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The State of Arab Statehood. Reflections on Failure, Resilience and Collapse

Wolfgang Mühlberger

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Publication and coordination: European Institute of the Mediterranean

Proof-reading: Neil Charlton

Layout: Núria Esparza

ISSN: 1888-5357

Legal deposit: B-27445-2011

September 2015

On the occasion of the EuroMeSCo Annual Conference "Increasing Diversity in the Euro-Mediterranean Region ? ", held in Tarragona on 2nd and 3rd October 2014, distinguished analysts presented the results of their research on the new dynamics following the Arab uprisings. Three major issues were explored: the scenarios for democratic consolidation and reform, the patterns of national fragmentation and confrontation and the factors behind minor reforms and long-term prospects for maintaining the status quo. This series of Papers brings together the revised research works presented at the EuroMeSCo Annual Conference 2014.



This publication has been produced with the assistance of the Spanish Agency for International Development Cooperation (AECID). The contents of this publication are the sole responsibility of the author and can in no way be taken to reflect the views of the AECID or the European Institute of the Mediterranean.

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Reflections on Failure, Resilience and Collapse

*Wolfgang Mühlberger**

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I.

“There is [...] consensus, [...] that the heart of the failing lies in the political sphere, specifically **the architecture of the Arab state**, and that reform must begin here.”

Arab Human Development Report (2004)

II.

“Mais l’impasse égyptienne n’est pas seulement celle de l’État. La société elle-même paraît prisonnière, jusque dans ses élites, d’une **culture de la stagnation** [...]”

Samir Kassir, *Considérations sur le malheur arabe* (2004)

III.

“[...] **la mentalité obsidionale** qui caractérise l’État égyptien l’empêche de percevoir les courants sociaux qui grondent sous la surface, prêts à se mobiliser une nouvelle fois.”

Hichem Ben Abdallah El-Alaoui, *Le Monde Diplomatique* (February 2015)

Introduction

The Arab Spring: From Uprising to Growing Chaos

The underlying structural origin of the Arab uprisings has been gradual yet thorough state failure. In the sense that the institutions of a Weberian framed state failed to deliver on their most basic tenets, such as wealth redistribution, functional political representation and the provision of security for its citizens, either cumulatively or with a significant occurrence in one of these categories. From this angle, the objective of the revolutions was not limited to regime change but more fundamentally challenged the legitimacy of state power and questioned the quality of the state-society relationship. This article proposes to analyse tentative change of the political architecture in countries of the Arab Spring through the theoretical lens of statehood in order to derive conclusions on the characteristics and vulnerability of Arab states, corrosion levels of institutional capacity and legitimacy and possible trajectories of change in the early 21st century.

Political order is based on legitimacy. Territorial sovereignty and control of the domestic polity imply the general acceptance of a widely shared national narrative and of the state as an authoritative administrative superstructure, based on the identification of the population/society with the national project. Arab states suffer from a lack of identification and acquiescence on a number of levels, turning them into rather weak constructions. State-society relations – more often than not – based on coercion, the exhaustion of ideological foundations and varying allegiances beyond centralised institutions, tend to challenge the monopoly of violence, fragment authority and disempower Arab state entities.

The European Union considers itself surrounded by a growing “arc of instability” along the southern and eastern Mediterranean shores. This assessment is due to a significant increase in failed or collapsing states as well as to an empirically established correlation between state weakness or failure and militant activity by non-governmental actors (insurgency and terrorism). As the social contracts of these neighbouring countries turn out to be increasingly dysfunctional and the state cannot properly function as an instrument of domination, it is necessary to analyse the root causes of this phenomenon and to propose improvements or alternatives to these deficient structures. Even more so that state failure and collapse, with all their domestic and regional implications, correspond to a far greater threat for the EU than strong regional pivots.

The fundamental question of the strength of Arab territorial bureaucratic states lends itself to an analysis, since a considerable number must be considered as failing or collapsing, and as authoritarian, with varying degrees of coercion. Interestingly, these are not just two extremes. The former is rather a symptom of the latter. The systematic use of structural,

often physical, violence is not an indication of state strength but rather an expression of a specific, despotic state-society relationship. Therefore, despite their appearance, coercive, repressive states are not necessarily strong in the sense of self-sustainable and can be shaken to the core under certain circumstances.

The Arab Spring has been triggered inter alia by the existence and awareness of highly fragile state structures that continuously have lost across three constitutive and determining dimensions: legitimacy, capability and authority. In that sense the mass upheavals starting in late 2010 in Tunisia brought to the fore the precariousness and vulnerability of the Arab state, previously portrayed in much detail in the literature on Arab statehood (Ayubi, 1994; Luciani, 1990; Anderson, 1987). The rallying call for a “Downfall of the system” (Arabic *Isqat an-nidham*) corresponded to a critique and contestation of these phantom states, captured by regimes and hollowed out by their corrupt patronage networks. For this reason, any in-depth appreciation of the recent political transition and its potential trajectories also requires the understanding and analysis of Arab statehood, as a supposedly overarching governance and administration structure.¹

Even though empirically state structures tend not to be affected fundamentally during political transitions, the perception of their performance nevertheless can give rise to a transformation of the political system, including a consecutive improvement of the most deficient features. The challenge of revolutionary transformation, however, lies in carrying on with the existing institutions, in order to avoid state collapse and ensuing anarchy. The devolution of countries touched by the Arab Spring indicates a variety of starting conditions in regard to the quality of state structures, as well as a wide range of political entrepreneurs and variegating political cultures that impact on the transition, including the Arab state as a supposedly cohesive political entity. For this reason we can observe different trajectories ranging from democratisation (Tunisia) to authoritarian reconstruction (Egypt and Bahrain) of state structures, to civil war and state collapse (Libya, Syria, Yemen and Iraq).²

Hybrid states, limited statehood, captured states. These are just a few ways of framing the weakness of Arab statehood. Yet, as several countries have become or stayed para-states at best, the question is how much pressure can these structures endure? Where are the limits of their resilience and what are the game-changers that trigger an evolution from fragility to failure, eventually heading to collapse? State institutions

1. Most of the literature on the Arab Spring focused on socioeconomic triggers, reactions of the regimes and the political elite to the unrest and actions of the coercive apparatus. Yet the role of the state as an encompassing authoritative institution and idea remains poorly elucidated. Initial interest in Arab states rose during the post-colonial, post-independence “artificiality debate” (60s/70s), continued with the “rentier state” and the “authoritarian persistence debate” (80s/90s) and has lately reached the level of “collapse debate”, previously reflected in more depth regarding Sub-Saharan Africa (in particular the Somali case) and Afghanistan. The author argues that the post-independence *Arab state system* has entered a new paradigmatic cycle since late 2010, a transition with uncertain and unpredictable outcome and the potential for re-configurations of statehood and state entities.

