe Institute in Cairo and Munich, as a political consultant in Berlin and Washington, DC, and as the country representative of the Konrad Adenauer Foundation in Colombia. Wieland studied at Duke University in North Carolina, Humboldt University in Berlin, and at Jawaharlal Nehru University in New Delhi.

*Dr. Ayşe Zarakol* is an Assistant Professor of Politics at the Washington and Lee University, located in Virginia, USA. Her current research focuses on international relations theories, East-West relations in the international system, the evolution of the modern state, Turkish politics and foreign policy. Her articles on these topics have most recently appeared in journals including the Review of International Studies and International Relations. Her recent book *After Defeat: How the East Learned to Live with the West* (Cambridge University Press, 2011) explores issues of international stigmatization and deals with how the quest for status shapes foreign policy choices of defeated powers through historical case studies of Turkey, Japan and Russia. Zarakol is originally from Istanbul, Turkey.

## Board of the German Orient-Foundation

Martin Bay  
Deutsche Bahn International (German Railway Group)  
Vice Chairman Qatar Railways Development Co.

H.E. Ali Bin Harmal Al Dhaheer  
Chairman of the Executive Board of Governors  
Abu Dhabi University

Henry Hasselbarth  
Vice President North Europe, ret.  
Emirates Airlines

Prof. Dr. Christina von Braun  
Head of Chair for Gender Studies and Cultural History  
Humboldt University Berlin, Institute of Cultural Studies

Elke Hoff, MdB  
Member of the Federal German Parliament

Dr. Michael Lüders  
Scholar of Islamic Studies  
Member of the Advisory Board of NUMOV  
Michael Lüders Nahostberatung

Saffet Molvali  
Chief Financial Officer  
Eren Holding A.S.

Dr. Gunter Mulack  
Director of the German Orient-Institute / Ambassador ret.

Prof. Dr. Dr. h.c. mult. Hermann Parzinger  
President Stiftung Preußischer Kulturbesitz /  
Prussian Cultural Heritage Foundation

Helene Rang  
Dp. Chairperson and CEO of NUMOV  
Proprietor Helene Rang & Partner

Bernd Romanski  
Member of the Board of NUMOV  
Member of the Board, HOCHTIEF Solutions AG

Abdulaziz Sager  
Chairman  
Gulf Research Center

Dr. Gerhard Schäfer  
Head of Economics & Politics  
Dr. Ing. h.c. F. Porsche AG

Prof. Dr. Susanne Schröter  
Professor of Southeast Asia Studies  
Institute of Anthropology / Cluster of Excellence  
"Formation of Normative Orders"  
Goethe-University Frankfurt

Prof. Dr. Rainer Schwarz  
Chairman of the Board  
Berlin-Brandenburger Flughäfen GmbH

## Members of the Board of Trustees

Günter Gloser, MdB (President)  
Member of the German Parliament,  
Former Minister of State of the Federal Foreign Office

Prof. Dr. Mathias Rohe (Vice President)  
Faculty of Law  
Friedrich Alexander University, Erlangen-Nürnberg

Sheikha Abdullah Al Misnad, Ph.D.  
President of Qatar University

Prof. Dr. Yousef Abdul Ghaffar Abdulla  
President of the Kingdom University in Bahrain

Dr. Kilian Bälz, LL.M

Oliver Berben  
MOOVIE - the art of entertainment GmbH

Dr. Ralf Brauksiepe  
Parliamentary State Secretary  
Member of the German Parliament

Peter Brinkmann  
Journalist

Jürgen Chrobog  
Member of the Board of NUMOV  
Chairman of the Board  
BMW Stiftung Herbert Quandt

Thomas Ellerbeck  
Member of the Advisory Board of NUMOV  
Senior Vice President, Corporate Communications and Head  
of Governmental Relations, Vodafone D2 GmbH

Prof. Dr. Friedhelm Gehrman  
Steinbeis University Berlin  
Institute "Global Consulting and Government"

