ALMUNTAQA

Adnen Nouioua

Fighting Corruption within the Framework of Transitional Justice:
The Impact on Democratic Transition in Tunisia

Mahmoud Hamad

A Law of Diminishing Returns: Transitional Justice in Post-Revolutionary Libya

ALMUNTAQA

ALMUNTAQA

VOLUME 3   ISSUE 1   MAY/JUNE 2020

CONTENTS

EDITOR'S NOTE

Despite almost 9 years passing since its eruption, the effects of the Arab Spring still reverberate throughout the region. These range from the domestic impact on state-society relations and institutional development/decay to rapid and dizzying changes to the power balance in the region. One of the less studied effects of the Arab Spring has been its ramifications on the rule of law and constitutions of Arab Countries. We tackle this issue head on with two studies that examine the connection between the rule of law, transitional justice and corruption in Tunisia and Libya after the Arab Spring.

In the first paper, titled "Fighting Corruption within the Framework of Transitional Justice: The Impact on Democratic Transition in Tunisia", Adnen Nouioua links transitional justice with anti-corruption in Tunisia and examines the impact of this relationship on the process of democratic transition. He focuses in particular on the legal and practical difficulties that have impeded the transitional justice process, especially after the promulgation of Law 53 in 2013 on the establishment and organization of transitional justice. The paper finds that combating corruption in Tunisia requires the state and all parties concerned to accept a range of solutions relative and proportionate to the logic of transitional justice that differs from traditional justice.

In the second paper, "A Law of Diminishing Returns: Transitional Justice in Post-Revolutionary Libya", Mahmoud Hamad focuses on transitional justice in Libya since the fall of Colonel Gaddafi. He is surprised to find that numerous relevant constitutional declarations, laws and decrees have been promulgated in Libya. Yet the process has also faced serious obstacles, most notably the absence of legislative planning and strategy, the lack of effective dialogue between the parties involved in the legislative process, and the low quality of drafting.

Moving on from the Arab Spring, in the paper "Arabic Origins of the Foundational Myth of Western Identity: Between Histories of the Conquest of America and the Conquest of Andalusia," Mohamed Abdelrahman Hassan puts forth a comparative analysis of Spanish historians on the conquest of America in the sixteenth century CE and Arab texts concerning the conquest of Andalusia written in the 9th and 10th centuries AH. He shows that modern Western historical knowledge is linked much more closely to Arab knowledge than it is to a pure Greco-Roman origin, given that the narrative of the conquest of America mirrors that of the Andalusia conquest narrative, reclaimed by the Spanish at the beginning of the modern era.

Next follows a study of "The Limits of Rational Choice in the Sociology of Social Movements: The 20 February Movement and the Rif Movement in Morocco", by Mohamed Naimi. The paper critically assesses

rational choice theory in the sociology of social movements using Moroccan protest movements as a case study. It finds that despite the ability of rational choice theory to interpret some aspects of social movements, it falls short when it comes to explaining symbolically motivated movements. These movements stress self-assertion and immaterial values such as freedom and dignity, as in the case of the 20 February and the Rif movements. As an alternative, this study proposes extending the boundaries of this theory to include the cognitive field through the application of axiological rationality instead of rational choice theory.

The next article, "Prosopography: An Approach to Studying Elites and Social Groups," by Rajae Ankoud, examines an auxiliary approach to historical study. This approach, Prosopography, focuses on researching the common characteristics of historical actors belonging to a specific group, as well as studying their external characteristics, similar and different, and the trajectories of their lives, gathering data from phenomena touching any individual's life to common aspects of the lives of these individuals. Social historians have adopted prosopography, an approach once geared towards the study of ancient history, to studying social groups in eras of medieval, modern, and contemporary history. This has resulted in the emergence of new findings that are distinct from those derived from other studies, especially when data are scarce and written sources are unavailable, or the archive is sparse or missing.