2. Iraq is a special case with divided sovereignty (Kurdish autonomy) and the occupied Palestinian territories remain effectively a virtual state, with – internationally backed – institutions but lacking sovereignty. Sudan, a League of Arab States member, will not be analysed here, despite the brittleness of this state.

do not merely exist as abstract institutions, but need to deliver to society. Governance expectations need to be managed. Grumpy resignation by the society at large is not equal to consent. This “preference falsification”, as pointed out by the scholar Timur Kuran,³ might create a wrong impression of acquiescence, and of stability. As the region is on the brink of serial state implosions, will it take a grand agreement akin to the Westphalian Treaty to pacify the region, to make it at ease with itself? In light of the most recent developments, I propose to re-visit the Arab state, i.e. to analyse the state of Arab statehood and to re-launch the debate on its structural weakness and the paucity of legitimate authority.

3. Timur Kuran (1998), p. 119.

**Part I - Ad-Dawla:
State-Formation & Nation-Building**

1. The Arab State: A Strange Animal?

Choosing the state as a unit of analysis and as a tool to understand the latest eruption demanding political change in the MENA region implies defining the main characteristics of this political entity, taking into account the specific genesis of Arab states. This approach, however, does not correspond to the endorsement of so-called Arab exceptionalism but considers the multitude of historical state formation processes in the Arab world. These particular state constructions include the role of external actors, on the one hand, as well as underlying mechanisms, such as traditional patterns of political domination, on the other.

Since their independence, Arab countries have invested tremendous efforts to develop their states along functionalist (institutions) and ideational (national myths) lines, in order to forge national identities and to foster a sense of belonging to a “higher” community. In the immediate post-colonial period and during the Cold War, American and Soviet Union strategic interests led to a good deal of external involvement, additionally shaping constituencies and state institutions with long-lasting effects.⁴ These patterns of interference have evolved since the early 1990s, yet the conflict in Syria indicates that external patrons can still play a determining role, either stabilising or weakening states. The concept of the modern state as an abstract, impersonal institution, practically detached from the ruler, can only be partially applied to Arab states. In particular the monarchic types, such as the Gulf kingdoms and emirates⁵ or the Jordanian and Moroccan monarchies, tend to correspond to pre-modern forms of political domination, despite the contemporary means of their bureaucracies, as well as limited parliamentary elements of power sharing (Kuwait, and to a much lesser extent Bahrain). Nonetheless, republican Arab states were also not immune to developing marked personality cults, with the head of state epitomising power and authority, paralleled by the state at the service of the elite instead of society at large.⁶

A typical problematic feature of Arab states, often lacking an established, historically rooted and widely shared national narrative, is the multiplicity of allegiances, beyond the state as a central reference of belonging and identity. Confessional or ethnic, often regionally defined identities have rarely been moulded into a single loyalty toward a centralised state. As a rule of thumb only certain institutions, such as the armed forces, have been able to transcend such domestic cleavages and to converge into a single national entity. The Lebanese Armed Forces are a successful example, whereas the Iraqi

4. Cf. Yom, S. (2011).

5. Three Gulf countries carry the title “state” (Arabic *Dawla*) in their official name: Qatar, Kuwait and the UAE. Non-monarchical Arab states tend to emphasise their republican character (Arabic *Jumhuriyya*), as well as their Arab identity (e.g. Arab Republic of Egypt, Syrian Arab Republic). Israel, a republic, also emphasises the state character in its official designation: *Medinat Yisrael* (State of Israel).

6. This type of Arab state can be described as “Sultanistic” (a term originally coined by Max Weber and later refined in the work of Juan Linz and Alfred Stepan), where the contemporary ruler (the head of state and his entourage) has merely put himself in place of the traditional, patrimonial and patriarchal form of rule, without substituting the old system by a modern, meritocratic and legal-bureaucratic one. Another feature of such states is a specific ruler-subordinate relationship, not comparable with more dynamic state-society relationships, based on the idea of citizenship.

army is struggling, bordering on failure and depending on confessional (Shiite) militias to defend the state.

1.1 The Post-Independence State: A Construct with Particularities or Deficiencies?

A critical examination of the post-colonial period of Arab state formation allows some characteristic features to be deduced as well as assumptions and generalisations about Arab statehood. States of the MENA region show powerful patrimonial structures and politically influential kinship groups,⁷ resulting in a specific set of pre-conditions for centralised state formation and preparing the ground for so-called Sultanistic regimes. A typical feature of this tradition of authoritarian rule is the political role of the armed forces in state affairs, lending a praetorian nature to several leaderships. Independence wars or military coups at the early stages of post-independence or post-World War II paved the way for their perennial role, either upfront (as in Iraq) or more moderate (as in Egypt and Syria, and Algeria).

During the post-colonial phase the European nation-state model was embraced and adopted by the new ruling elites in order to avoid substantive disruptions during these political transitions.⁸ Hence, the question was less about the external imposition by their former colonial masters or the artificiality of these states but rather if this model was a viable and sustainable solution for creating functioning “compulsory political associations”. That is, if the European-inspired, i.e. Westphalian and Weberian state models, could generate consolidated sovereign Arab nation-states. The most powerful modern Arab alternative to these projects was the idea of a transnational Arab state, transcending “artificial” borders and creating a single sovereign Arab nation-state. The most advanced realisations of this utopian idea were the short-lived tripartite Arab Union of Egypt, Syria and Yemen (1958-61) or the very brief “unification” between Tunisia and Libya (1974). However, despite the obvious practical shortcomings, the underlying doctrine (Arab Nationalism) lived on in the Syrian and Iraqi Baath-ideologies. Currently, the most pronounced alternative proposal to the established Arab state system stems from Islamist ideology (e.g. the ISIL movement), focusing on the confessional element of identity to found state structures beyond models of European, Arab or hybrid inspiration.