Abdurrahim Güleç  
Dp. Managing Director of NUMOV

Stephan Hallmann  
ZDF Zweites Deutsches Fernsehen  
Foreign Affairs

Dr. Christian Koch  
Director for International Relations  
Gulf Research Center

Burkhardt Müller-Sönksen, MdB  
Member of the German Parliament

Prof. Dr. Detlef Prinz  
Proprietor  
PrinzMedien

Dr. Nicolas Christian Raabe  
McKinsey Berlin

Gerold Reichle  
Director General of Civil Aviation  
Ministry of Transport, Building and Urban Development of the  
Federal Republic of Germany

Dr. Gerhard Sabathil  
Director for Strategy, Coordination and Analysis RELEX-L  
European Commission

Prof. Dr. jur. Dr. phil. Peter Scholz  
Vice president District Court Tiergarten  
Free University Berlin

Oltmann Siemens  
Representative of the Worldbank ret.

Dr. Max Stadler, MdB  
Parliamentary State Secretary

Dr. Willi Steul  
Chairman of Deutschlandradio

Juergen Stotz  
Chairman World Energy Council / German Member Committee

RA Rainer Wietstock  
PricewaterhouseCoopers Aktiengesellschaft  
Wirtschaftsprüfungsgesellschaft

## Subscription prices **ORIENT**

n	Annual subscription (incl.VAT):	60 €
n	Students' subscription (incl.VAT): (on presentation of a valid student ID card)	30 €
n	Single issue (incl.VAT):	15 €
n	Single issue students (incl.VAT): (on presentation of a valid student ID card)	9 €

### For purchase order please contact:

German Orient-Institute

Jägerstraße 63 d

10117 Berlin

Germany

Phone: +49 (0)30 - 206410-21

Fax: +49 (0)30 - 206410-29

[doi@deutsches-orient-institut.de](mailto:doi@deutsches-orient-institut.de)

## Bezugspreise des **ORIENT**

n	Jahresabonnement (inkl. MwSt.):	60 €
n	Studentenabonnement (inkl. MwSt.): (bei Vorlage eines gültigen Studentenausweises)	30 €
n	Einzelheft (inkl. MwSt.):	15 €
n	Einzelheft Studenten (inkl. MwSt.): (bei Vorlage eines gültigen Studentenausweises)	9 €

### Kontakt für Bestellungen:

Deutsches Orient-Institut

Jägerstraße 63 d

D-10117 Berlin

Telefon: +49 (0)30 - 206410-21

Fax: +49 (0)30 - 206410-29

[doi@deutsches-orient-institut.de](mailto:doi@deutsches-orient-institut.de)

## IMPRINT

### ORIENT III / 2011

52. Jahrgang / volume 52

Deutsche Zeitschrift für Politik, Wirtschaft und Kultur des Orients

German Journal for Politics, Economics and Culture of the Middle East

#### Publication frequency:

every three months / alle drei Monate

#### Publisher:

**Deutsches Orient-Institut**

(Deutsche Orient-Stiftung)

Jägerstraße 63 d, D-10117 Berlin

Tel.: +49 (0)30 - 206410-21

Fax: +49 (0)30 - 206410-29

[doi@deutsches-orient-institut.de](mailto:doi@deutsches-orient-institut.de)

[www.deutsches-orient-institut.de](http://www.deutsches-orient-institut.de)

Director: Dr. Gunter Mulack, Ambassador (ret.)

#### Editors:

Abdurrahim Güleç (**Leitung/Co-Editor in Chief**)

Sebastian Sons (**Leitung/Co-Editor in Chief**)

Samira Akrach

Peter Dingens, Ambassador ret.