The section on the Arab Opinion Index features an article by Dana El Kurd, titled "US Policy in Arab Gulf Opinion: Data from Saudi Arabia and Kuwait." The article analyzes how Gulf Arab citizens view US policy since President Donald Trump took office. It finds that Kuwaiti respondents – who enjoy more freedom of expression than their Saudi counterparts – report the highest level of disapproval of the US in the past 5 years. Saudi Arabian respondents – limited by their ability to express their preferences more freely – have a high rate of non-response, indicating they do not feel comfortable addressing the US considering Saudi policy.

Finally, the book review section features a review of Dana El-Kurd's important new work *Polarized and Demobilized: Legacies of Authoritarianism in Palestine*, described as "A rigorous and impressively researched work, and a valuable and thought-provoking read for students of authoritarianism and Arab politics." El-Kurd's book is the ACRPS's first full-length English publication, and forms part of a new ACRPS series by Hurst/Oxford University Press.

Last but not least, we would be remiss if we didn't mention the invaluable assistance of Yara Nassar, who was this issue's volunteer editorial secretary.

ARTICLES

Fighting Corruption within the Framework of Transitional Justice:
The Impact on Democratic Transition in Tunisia[1]

Adnen Nouioua[2]

This paper attempts to link transitional justice with anti-corruption in Tunisia and examines the impact of this relationship on the process of democratic transition. The paper examines the legal and practical difficulties that have faced the transitional justice process, especially since the promulgation of Law 53/2013 establishing and regulating transitional justice. It demonstrates the evolution of Tunisian state anti-corruption action in the field according to official reports and cases from the Tunisian judiciary, and through the examination of the constitutional provisions tasking the state with combating corruption. It also looks at the parliament's role in fighting corruption. The paper shows failures to combat corruption in the transitional justice process, highlighted by the inability to hold businessmen involved in corruption to account, and the negative repercussions of this on the process of democratic transition. The paper finds that combating corruption in Tunisia requires the state and all parties concerned to accept a range of solutions relative and proportionate to the logic of transitional justice as it differs from traditional justice.

Transitional Justice   Tunisia   Democratic Transition   Corruption   Freedom and Dignity Revolution

Since the Freedom and Dignity Revolution (17 December 2010-14 January 2011), corruption has enjoyed an unprecedented visibility in Tunisia as a major problem facing the post-revolutionary order. This problem is not a new one: resentment of corruption was a major driver of the Revolution, as was clear from revolutionary slogans linking worsening unemployment and underdevelopment with the monopolisation of much of the national wealth by President Zine Abidine Ben Ali, his family and businessmen close to them.[3]

There have been two major approaches to corruption since the Revolution. The first is concerned with the past, investigating prior corruption in order to establish the facts and hold the perpetrators accountable. The second looks to the future, hoping to reform state institutions and create the laws and mechanisms necessary to combat and reduce corruption.[4] The Transitional Justice Law (*Qānūn al-ʿAdāla al-Intiqāliyya*) – drafted through a consultative process and promulgated by the Tunisian state in late 2013 – provides for both these approaches. The provisions of this law are grounded in the flexible concept of democracy adopted after 2011. Its cornerstone is the Ministry for Transitional Justice and Human Rights, which operates alongside specialist local and international civil society organisations.[5]

The Law adopts a broad definition of transitional justice based on international standards. It does not limit itself to criminal justice in the sense of holding those involved in major human rights violations to account but seeks to achieve symbolic, historic, cultural, social, economic and political justice as part

of transitional justice.[6] In the Tunisian understanding transitional justice has five main aims: uncovering the truth about human rights violations; holding those responsible to account; addressing the harm to victims; rehabilitating victims; and achieving national reconciliation.[7]

The Transitional Justice Law made two major innovations. The first was to link transitional justice to efforts to fight corruption – a holistic approach encouraged by growing international interest in the danger posed by the legacy of corruption to individual and collective freedoms as well as political, economic and social rights.[8] In order to address this legacy and the associated violations, the Law uses the terms "cases concerning major human rights violations" and "violations involving electoral fraud, financial corruption and embezzlement of public money."[9] This link produces a particular understanding of what fighting corruption means: the understanding required by the transition period in Tunisia.