European colonialism was more about managing existing territorial structures, usually inherited from Ottoman domination, than about setting new borders or creating states. Nevertheless, the Levant was also a laboratory where novel state structures emerged. It is interesting to observe that this area is the one where the most fiercely repressive states emerged (Syria and Iraq), long-lasting conflicts about statehood continue unresolved

7. Cf. Khoury, P.S., & Kostiner, J. (1990).

8. Historically, several Arab nationalist movements seeking greater autonomy or independence from their foreign patrons (the Ottoman, French and British Empires) opted for constitutions inspired by European nation-states. The first such constitutions were adopted in the 19th century, e.g. in 1861 in Tunisia. Cf. Hourani, A. (1962). *Arabic Thought in the Liberal Age*.

(Israel-Palestine), and where the ideological competition about the nature of states is currently reaching its apex with the emergence and advance of the self-declared Islamic State's "caliphate". Yet not only Western involvement generated new states in the 20th century. The Kingdom of Saudi Arabia, a quite "authentic" Arab state, emerged without any direct external role by colonial powers. On the contrary, the state was created in a vacuum of Ottoman and European power projection, under inclusion of the traditional state of Hijaz.

Even though arbitrariness of certain borders needs to be acknowledged, the real question remains as to whether the existing states have been able to live up to their national aspirations or if the state narrative is lacking deep roots in society, eventually favouring a coercive logic to ensure continuity and survival.⁹ For instance, the Egyptian state defines its identity in official documents as Muslim and Arab. Yet the Copts, a minority of roughly 10% of the total population, is neither of Arab ethnic ancestry, nor following the Islamic faith. From this official angle, Copts are Egyptian nationals only in a narrow, limited sense. But, as a matter of fact, they support the Egyptian state in a stronger fashion than the Islamist ideological opponents of the state. The best explanation for this type of monolithic state understanding, quite openly excluding minorities from state affairs, is the fact that early Arab unification occurred based on a faith-based nation-state. The remnants of this Islamic *umma* can still be found in strong Islamic constitutional references of contemporary Arab states, e.g. excluding women or confessional groups from highest official state positions.

As this example indicates, a state ideology defining exclusive types of state-society relationships (based on confession or faith) tends to become problematic only if other societal features work against the nation-state. If tribal affiliations, even if theoretically included based on a shared wider Arab identity, experience a sense of discrimination, such grievances can develop into open opposition to the state. For example, the remoteness of the Egyptian state experienced by a number of tribes in the Egyptian Sinai peninsula eventually led to an armed insurgency (starting in the 1990s), now partially taken over by radical Islamists, reframing the original conflict in confessional terms.

How deeply the state is rooted in society is therefore less related to *atavistic* identities but rather to the idea and concrete experience of belonging to the state, of being part and parcel of the state fabric. A significant dissociation of state and society, based on economic grievances or ideological differences (e.g. opposition to a secular state), will render the "normal", i.e. ideal state-society domination problematic.

Typical legacies of the state-formation, including the colonial period, have been relatively complex bureaucracies, for instance in Egypt and Tunisia.¹⁰ In addition, the *étatist* nature

9. As Hill (2005) rightly points out, ex-colonial jurisdictions, transformed into independent Arab states often did not fulfil the "nation-state" requirements, being multi-ethnic communities. However, this argument ignores the fact that European states also are often not ethnically, confessionally or linguistically homogenous. Their strength arguably lies in the development – and acceptance – of a shared national narrative.

10. Anderson, L. (1987). *The State*, pp. 7-9.

of the post-colonial phase favoured the further development of huge bureaucratic apparatuses, creating huge castes of civil servants identifying themselves, quite straightforwardly, with the state.

Finally, a central feature of the post-colonial state has been the eminent political role of the militaries. Their involvement as liberating coup leaders, as patriotic developmental agents, and as organised, well-managed and effective institutions, shaped state structures, forged national identities and in several cases (Algeria and Egypt) led to privileged and determining positions until today. In cases of severe political crisis these central institutions reappear in the open as conflict managers, portraying themselves as protectors of the state. Ironically, their strength in manpower could not live up to the expectations in external confrontations. Whereas the Algerian army successfully defeated the armed Islamist insurgency of the 1990s, the Egyptian military was routed repeatedly in its confrontations with Israel. Only the Iraqi army had been able to engage in a prolonged stand-off with Iran (1980-88). Two outcomes are the consequence of this early military preponderance in state- and nation-building. On the one hand, the politicisation of the military, on the other the favouring of single-party systems, even though this also occurred under civilian rule as in Bourguiba's Tunisia.

1.2 State-Formation and Nation-Building: Embedded Weakness?

Taking stock of the Weberian and Westphalian features of Arab states should enable us to appreciate their basic characteristics, as well as their relative potential for failure. Despite some minor territorial disputes amongst Arab states (border delineation between Iraq and Saudi Arabia, a recently settled dispute between KSA/Qatar/UAE) and between Arab and their neighbouring states (border between Egypt and Sudan, UAE vs Iran) as well as genuine conflicts over territoriality and statehood (Western Sahara, Israel-Palestine, Israel-Syria and, more recently, territories controlled by Da'esh in Iraq, Syria, Egypt and Libya, and those by the Houthis in Northern Yemen) they generally correspond to Westphalian state types in the sense of fulfilling the most basic requirement of defined – and internationally recognised – territoriality.

If the concept of the nation-state represents an additional category for defining the quality of Arab statehood, this feature is less often fulfilled. Egypt, Morocco and Tunisia clearly fit into this category, whereas a great number of other Arab states witness internal tensions between ethnic, confessional and regional communities resulting in uncertain allegiances to the state's super-structure. A considerable number of societal groups, including large-scale foreign communities (for example in the United Arab Emirates), are

putting the national identity projects of Arab states to the test. The least stable entities and the most prone to collapse are those where a lack of nation-building is compounded with weak state-building.