Prof. Dr. Friedhelm Gehrman

Susen Hollmig

Dr. Klaus-Dieter von Horn

Dr. Christian Koch

Dr. Michael Lüders

Alina Mambrey

Helene Rang

Alexander Rieper

Peter Schmitz

#### Authors:

Samira Akrach

Dr. Muhammad Bamyeh

Niklas Hünseler

Konstantin Kosten

Dr. Isabel Schäfer

Katharina Schmoll

Professor Dr. Dr. Peter Scholz

Dr. Musa Shteiwi

Lea Tomppert

Dr. Özlem Tür

Dr. Carsten Wieland

Dr. Ayşe Zarakol

#### Further Assistance:

Gada Younes

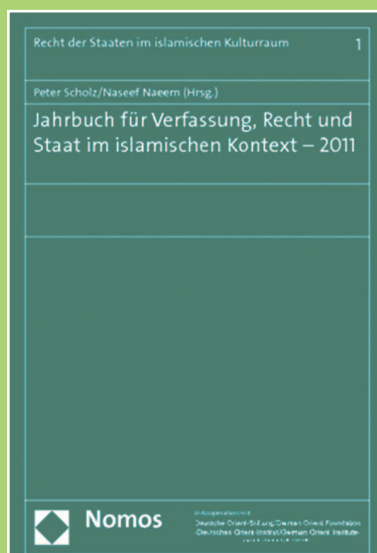
#### Layout

Hui Pieng Lie

#### Printed by:

Brandenburgische Universitätsdruckerei und Verlagsgesellschaft mbH, Potsdam

The periodical ORIENT, as well as all single articles and illustrations presented in it, are copyrighted. Articles marked by names do not necessarily reflect the opinion of the publisher or the editors. The authors give their consent to a non-distorting editorial adaptation.



# Verfassung, Recht und Staat im islamischen Kontext

*Jahrbuch - Band 1*

*Professor Dr. Dr. Peter Scholz / Dr. Naseef Naeem*

In Kooperation mit

Deutsche Orient-Stiftung/German Orient-Foundation

-Deutsches Orient-Institut/German Orient-Institute-

gegründet / founded by NIJMOV 1960

## **INHALT**

Geleitwort von Prof. Dr. Philip Kunig

### **A. VORWORT: ZUR KONZEPTION DES JAHRBUCHES**

Verfassung, Recht und Staat im islamischen Kontext  
(Prof. Dr. Dr. Peter Scholz & Dr. Naseef Naeem)

### **B. ZUSAMMENFASSUNGEN DER AUFSÄTZE**

(Deutsch, Englisch und Arabisch)

### **C. HAUPTBEITRAG**

Vergleich rechtsstaatlicher Aspekte in Verfassungen islamisch geprägter  
Staaten am Beispiel Iraks und Irans: Eine kritische Betrachtung  
(Prof. Dr. Dr. Peter Scholz & Dr. Naseef Naeem)

### **D. AUS DEM AFRIKANISCHEN KONTEXT**

Somalia unter der Übergangsverfassung von 2004:  
(Jan Amilcar Schmidt, M.L.E.)

Securing Human Rights and Rule of Law Through a Constitution:  
An Appraisal of the Zanzibar Constitution  
(Charles Riziki Majinge)

### **E. BEITRÄGE VON NACHWUCHSWISSENSCHAFTLERN**

Die Umwandlung Bahraíns in eine konstitutionelle Monarchie:  
Einordnung und Bewertung der Verfassungsreform aus dem Jahr 2002;  
zugleich ein Beispiel für die Anwendung politischer Theologie in islamisch  
geprägten Staaten (Alexander Gramsch)

Die Stimme des iranischen Volkes: Partizipation zwischen Reformbegehren  
und Ohnmacht (Johanes Dach)

Deutsche Orient-Stiftung/German Orient-Foundation

-Deutsches Orient-Institut/German Orient-Institute-

gegründet / founded by NIJMOV 1960

[doi@deutsches-orient-institut.de](mailto:doi@deutsches-orient-institut.de)

Fax: +49(0)30 - 206410-29

Tel.: +49(0)30 - 206410-21

[www.deutsches-orient-institut.de](http://www.deutsches-orient-institut.de)