The second key innovation was to make the creation of guarantees that Tunisia will "complete the transition from despotism to a democratic system" part and parcel of transitional justice. This move is supported by several studies. One author says that "while for traditional justice furthering peace and democracy are *secondary* goals, for transitional justice they are a *fundamental* goal that must be achieved."[10] The same author goes on to say that "[t]ransitional justice – as a mechanism by which one contends with the legacy of undemocratic authoritarian practices – must now necessarily be a mechanism by which democracy can be demanded and effected. Democracy is the only dispensation capable of preventing [future] recurrence of the same mistakes that transitional democracy hopes to address by temporary measures."[11]

A number of aspirations lie behind the decision to make fighting corruption part of democratic transition: re-appropriating public money embezzled by officials, furthering reconciliation and social justice, contributing to economic development, and – above all – securing transition to democracy.[12] Transitional justice is thus a key part of political reform aiming to build a democratic system based on the rule of law and justice in the holistic sense.[13] This leads us to a central question: to what extent has this decision helped to further democratic transition in Tunisia?

In order to answer this question we must examine in depth the two key goals that this decision hoped to achieve: promoting accountability and furthering national reconciliation in such a way as to preclude future corruption. This study will thus be divided into two parts. One will consider the prosecution of pre-existing acts of corruption as a means of furthering democratic transition. The other will discuss how the prevention of future corruption supports democratic transition.

---

6   See: Moulay Ahmed Moulay Abdelkarim, "al-Usus al-Falsafiyya li-Mafhūm al-ʿAdāla al-Intiqāliyya: Muqāraba Awwaliyya," *Tabayyun*, vol. 11 (Winter 2015), p. 17.

7   Law 53 of 2013 (dated 24 December 2013) on the Establishment and Regulation of Transitional Justice as amended by the Transitional Justice Law under Basic Law 17 of 2014 (dated 12 June 2014) on Judgements Concerning Transitional Justice and Related Cases During the Period 17 December 2010-30 February 2011, published in the Official Gazette of the Republic of Tunisia (*ar-Rāʾid ar-Rasmiyy*, Issue 48, 17 June 2014, p. 1619).

8   See: UN General Assembly, Human Rights Council, *Final Report of the Human Rights Council Advisory Committee on the Issue of the Negative Impact of Corruption on the Enjoyment of Human Rights* (A/HRC/28/73), 5 January 2015 (accessed on 26/01/2018 at https://bit.ly/2HlL7FH).

9   Transitional Justice Law, Section 8.

10   Moulay Abdelkarim, ibid, p. 18. See also: Noha Abouldahab, "Transitional Justice Policy in Authoritarian Contexts: The Case of Egypt," *Policy Briefing*, Brookings Doha, October 2017, (accessed on 24/03/2020 at https://brook.gs/2YS5cvW).

11   Ibid.

12   Ibid. See also: Hamadi Redissi, "Tūnis bayna Tadʿīm ad-Dimuqrātiyya wa-Tafakkuk ad-Dawla," *Siyasat Arabiya*, vol. 18 (January 2016), p. 5; Rawia Tawfik, "Hal ad-Dawla wa'l-Mujtamaʿ Mustaʿiddān fī Miṣr li'l-ʿAdāla al-Intiqāliyya wa'l-Muṣālaḥa al-Waṭaniyya? Durūs min Janūb Afrīqiya," *Siyasat Arabiya*, vol. 6 (January 2014), p. 90; Kamal Abdellatif, "al-ʿAdāla al-Intiqāliyya wa't-Taḥawwulāt as-Siyāsiyya fī'l-Maghrib: Tajribat Hayʾat al-Inṣāf wa'l-Muṣālaḥa," *Siyasat Arabiya*, vol. 5 (November 2013), p. 92; El Habib Belkouch, "al-ʿAdāla al-Intiqāliyya wa'l-Intiqāl ad-Dimuqrātiyy fī Siyāq ʿArabiyy," *Siyasat Arabiya*, vol. 18 (January 2016), p. 77; Idriss Lekrini, "al-ʿAdāla al-Intiqāliyya wa-Atharuhā fī't-Taḥawwul ad-Dimuqrātiyy: Muqāraba l-Namādhij ʿĀlamiyya fī Dawʾ al-Ḥirāk al-ʿArabiyy", in: *Aṭwār at-Tārīkh al-Intiqāliyy: Màāl ath-Thawrāt al-ʿArabiyya* (Beirut: ACRPS, 2015); *Various authors, ath-Thawrāt al-ʿArabiyya: ʿUsr at-Taḥawwul ad-Dimuqrāṭiyy wa-Màālātuhu* (Doha/Beirut: ACRPS, 2018).