The second defining feature of Weberian statehood, namely the exercise by the state of a legitimate monopoly of violence and coercion over the state's territory is increasingly challenged by the role of non-state actors, in particular armed groups. The limited control over the entire territory and the existence of armed insurgencies in ungoverned (or rather not centrally governed) spaces, i.e. regions off-limit to state penetration, reduce the sovereignty of concerned states. The existence of autonomous regions within a state, such as the region under Kurdish control in Iraq, equally corresponds to a limitation of state sovereignty. Such patterns tend to occur when state borders are not in correspondence with indigenous socioeconomic systems of tribal or ethnic origin, combined with perceived grievances.

Yet armed groups need not represent an ultimate challenge or threat to the monopoly of force, mainly depending on their genesis and the nature of their political demands. Across the region a plethora of armed actors (confessional militias, takfiri jihadists, and proxies like Hezbollah) is challenging or openly threatening the monopoly of force.¹¹ Transnational, militant Islamist actors play an increasingly relevant role in carving out domains of control beyond the state. On the other hand, if carried out successfully, the fight by the state against this type of armed insurgency and the skilful use of counterinsurgency measures could also bear the potential of consolidating the state's monopoly of violence.¹²

A further feature of Westphalian sovereignty is the state's autonomy, domestically and in international affairs. All Arab post-independence states were recognised with such autonomy. Non-intervention and self-determination were enshrined by the United Nations and applied to Arab states – even though the underlying rationale of a nation-state could not always be applied adequately. Technically, it could be argued that the level of autonomy, in a globalised world, is also a function of the economic clout enjoyed by the state. In addition to the Weberian and Westphalian framing of statehood, the economic dimension of statehood therefore requires consideration.

On the economic level, the Arab welfare state of several countries has been crumbling, or inefficient to the point that non-state actors (e.g. Islamist charities) have substituted the state in the provision of basic services such as healthcare and education. The state has often allowed this leeway and considered these activities a manageable and relatively

11. Hezbollah is a particular case since the Lebanese state has endorsed it as an anti-Israeli "resistance force" and its political branch is represented in the parliament.

12. Some scholars advance the same argument with regards to the ISIL movement. Inflicting a defeat on this group could lead to a reconsolidated state, mainly in Syria and Iraq. Yet this view ignores the fact that the Iraqi state is already portioned (Kurdish autonomy) and that the current regime in Syria is the strongest force undermining the unified state.

handy outsourcing strategy. Strictly speaking, this limitation of *étatisme* (i.e. state intervention) could also be considered an element of state failure, since non-state actors get engaged in domains considered the prerogative of a sovereign state. Such failures of state functions, namely the incapacity or lack of political (i.e. elite) will to redistribute limited resources, combined with the lack of capacity to manage the consequences of uncontrolled birth rates, have the effect of creating alternative affiliations, undermining a positive perception of the state as provider. Cuts in subsidies for foodstuffs and fuel, a common method for redistribution, will increase the negative perception of the state.¹³ At the basis of such frustration is not only the fiscal effect, namely a price increase, but the perceived cleavage between egalitarian state rhetoric and respective expectations towards the proposed social contract, in contradiction to the reality of citizens' day-to-day lives. As a result of this growing antagonism the social anchorage of the state is weakening and the legitimacy of the state decreases.

The other side of the coin, weak extraction capacities, also serves a specific purpose. Alternative sources of state income (various rents based on resources or aid), beyond taxation revenues, leave the state relatively autonomous from society and unaccountable for its spending patterns. In particular fiscal and non-fiscal external rents (political and diplomatic support, military aid, development cooperation funding, and the largesse of regional players) provide a false image of fiscal health and state stability, detached from society and hence inherently fragile. In the most extreme cases this corresponds to the development of mafia-states, turning the state's weakness into a method and vehicle for a small elite to extract and appropriate additional wealth.

Furthermore, the ubiquitous rentier state is also based on revenues from state-owned resources. These domestic rents are the basis for legitimacy of states established by the redistribution of appropriated rents. Yet this process is entirely apolitical since the supposed sovereign (the population) is only at the receiving end and cannot channel political demands, lacking the leverage of political representation of their interests. In case of massive frustration with the performance of the state the sole available channel to vent it will be the public square. This is what occurred during the Arab Spring.¹⁴

A classical characteristic of Arab rentier states is (therefore) state ownership of strategic industries (foremost extractive industries) and banks, also in supposedly economically liberal Gulf countries. The blocking of vibrant private sectors, even outside the major rent-producing sectors follows a specific rationale. Such economic activities would challenge the clientelistic networks close to the power-core and, as potential tax payers, a nascent business-based "bourgeoisie" would tend to formulate

13. *Financial Times* (2014, June 30). Egypt cuts spending on energy subsidies by a third in new budget. Available online at <http://www.ft.com/intl/cms/s/0/9da3cb08-007d-11e4-a3f2-00144feab7de.html#axzz3mkwt4GGt>

14. For the criminalisation of the Tunisian state, see: Beau N. (2009). *La Régente de Carthage: main basse sur la Tunisie*.

political demands. But the method of economic co-optation via patronage has its limits. In Tunisia a growing middle class, mainly formed by highly educated and in many cases under- or unemployed youths and less by tax-paying business people, was spearheading the revolt.

Summarising the legacies of the state formation period, a number of statehood deficits appear which have the effect of undermining the credibility and legitimacy of Arab state institutions. The very idea of the sovereign Arab state rests on competing conceptions of unity, identity and loyalty. Loyalty is often achieved by profit, less by identification. Identity markers run the risk of turning against the state in case of real or perceived grievances. And the unity of the state, in its most basic territorial form, can be undercut by regional insurgencies, be they of ethno-confessional or ideological origin. On the other hand, a good deal of patriotism exists, in particular in the more traditional nation-states.

With the state as instrument of domination being contested on several levels, state-society relationships tend to be tense, and social contracts in permanent need of re-negotiation. All in all the Arab state remains strongly shaped by patrimonial power structures, decade old police-states, and high-level corruption. Trends of privatisation and of criminalisation of the state extend the chasm between the state and its representatives, and society at large.

In addition to the well-known specific demands of the revolutionaries (karama, hurriyya, adala) the central and most genuinely political demand, "Isqât an-nizâm", requested the "fall of the system". This slogan referred to the inter-linkage between a poorly performing state and its hijacking by a corrupt elite, who abused the state extraction capacity mainly for their own good, adding insult to injury with regards to a highly dysfunctional social contract.

