

**Justin O. Frosini, Francesco Biagi (a cura di), *Political and Constitutional Transitions in North Africa: Actors and Factors*, Routledge, London, 2014**

“Egypt, the Arab world’s most populous nation and for so long its cultural beating heart, does not have long to go. The situation there is ‘explosive’ and sooner or later the Muslim Brotherhood will take over.” As surprising as it might seem, this statement, rendered public by WikiLeaks, was made by none other than Zine al-Abidine Ben Ali, president of Tunisia, in a comment to a visiting secretary of state. Ben Ali further demonstrated his skills as a seer by underlining that “Muammar Qaddafi of Libya was not a normal person,” predicting that he would also soon be ousted from power. Ben Ali’s prophecies, however, proved to be decidedly less accurate when he added with self-satisfaction that he was glad Tunisia was in the Maghreb not the Levant – part of stable North Africa, not the fractious Middle East. Little was he aware that at the beginning of 2011 the immolation of Mohamed Bouazizi, a street vendor from the small town of Sidi Bouzid, would bring an end to his twenty-three year “reign” and spark off a series of events that we commonly refer to as the Arab Spring.

It would be far too easy, however, to take a pot shot at Ben Ali for getting his predictions on Tunisia so wrong. Indeed, the truth of the matter is that at the time it was far from easy to foresee any of the revolutions that have taken place and, on the contrary, there were strong reasons for arguing that the autocracies in the region would still have a long duration.

Even after the break out of the Jasmine Revolution it was reasonable to think that Tunisia would not have a domino effect on the rest of the region. As Richard Spencer, *The Daily Telegraph*’s Middle East correspondent, stated in early January 2011 “the coup in Tunisia sent shockwaves throughout the Arab world. But don’t expect it to herald an era of democratic reform,” and of course one cannot forget the scepticism expressed by Harvard University’s Professor of International Affairs Stephen Walt. In fact, with regard to the idea that the overthrow of Ben Ali would become the catalyst for a wave of democratization throughout the Arab world as occurred in Central and Eastern Europe after the fall of the Berlin Wall, he stated in his *Foreign Policy Blog*: “In fact, the history of world revolution suggests that this sort of revolutionary cascade is quite rare, and even when some sort of revolutionary contagion does take place, it happens pretty slowly and is often accompanied by overt foreign invasion.”

In many respects, three and a half years since the Jasmine Revolution, one has to stress the fact that Walt highlighted a series of problematic issues related to the Arab uprisings that we are still addressing today. Certainly, he did not predict such a rapid fall of the Mubarak and Qaddafi regimes (though the latter was indeed “accompanied by overt foreign invasion”), but as the following chapters of this book will demonstrate the transition in Tunisia is very different to the transitions taking place in Egypt and Libya (not to mention the maintaining of power of the *ancien régimes* in Morocco and Algeria) and, for now at least, it appears highly inappropriate to talk of a new wave of democratisation in the MENA region. Indeed to paraphrase Walt’s concluding paragraph “anyone who was expecting to see a rapid transformation of the Arab world in the wake of the Jasmine Revolution, is likely to have been disappointed.”

Bearing in mind the great difficulty in understanding, on the one hand, the dynamics of the Arab world, and on the other the full dimension of transitions from authoritarian rule, the

*raison d'être* of this volume is not to provide an exhaustive overview of the political and constitutional transformations occurring in North Africa, but rather to analyse specific variables that are relevant to the country and meaningful in a comparative perspective, so as to better comprehend these processes.

In particular, with regard to Tunisia, Egypt and Morocco, a single actor is examined (i.e. Al-Nahda, the Supreme Constitutional Court and the king respectively), while in the cases of Libya and Algeria several variables are the object of analysis.

Duncan Pickard, in his Chapter on Tunisia – *Al-Nahda: Moderation and Compromise in Tunisia's Constitutional Bargain* – examines the role played by the moderate Islamic party Al-Nahda in the constitution-making process. Pickard shows that Al-Nahda's goals for the constitution have at all times advocated compromise (for example regarding the role of Islam in society, the distribution of executive powers, and the end of the constitution-making process), and that this approach to compromise is a distinguishing feature with respect to other constitution-making processes.

In the Chapter on Egypt – *Egypt: A Constitutional Court in an Unconstitutional Setting* – Nathan J. Brown analyses the role played by the Egyptian Supreme Constitutional Court. Brown examines well-known and lesser-known judgments issued by the Court that deeply affected the process of transition in Egypt, and argues that there is no similar revolutionary setting in which constitutional judges proved to be as significant a player as generals, politicians, or leaders of security forces.

In the Chapter on Morocco – *The Pilot of Limited Change. Mohammed VI and the Transition in Morocco* – Francesco Biagi focuses on the role played by King Mohammed VI. In particular, he argues that the King has not guaranteed Morocco a transition to a fully democratic country. In fact, although the adoption of the 2011 Constitution is effectively a sign of greater democratisation of the country, for the time being Morocco continues to be a hybrid regime, in which the King remains the fulcrum of the political and institutional system.

In the Chapter on Libya – *Actors and Factors in Libya's Revolution* – Karim Mezran and Eric Knecht analyse the major actors and factors (both internal and external) which influenced the direction of the Libyan transition. In particular, Mezran and Knecht examine how western engagement and "reform" ushered in by Seif al-Islam Qaddafi, the late-dictator's second eldest son, and the resultant actors, networks, and ideas that emerged in the decade before the revolution, set the stage for a revolt that involved a significantly large share of the international community with a Libyan population that was determined to change the regime.

The case of Algeria stands alone since, unlike the other Northern African countries, it has remained to a large extent immune to the Arab uprisings. In his Chapter – *Algeria: The Outlier State?* – John P. Entelis argues that Algeria constitutes an "outlier" in the Arab world explained by a combination of factors (such as the absence of a regime "culprit," abundant hydrocarbon resources, matters of political geography, a policy of cooptation of the Islamist idiom, etc.) that serve to immunise it, in the short and intermediate term at least, from sudden mass-based overthrow.

Why we decided to focus on the abovementioned actors and factors is because they represent crucial variables not only in the country under examination, but also in other coun-

tries involved in the Arab upheavals as well as in other past and present transitions. In other words, each of these actors/factors is indicative of specific *trends* taking place in North Africa and in the Middle East. Al-Nahda in Tunisia is an example of one of the Islamist parties that came to power following the Arab uprisings, and that now have to face a number of sensitive and difficult challenges; the Egyptian Supreme Constitutional Court is indicative of the trend consisting of the emergence and strengthening of constitutional courts following the Arab upheavals; the role played by Mohammed VI in Morocco reflects the resistance of Arab monarchies to the wind of change; the key role played by external actors in Libya highlights that the outcome of the processes of transition not only depends on internal variables; the case of Algeria shows that despite the profound changes taking place in the MENA region, there are numerous and heterogeneous factors that hinder reform processes. Given the significance of these actors and factors, the five case studies are followed by a final chapter that draws all these variables together and analyses them from a comparative constitutional standpoint.

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