13   Omar Boubakri, "Masār al-ʿAdāla al-Intiqāliyya: Taqyīm at-Tajriba wa-Āfāquhā," *aṣ-Ṣabāḥ*, 8 May 2016.

I: Prosecution of Past Corruption: A Means of Furthering Democratic Transition

Traditional justice pursues criminals in order to prosecute and sentence them as appropriate regardless of the consequences of these sentences. In transitional justice, however, consequences are a major consideration, influencing the mechanisms adopted in implementing justice. Transitional justice thus steers a middle course between two poles: holding people to account in order to establish responsibility through judicial proceedings, and reconciliation in order to put to rest the corruption of the past.

After Ben Ali fled the country on 14 January 2011, administrative overlap between different bodies was rampant: the 1959 Constitution was suspended, and for a time revolutionary logic won out over formalities and legal procedures.[14] A wave of popular attempts to hold those suspected of corruption accountable targeted numerous ministers and senior officials in both state and local bodies and institutions with the slogans "leave!" (*dégage!*) or "out!" (*irḥal!*).[15] Slowly but surely, however, new regulations established a semblance of order. A series of decrees was issued aiming to bring to book those involved in corruption, including a decree confiscating all movable and immovable property and entitlements acquired after 7 November 1987 from a number of people – most prominently Ben Ali and his wife.[16]

The first official body to be founded after the creation of the Investigative Committee for Violence and Killing during the Revolution was the Investigative Committee for Acts of Corruption and Bribery Committed Under the Former President.[17] In its summary report issued in 2012, this Committee concluded that under Ben Ali Tunisia had been "the victim of a system of bribery and corruption", a system that according to Committee Chair Abdelfattah Omar "took shape gradually, gaining strength bit by bit before taking over state and society. Its constituent parts manifested in particular within various of the state's political, administrative and judicial institutions and likewise various public groups and organisations. It also extended to political organisations, above all the Democratic Constitutional Rally [the ruling Destour Party], social organisations, and various media outlets and communications entities."[18] The report provided examples of corrupt practices throughout the economy, including in property, taxes, agricultural land, broadcasting and finance. It also highlighted corruption in public contracting, licencing and official decisions issued by state bodies of all kinds.[19]

The activities of the Investigative Committee represent a remarkable step forward in the fight against corruption, unprecedented in the official sphere. This is demonstrated by the more than ten thousand files submitted by citizens, some three hundred of which were passed on to the judiciary (with fully half concerning the president, his family, and the close circle of businessmen surrounding them).[20] But the Committee's work had several shortcomings which cannot be ignored: it was selective in choosing who and what to investigate, and focused primarily on corruption at the centre, neglecting the provinces – despite the fact that the Revolution began in the country's interior because of locals' experiences of marginalisation and underdevelopment due to the intensity of corruption

---

14   See: Yadh Ben Achour, *Tunisie : une révolution en pays d'islam* (Geneva: Labor et Fides, 2018).

15   International Crisis Group, *Tunisia: Transitional Justice and the Fight Against Corruption* (accessed on 25/03/2020 at https://bit.ly/3fDE7T3); Ferchichi *et al, al-ʿAdāla al-Intiqāliyya*.

16   Decree 13/2011 (dated 17 March 2011) on the confiscation of movable and immovable assets and property as amended by Decree 47/11 (dated 31 May 2011), published in the Official Gazette of the Republic of Tunisia (*ar-Rāʾid ar-Rasmiyy*, Issue 18, 18 March 2011).