**Part II An-Nidham:
State Fragility & Weakness**

2. The Management of Fragility: Symbolic and Real Violence in Arab States

The main features of Arab states are a narrow social base (1), a patronage system (2) that is undermining the emergence of a self-sustainable strong Weberian state, and (3) the creation of loyalty limited to a co-opted entourage of the regime. Such a type of state, defined by the combination of lacking political participation and accountability, is confronted with the permanent risk of dissent exploding into political violence. A significant number of Arab states have to deal with de facto fragmented authority and limited sovereignty, a far cry from their own projected ideals and official discourses. These states and their intertwined regimes control and rule, but seldom govern in a genuine sense, by providing the core functions of the state. In addition, the perceived or actual plunder of collective assets, unevenly redistributed between the state, its regime and society creates strong tension between the elite and the population. The clientelistic elite are busy blocking economic liberalisation and a political opening to defend their vested interests against change. In place of persuasion as a means of societal control, coercion and structural violence have become a common good, jeopardising human security of citizens in general, and political opponents in particular. Furthermore, transnational ideological movements (Islamism or Jihadism) represent an additional threat to the state, partially a reflection of the state's own poor internal record.

2.1 State Durability and Regime Resilience: Repression versus Compliance

Standard instruments for managing a state are ideology (like Turkish Kemalism, Israeli Zionism or Saudi Wahhabism), nationalism, and other historical references and myths, nurturing sentiments of belonging and commonality. The Arab variants of socialism and nationalism, the Baathist ideology and Gaddafi's Green Book initially were functional means to consolidate the newly independent states and infuse a sense of national belonging and identity. But if the state-sponsored sense of affiliation does not correspond to a perceived primordial identity or seems mutually exclusive, no stabilising effect will be achieved by such ideational means.

Under such circumstances, the state and its elites will use, and abuse, central institutions, the judiciary, the bureaucracy and the security apparatus to infuse fear and obedience, instead of creating allegiance and loyalty. The judiciary's role will be transformed into protecting the state against the ruled, instead of serving the citizens, if necessary against the state. Such states can neither produce mature citizens nor an independent judiciary.

The post-independence Arab state has developed its own survival strategies in order to remain afloat and to be able to fence off recurring unrest of economic or political origin.¹⁵

15. Duterme, B., & Leroy, A. (Eds.). *Monde Arabe: État des résistances dans le Sud* - 2010. CETRI.

The methods deployed by these states to manage mounting weakness and failure are as diverse as the genesis and trajectories of the post-colonial states. Nevertheless, some similarities in the approach can be discerned. The tools for dealing with regime contestation and opposition to the state range from eradication, hidden repression, selective co-optation, and sham openings to a neutralising integration into the state apparatus and its political instruments.

What is dubbed political reform only exceptionally fulfils the criteria. Such steps rather aim at reducing pressure, often more internationally than domestically, and not to improve the system of governance per se. The opening of the Jordanian and Moroccan parliaments to Islamist factions and the development of the Kuwaiti House of Representatives are probably the most genuine pre-Arab Spring developments, corresponding to real improvements and creating tangible results such as a stabilised polity, and as a corollary, a strengthened state resting on increased legitimacy. “Democratic” institutions in most other Arab countries are in reality rubber-stamping decisions of the head of states, with little inclination to voice opposition to the ruling elite or to push for deep economic or political reforms. Arab governments are unrepresentative of the popular will since they are not set up as democratic agents. In reality, democratisation, more often than not, is the result of external, Western pressures but in general does not correspond to a feature of the survival strategy of the Arab state.¹⁶ The opening of the political space after decades of sealing-off is – rightly – deemed a risky process, able to disrupt not only the regime but the state itself under certain circumstances.

In general, the state has therefore favoured the development of security services for the sake of intimidation, suppression, and eradication of dissidents and the political opposition. This logic of repression resulted in creating a false impression of stability. The fact that the *qanun at-tawari'* (the law for the state of emergency) has been a common feature for decades throughout the region is another sign of state failure, and, by corollary, a circular means of fighting against this very failure.

The bureaucracy of Arab states is considered another strategic asset and a favourite method of creating loyalty to the state. Civil servants, virtually embodying the state, develop direct allegiance to state institutions. Bloated and highly inefficient administrations are the result, in order to create a vast social class depending on and thus in favour of the state. In several countries the armed forces, and the security apparatus, play a similar role, complementing the civilian administration. In Egypt, this method is even more marked, since the military is also actively engaged in industrial and

16. On the empirical correlation between democratisation and terrorism, see: Piazza J. (2007). *Draining the Swamp*.

manufacturing activities of civilian goods, enlarging the pool of loyal quasi-public servants. Other states, vying to control economic sectors of strategic importance such as the oil and gas industries keep them under firm state control and ownership (e.g. Sonatrach in Algeria, Aramco in Saudi Arabia), whereby another set of state employees develops into staunch supporters of the state.

Yet the failure to provide core functions (human security, redistribution, economic opportunities) on a wider, state level leads to two options: the privatisation of state functions and the moral re-appropriation of the national discourse, e.g. via political Islam. Under the veneer of national unity and patriotic discourses, one of the core issues to be solved by Arab states would be identifying an ideal way of managing diversity, instead of suffocating it. Ideally, the strategy should be to reverse the current state of affairs, which has created states that are “strong in coercion, but weak in legitimacy.”

If state fragility and weakness are not managed in a forthcoming way, unable to lead to increased stability and sustainable state structures, the pathologies of authoritarian systems – and their captured states – translate into a constant uphill battle of the state against its own citizens. Hence, if the political cost of compromise is considered too high, i.e. too risky for regime survival, the state needs to negotiate redistribution agreements on a constant basis. However, should the perception of the state performance become increasingly negative (corruption, remoteness) this will open avenues for discontent, channelled either ideologically (the revolution in Iran, the Muslim Brotherhood project) or exploding into unorganised, leaderless and relatively unguided upheavals, such as during the Arab Spring.