17   See: Neila Chaabane, "Mukāfaḥat al-Fasād wa'r-Rashwa wa-Masār al-Intiqāl ad-Dimuqrāṭiyy fī Tūnis min khilāl Tajribat al-Lajna al-Waṭaniyya li-Taqaṣṣī'l-Ḥaqāʾiq ḥawl ar-Rashwa wa'l-Fasād," in: *Taqyīm al-Intiqāl ad-Dimuqrāṭiyy fī Tūnis baʿd 3 Sanawāt* (Tunis: Al Kawakibi Centre for Democratic Transformations, Konrad-Adenauer-Stiftung, 2014), p. 74.

18   Republic of Tunisia, *Taqrīr al-Lajna al-Waṭaniyya li-Taqaṣṣī'l-Ḥaqāʾiq ḥawl ar-Rashwa wa'l-Fasād* (Tunis: 2012), p. 1.

19   Ibid.

20   Ibid, pp. 5-9.

there.[21] The extent to which its powers overlap with those of judicial bodies continues to be one of the most important difficulties facing the Committee's work, complicating its mission and holding up efforts to achieve accountability.

The work of judicial bodies has in turn been characterised by confusion because of a number of interrelated problems. The judiciary has generally suffered from a loss of confidence and credibility because of how it was used by the old regime. It has also faced extensive interference of various kinds in its functioning since the Revolution: intemperate media debate and commentary on court proceedings, refusal to obey judicial orders, attacks on judges and their offices and attempts to disrupt trials in order to stop investigations or force the release of suspects.[22]

This confusion has dogged both the administrative and regular judiciaries.[23] The regular judiciary – which holds jurisdiction over criminal cases involving those accused of corruption – has moved very slowly because of the sheer volume of files submitted, and its judges' inexperience with cases of this kind has produced procedural errors affecting international cooperation to re-appropriate stolen money.[24]

The administrative judiciary is likewise responsible for hearing many corruption cases, such as appeals against government tendering and tax decisions as well as property confiscation rulings issued under Decree 13/2011. It also has jurisdiction in appeals lodged against dismissals of public officials on suspicion of corruption, including judges pardoned by the executive after the Revolution. But it is worth noting that while the administrative judiciary generally enjoyed litigants' confidence prior to the Revolution, its approach to cases submitted to it since then has been somewhat confused because of a lack of coherence in its position. On the one hand it has tried to comply with the new revolutionary idea of legality (*sharʿiyya*),[25] recognising the suspension of the 1959 Constitution and relying instead on the series of presidential decrees that have helped to usher in the era of political transition. On the other, it has tried to maintain the traditional idea of legality, based on a hierarchy of legal texts beginning with the Constitution and ending with government bodies' decisions.[26] Yadh Ben Achour notes that some judgements issued by administrative judges have paid insufficient attention to the general post-revolutionary context in which these decrees were issued. He argues that the rule-of-law thinking that prevails in normal circumstances cannot be applied to revolutionary conditions: during a revolution, it is possible to rely on a more pragmatic idea of legality supporting the aims of the revolution and advancing democratic transition.[27]

Trials have proven an inefficient mechanism for achieving accountability in corruption-related crimes because of the disruption that has dogged both administrative and regular (civil and criminal) courts. This has led public authorities to search for more efficient alternatives, with the Transitional Justice Law signalling a move towards a more disciplined accountability process characterised by more closely regulated aims and mechanisms. This Law sought to place the process firmly and exclusively in the hands of the Truth and Dignity Commission – a non-judicial body – and specialist transitional justice courts.

---

21   International Crisis Group, "Blocked Transition: Corruption and Regionalism in Tunisia," *Report No. 177: Middle East & North Africa*, 10 May 2017 (accessed on 25/03/2020 at https://bit.ly/3cpDIBE); Larbi Sadiki, "Regional development in Tunisia: The consequences of multiple marginalization," Policy Briefing, Brookings Doha, January 2019 (accessed on 25/03/2020 at https://brook.gs/3fGXSZU).

22   Ferchichi *et al, al-ʿAdāla al-Intiqāliyya.*

23   TN: Like other Arab legal systems (and civil law systems in general), Tunisia has two parallel sets of courts, one of which – the administrative courts – has jurisdiction over the actions of the state. Administrative law is a separate field of law, with no direct equivalent in most anglophone legal systems.

24   In 2012, Tunisia was able – exceptionally and with help from Qatar – to re-appropriate some 28 million US dollars deposited in a Lebanese bank account belonging to Ben Ali's wife. See: Nadia Haddaoui, « Le bilan pathétique de la restitution des biens mal acquis du clan Ben Ali », Nawat, 5 février 2015, sur : https://bit.ly/2TiLuXX

25   TN: The central question of administrative cases is whether an official decision taken by a government body enjoys *sharʿiyya or mashrūʿiyya* ('legality' or 'legitimacy'), i.e. whether it complies in both content and form with the law.

26   See: Marwan al-Dimasi, "al-Marāsīm al-Muttakhadha fī'l-Marḥala al-Intiqāliyya: Qirāʾa ʿalā Ḍawʾ Qawāʿid ash-Sharʿiyya ad-Dastūriyya wa-Muqtaḍayāt al-Mashrūʿiyya ath-Thawriyya," in: Ahmed Soussi *et al, Fī'l-Intiqāl ad-Dimuqrāṭiyy wa'l-Iṣlāḥ ad-Dastūriyy fī'l-Buldān al-Maghāribiyya* (Tunis: Mujamma El Atrach, 2015), p. 167.

27   Yadh Ben Achour, "Taṣdīr," in: Nourah Alkredees *et al, al-Maḥkama al-Idāriyya fī'l-Fatra al-Intiqāliyya: al-Juzʾ all-Awwal 14 Jānvī 2011 – 27 Jānvī 2014* (Tunis: Dar al-Kitab, 2015).

The Truth and Dignity Committee is empowered to investigate financial corruption and embezzlement of public money in order to identify and bring to trial those involved: those who gave or received bribes; those who were directly involved and those who served as accomplices; those who exploited public office or stole public money; those who wrongfully granted public tenders or concessions to others; and those who profited personally or ensured that their relatives, parties or organisations profited.[28] The Transitional Justice Law grants the Committee a key discretionary power to determine which cases involve violations, to conduct or rule out financial settlements, and to refer cases to the judiciary as it sees fit, reducing the Public Prosecutor's Office to a liaison between the Committee and the special courts. These courts play a decisive role in the process because they guarantee that it will continue even after the Commission ceases to operate.[29]

The special courts themselves have as yet achieved little in fighting corruption due to the limited number of judgements they have handed down. This is because of cases not being ready for adjudication: conclusively proving allegations of corruption typically faces numerous difficulties, particularly given the Commission's inability to conduct investigations as effectively as it might because of some state bodies' failure to cooperate, which has had a clear negative effect on reconciliation efforts.

Reconciliation is one of the central aims of transitional justice as it concerns corruption. According to the standard definition, reconciliation means "efforts to lay the foundations for peace and trust between citizens and between old enemies."[30] Modern anti-corruption laws typically use negotiated settlements as a means of achieving reconciliation in crimes of this kind because such crimes have an economic dimension, confronting which requires a different approach from other crimes.[31] It is worth noting that the philosophy behind modern anti-corruption settlements has pragmatic purposes: those involved in corruption pay up and in exchange their file is closed permanently.[32]

One point that comes out clearly from the work of the Arbitration and Reconciliation Committee (part of the Truth and Dignity Commission) – which oversaw the implementation of a mechanism for negotiated settlements in cases of embezzlement of public money – is how important it is to try and get back assets acquired illegitimately. The Committee has negotiated several settlement and arbitration agreements that have allowed the state to re-appropriate a significant portion of an estimated 745 million TND disbursed in this way.[33]