2.2 Arab Statecraft: A State-Society Relationship Based on Coercion versus Consent

The ability of states to fulfil their core functions is ideologically determined as well as a practical, basically financial matter. Developmental states never come close to the Weberian ideal and model.¹⁷ But states suffering from increasingly dysfunctional social contracts, mainly based on high-flying but unfulfilled promises, are engaged in a permanent vicious circle of crisis management. The state of emergency crystallises as a typical feature of such repressive systems, and determines the state-society relationship. In addition, the political use of the police undermines its ethos and professionalism and renders reform efforts (e.g. the security sector reform currently undertaken in Tunisia) a daunting task.

Weber's typology distinguishes between a traditional patrimonial and a modern state.¹⁸ The first is characterised by a ruler who considers the country his property and the administration as a functional extension of his power. On the contrary, a modern state is

17. For the limits of statehood in developing countries, see: Betz J. (2007). *Staatlichkeit in Entwicklungsländern*.

18. Fukuyama, F. (2015). *Political Order and Decay*.

an impersonal entity, and the administration at the service of its citizens. According to this classification most Arab states fulfil the criteria of hybridity, neither fully patrimonial, but with significant neo-patrimonial features, nor entirely modern in the idealised sense but, depending on the case, with numerous elements of a modern bureaucracy. Muammar Gaddafi, Zine el-Abidine Ben Ali and Muhammad Hosni Mubarak, by their deep encroachment on state affairs exemplified the neo-patrimonial ruler and epitomised a Sultanistic state, with virtually no “checks-and-balances” or accountability. In the same vein, contemporary Arab monarchs still consider their territories as “mulk”, property.¹⁹

The failure of Arab states is also the failure of the patrimonial state in the Middle East to modernise and to adapt to globalisation. Central indicators of this mismanagement, such as poor governance records, the rise of non-state actors and the lack of forward looking visions all carry political implications. But another problematic issue is linked to the question of citizenship. The belonging of a country’s residents is not equally distributed to the nation-state in the same uncontested manner. Differences occur across ethnic (Kurds, Berbers, Touareg, Tebou), confessional (Copts, Shia, Levantine Christians, Druze, Jews) and gender (women) lines, whose minorities or groups are discriminated against.

Another major implication of neo-patrimonial structural elements is the perception that wealth is a reward for the ruler, not for the ruled, since their duty is to make the ruler wealthy. The seemingly ruthless enrichment of these former leaders (Ben Ali, Mubarak, Gaddafi, or the Algerian *pouvoir*) corresponds to the pre-modern, Sultanistic logic and is reinforced and guaranteed by the creation of clientelistic networks. Such an environment is not permissive to the development of citizenship in a sovereign sense: the sovereign remains the ruler, not the ruled. And the power of the state cannot be derived from a strong and mutually reinforcing relationship between the state and its citizens but rests on the abuse of authority, the logic of despotism and the prevalence of absolutism.

But as Nazih Ayubi pointed out in his seminal work on Arab statehood, state-society relations are not zero-sum games.²⁰ If the cleavage between the state and the inhabitants, even under circumstances of structural repression, becomes intolerable, proposed reforms can only recreate stability by means of deferral. When violence, beyond symbolic coercion, has transformed into a real and regular feature of the coordination between the state and society, the failure of the state is complete, and in the long run probably irreversible. This relationship based on fear, distrust and rivalry can only be renewed in a confrontational manner.

The question about whether regimes or states are unstable, i.e. if the “Arab state system” shows signs of instability, has been answered in a novel way during the unfolding of the

19. For example, the Moroccan King, Mohammed VI, indirectly controls and owns around half of the economic capacity of the kingdom via the SNI conglomerate (the Société Nationale d’Investissement/SNI merged with the ONA in 2010).

20. Ayubi, N. (1990). *Over-stating the Arab State*.

Arab Spring. We witnessed the fall of several heads of state but in its aftermath also the disaggregation of the Libyan and Yemeni state, the partial loss of authority in the Egyptian Sinai peninsula, an insurgency in Iraq and an all-out civil war in Syria. Even Tunisia, able to implement an altogether different political trajectory is confronted with a limited insurgency on the border with Algeria (Chaambi mountains). Hence, the state structures themselves are shaken to the core by the ongoing transformation. At the same time, the Syrian state and the Egyptian deep state show signs of formidable resilience against the military and political challenge. The hybridity of certain Arab states, paired with their willingness to use massive, indiscriminate repression, seem to be successful methods of survival.

Which leads us to the third section: why have Arab states not been touched during the third wave of democratisation (at the end of the Cold War)? Or, reframing the question with hindsight: why has the third wave arrived with such a delay to the Arab world, and its vulnerable state structures. And how come only a single country, Tunisia, has engaged successfully on the path of democratisation thus far?

**Part III Al-Fitna:
State Failure & Collapse**

3. The Limits of Resilience: Potential Rebels and External Players

The purpose of this paper is not to reiterate findings on the immediate causes and implications of the Arab uprisings but to appreciate and understand deeper root causes, including a central systemic trigger, namely state failure. The ongoing “hegemony crisis” of several Arab states, including weak penetration and exhausted ideologies, is an indicator of the depleted symbolic capital of post-independence states. In addition to these structural institutional and ideational shortcomings, the current prevalence of regional and intra-state conflict, and the large-scale collapse of “law and order”, both describe a steady evolution from a legitimacy gap to a sovereignty gap, exemplified by the increasing number of non-governed spaces.

Nevertheless, regional history also provides a number of examples for extreme state resilience, surviving civil war (Lebanon), major domestic conflicts (Algeria in the 1990s), the Muslim Brotherhood insurgency in Syria (1979-1982) and bilateral wars, such as those fought by Iraq (against Iran and Kuwait) or Libya’s military engagement in Chad. Only Yemen is a state more or less continuously on the brink for a considerable period of time, currently risking a tilt into total collapse. We currently observe that the historical, post-colonial impetus, often strengthened by independence-wars, has petered out over the years – and that external patrons have recalibrated their regional calculus after the end of the cold war. Only the oil-rich monarchies can continue to afford propping up a system of apparent stability, up-held solely by highly fragile social contracts. Yet collapse and fragmentation are dangerous precedents, in particular for a number of neighbouring states that are structurally weak and could easily be negatively affected by havoc, or reformed political systems, across the border. Therefore, the Gulf monarchies are financially supporting a firewall against pluralism or the Muslim Brotherhood by supporting military takeovers (Egypt) or having a stake in civil wars (Yemen, Syria).²¹ But in the long run, the decrepit ideologies will need to be replaced, to fill the empty shells of post-independence states.

3.1 The Arab Spring: State Implosions and Responses

Five countries touched by the Arab Spring experience a loss of territorial sovereignty and a threat to their territorial cohesion: Tunisia (Shaambi mountains), Libya (total decomposition), Egypt (in parts of Sinai), and Yemen (complete disintegration of the current state), Syria (civil war). Whereas Iraq experiences an ongoing risk of central state disintegration, partially realised by Kurdish autonomy. Hence, the number of ungoverned spaces has increased, and previously existing insurgencies or grievances have either

21. A good explanation for this foreign policy orientation is provided in: Darwich M. (2014). *The Ontological (In)security of Similarity: Wahhabism versus Islamism in Saudi Foreign Policy*.

become entirely militarised or “islamised” under the influence of the spreading Salafist-Jihadist movement. Therefore, in addition to the topographical issue, the question of mental mapping comes to the fore. How do significant parts of the population relate to their state (e.g. certain Sunni tribes and Baghdad), which is facing increasing ideological Islamist competition, now entering a new dimension with Daesh (ISIL)?

The Arab Spring has seen the whole range of political transformations, from tentative democratisation (Tunisia) via reasserted authoritarianism (Egypt) to collapse (Libya), and war (Syria). But even those countries able to stabilise during the transition, namely Tunisia and Egypt, still have to come to terms with the past socioeconomic neglect of entire sub-regions of their states. This limited previous state failure of neglecting the development of peripheral regions is now translating into armed insurgencies, under the aegis of Jihadist movements, thriving in areas of weak state penetration.

As outlined in the previous sections, Arab states increasingly reverted to coercive measures to quell the various sources of discontent with their appalling governance performance. Ironically, this approach further weakens the legitimacy of and marginalises the state. Even in an environment where loyalty is first and foremost defined by the profitability of acquiescence to unaccountable governance structures and not value-based or patriotic in the proper sense, the lack of political participation and representation can reach its practical limits. The use of the state as an instrument for domination will depend on the coercive capacity, and eventually the will of those in charge of the repressive apparatus to make use of it. The Egyptian state and its main pillar, the military, has now resurfaced forcefully (since the coup in mid-2013) after a period of tactical retreat and employs a mix of legal and extrajudicial means to silence the political opposition.²² But renewed coercion cannot substitute the drive for increased political participation or representation. Concealing deep resentment with corrupt extractive elites and an appallingly poor record of state institutions does not imply consent with policies. Such “preference falsification”, as Timur Kuran calls it, is hiding simmering tensions.

3.2 Trajectories and Scenarios: Reform, Revolution or Reinvention?

Taking into account the intrinsic characteristics of state failure, the historical legacies of patrimonial governance, including the colonial period, the stakes are nevertheless quite high. The regional order, i.e. Arab state system, which developed post World War II has come under tremendous pressure. This is due to both internal and domestic processes (as described above) as well external threats such as the self-proclaimed ISIL “caliphate”. The changing pattern of external intervention, for example the role of external support for

22. For an analysis of the role of armed forces in the political transition since 2010, see Mühlberger W. (2015). Assessing the Impact: North African Militaries in the Arab Spring. *Security and Peace*, 33(1).

keeping regional pivotal states afloat or of military interventions (e.g. of R2P-type) also undeniably are part of the unfolding dynamics. Hybrid states, so common to the region, with their strategies of co-option, repression and predatory extractive behaviour are facing three scenarios. They can engage on a path of genuine reform (Lebanon), reinvent themselves (the Tunisian democratic project), or face a new round of revolutions.

At the time of writing it is still premature to reach a definitive assessment on the different trajectories taken by countries of the Arab Spring. However, it is clear that the struggles of different interest groups, obliterated by decade-old rules of police states, have been moving to the forefront. A trend of fragile state structures has become discernible. Whereas the Iraqi state had been dismembered by a foreign military intervention,²³ the recent, initially home-grown political transitions are bringing several Arab states to the brink of collapse. With the regimes of the two most illiberal states in shatters (Iraq and Syria), it is now the state constructions themselves that come under growing pressure. And in the meantime the debate about the Arab state has reached a new dimension with the appearance of the self-proclaimed “Islamic State” as a political proto-entity in Northern Mesopotamia.

In Tunisia the state tries to increase legitimacy via democratic development. In contrast to this tentative fulfilment of revolutionary aspirations, the Egyptian state has hijacked the revolution via the military institution and develops a narrative justifying the authoritarian restructuring. The armed forces, a central state institution, are in the process of reasserting the state’s legitimate use of force. Large-scale economic projects launched by the military aim equally at strengthening the state by improving the infrastructure. Yet their purpose is neither to provide long-term jobs nor to enhance the private sector but to increase the autonomy of the state from society, by creating new rentier type sources of income. Meanwhile, the mediation efforts between the competing Libyan governments, ideally avoiding the state’s collapse, are at risk of reaching a dead-end.

23. A state whose resilience had been tested to the utter limits by repeated warfare and a UN sanctions regime finally crumbled under the onslaught of a superior military coalition in 2003. The de-baathification policy and the divestiture of the armed forces have laid the foundations for a brittle state, whose sovereignty is divided and whose polities are more or less openly aligned against each other (communitarianism), and against the state at the centre.

Conclusion

The Marginal Arab State: The Perennial Quest for Legitimacy and Authority

This paper invites the question of Arab statehood to be revisited in the wake of the recent upheavals, which kicked off in late 2010 and spread to numerous Arab countries. It argues that the Arab Spring represents nothing else but the culmination of the ongoing crisis of authoritarian Arab regimes, including and mirroring the long-standing crisis of the Arab state itself. As a matter of fact, these structural deficiencies are not unknown; they have been well documented and reform proposals outlined.²⁴ But the capacity of most Arab states is often too limited even for getting engaged on a path of substantive reform. Too many stumbling blocks have been erected by a neo-patrimonial system of patronage networks, or even the criminalisation of the state. Under these circumstances, events had to culminate in major unrest and the outcome still remains highly uncertain in a number of countries in the region.

Traditional concepts and notions such as “shatterbelt” (Saul Cohen, 1950) and “arc of instability” (now also in use by the EU for its Southern Neighbourhood) or, conversely, the “Shiite crescent” (King Abdullah of Jordan, 2004) describe regional instability within broader, rather geopolitical frameworks, and tend to overlook the essential components of intra-state instability and the fragmentation of the domestic polity. Therefore I proposed to take stock of developments almost five years after the start of the Arab Spring, using the state as a magnifying glass. This helps to understand the roots, causes and effects of domestic tensions and strife, their potential for escalation and consolidation, leading in the worst case to systemic collapse of failing or failed state structures. This analytical approach should be considered a complementary view to the more common geopolitical frames (often focusing on the role of external actors, resources, and grand strategy),²⁵ and allow conclusions and recommendations of policy relevance to be derived, including for the EU, which finds itself vis-à-vis a number of highly fragile (Algeria, Tunisia) and collapsing states (Libya, Syria), some of which play a sizable role in EU energy security, and the management of migratory flows.

Regime endurance, academically dubbed “authoritarian resilience”, lasting in several cases for multiple decades until the Arab Spring, has been hiding the enormous potential for change. Yet, we are now witnessing the decline of several Arab states: Iraq, Syria, and Libya, all three relatively recent state constructions based on idiosyncratic ideologies are on the path to disintegration. They are on the verge of losing the capacity to fulfil the most basic Weberian criteria and could, eventually, even cease to remain Westphalian sovereign territorial entities. On the south-western periphery of the Arab Peninsula, the century-old Shia (Zaidi) political structure of the “Northern” (factually Western) Yemeni

24. See *UNDP Arab Human Development Report* (2004) or Luciani, G. (1990).

25. See, for instance, Rózsa E. (2013). *Geo-strategic Consequences of the Arab Spring*. IEMed Papers 19.

state, one of the oldest continuous Arab states in history, seems to re-emerge, to the detriment of the superimposed structure under Sunni political dominance, the weakly “unified” Yemeni state.²⁶ And the question of Palestinian statehood still awaits the most basic thrust toward sovereignty after more than 60 years since the end of the British Palestine mandate and the UN partition plan.

As the state, and its underlying political order, are based on power and legitimacy, it is essential to appreciate the reasons for and effects of fragile and failed states, since the ideological and philosophical foundations of both are seriously being put to the test in case of mass upheavals such as the Arab Spring. Even the most common avatars of the post-colonial and post-independence Arab state, republican family rule and single party-regimes, seem to have come to a slow-motion end. The state and its institutions, the state-society relationship and the economic dimension are the prime foci to grasp the nature of fragmentation, the “decay” of states and the motivation to contest the essence of established structures (“*Isqât an-nidhâm*” motto), weak as they may be.

The blocking of deep reform by co-opted elites, the pernicious role of Arab mass media as extensions of state and regime interests, a multilayered clientelism that includes sections of the population who depend on the state to make ends meet, compounded with external interference have been potent stumbling blocks on the way to improved state performance, the creation of a modern state, a professional impersonal administrative apparatus, and the launching of a framework that creates economic opportunities.

Two trends can be distinguished with regards to the evolution of the Arab Spring and the re-shaping of state-society relations. The first manifested itself in the outbreak of large-scale cross-country protests questioning the performance of the state at providing opportunities and the delivery of its institutions such as courts (rule of law), schools (education) and services (health services, infrastructure). This trend has come to a complete halt, since no new countries experienced an Arab Spring-type upheaval, and of those touched in 2010/2011 only Tunisia embarked on a genuine democratic transition. The second trend, being a more fundamental challenge to hybrid Arab states, comes in the shape of militant fundamentalists who aim to establish a state structure based on historical, Islamic references. This trend questions the secular state itself, its very *raison d'être*. Whereas the former is mainly an expression of discontent about a dysfunctional state-society relationship, and could – in theory – be addressed by improved state performance and accompanying political and economic reforms the latter digs much deeper and expresses an ideological current that has survived the

26. The text was written prior to the military involvement of Sunni Arab states in the conflict.

transnational secular ideologies of Pan-Arabism, Arab nationalism and Arab Socialism. With the possible fall of the last stronghold of the secular strand of ideology, Baathist Syria, the pan-Islamic movement in its most puritanical version tries to take root in the very same territory.

In view of the implications of the Arab Spring for several adversely affected countries, defining and proposing political solutions for collapsed (Libya, Syria, Yemen) and failing (Algeria, Tunisia) states, rather than for the re-consolidated ones (like Egypt or Bahrain) will remain a prime objective, also for external patrons, allies and other interested parties. From a realist angle, the re-establishment of some sort of stability, transitory as it might be, represents an essential task for both, neighbouring Arab or Sahelian African states, as well as the wider neighbouring sphere, including the EU, Turkey, and Iran.

Positive examples of political integration, such as the participation of the Muslim Brotherhood in the Jordanian and Moroccan parliaments, need to be considered as examples to follow.²⁷ In the long run, thinking beyond the authoritarian resilience model will be a requisite in order to delineate alternatives to securitised approaches for political and or societal issues.

Since the current trend toward state collapse has become the defining feature of the transition, containment and mediation will be essential tools of control for external actors. Yet UN sponsored mediation efforts in Libya and Syria are facing the intricate complexities on the ground, and have made little headway to date. Even if a disengagement from the region, letting events run their course, might seem tempting at first sight, in the worst case the West and other regional states will have to confront successor states to the currently known entities, whose enmity towards the West and non-compliant neighbours will be nothing less than primordial. Arab states will need to engage, sooner rather than later, on a path of comprehensive reform. Otherwise the modus operandi of Arab state structures will remain akin to permanent crisis management instead of achieving a healthy degree of sustainability.

27. As a qualifying remark it should be added that the religious legitimacy enjoyed by the monarchs of these countries limits the potential societal role of the Brotherhood ideology – in contrast to republican orders, where the confrontation has usually been more antagonistic and/or violent (see the recent experience in Egypt and the previous one in the oPt).

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EuroMeSCo

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Project funded by
the European Union

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