But these efforts do not negate the fact that the Commission's work has been very slow, to the point that negotiated settlements cannot be said to work in a manner that would produce economic reconciliation. Regardless of the external factors that have impinged on the Commission's work, the warnings surrounding the negotiated settlement mechanism in the Transitional Justice Law have directly contributed to this slowness: negotiating and implementing a settlement in a corruption case may lead to "expiry of a public case, termination of trial proceedings or non-implementation of penalties". But the Law also permits the Commission to quash a settlement even after implementation has begun, for example if it is proven that "the perpetrator has deliberately concealed the truth or deliberately neglected to declare all unrightfully acquired property".[34] This sends the message to anyone interested in reconciliation that even if they come to a settlement with the Commission they may then find themselves facing judicial proceedings in the same case: settlements only have a bearing on specific acts,

---

28   This group includes many businessmen prominent before the Revolution who received illegal concessions under Ben Ali and benefited indirectly from the ostensible "economic miracle" promoted by the despotic regime. See: International Crisis Group, *Tunisia: Transitional Justice*, p. 19.

29   Basic Law 17/2014, *ibid*.

30   Moulay Abdelkarim, *ibid*, p. 30.

31   Akila Taleb, « Les procédures de Guilty Plea : plaidoyer pour le développement des formes de justice négociée au sein des procédures pénales modernes », Revue international de droit pénal, vol. 83, no.1 (2012), p. 89.

32   Ibid.

33   See: Republic of Tunisia (Truth and Dignity Commission), *at-Taqrīr al-Khitāmiyy ash-Shāmil* (Tunis: December 2018), (accessed on 25/04/2019 at https://bit.ly/2RMXk9G).

34   A decision to produce a negotiated settlement in cases of major human rights violations does not prevent further judicial proceedings against the perpetrator or mean that he cannot be found guilty so long as the settlement is taken into account for sentencing purposes. See: Transitional Justice Law, Section 45.

and not on all acts committed, meaning that they are only a partial and circumstantial solution which does not result in the final closure of the file.

In order to overcome the obstacles that have dogged reconciliation, the office of the President looked for an alternative framework, and began to prepare a draft bill that would remove jurisdiction in corruption cases from the Commission and would cover both officials and businessmen.[35] The bill faced opposition and was targeted by the protest campaign *Manich Msame7* ("I haven't forgiven you" or "I won't forgive you").[36] It also came in for sharp criticism from experts, who say that it violates the Constitution's stipulation that the state is to be bound by the transitional justice process and must respect the powers of the Truth and Dignity Commission.[37] The bill was ultimately dropped and replaced by another, the Law on Reconciliation in the Administrative Sphere, which limited itself to exempting state officials involved in corruption from criminal responsibility in order to "create an appropriate atmosphere which will encourage, in particular, a spirit of initiative in government, strengthen the national economy, and promote trust in state institutions – all in the interest of national reconciliation".[38] This bill was ratified in late 2017, meaning that many former officials have been pardoned. Settlements with businessmen involved in corruption through the State Litigation Office, meanwhile, have been suspended – which in practice has meant circumventing the Transitional Justice Law and allowing many to escape being held to account as well as failing to get back stolen public money.[39]

In corruption cases reconciliation has oscillated between the desire to hold perpetrators accountable and get back the money that they embezzled and the desire to put the past to rest without achieving either

of these things. Those who support accountability argue that without it reconciliation simply means allowing perpetrators to escape punishment, which hardly contributes to public confidence in state institutions, promotes the rule of law or furthers just development. Its opponents, on the other hand, say that negotiated settlements can simply serve as a means of blackmailing businessmen, making accountability an obstacle to economic recovery and attempts to find much-needed solutions to citizens' economic and social problems.[40]

Anti-corruption transitional justice is associated in Tunisia with the revolutionary proceedings begun against businessmen suspected of corruption after the Revolution. This produces the impression that the process has a distinctly retributive character rather than seeking to turn a new page and move forward. The failure of reconciliation has allowed huge sums of money acquired through corruption to continue circulating in public life: the threat of political blackmail hanging over businessmen drives them to seek protection or immunity by providing financial support to politicians who can help them achieve this.

Reconciliation today is crucial in order to scour public life of dirty money and advance democratic transition. But this will be difficult so long as transitional justice and reconciliation – and the mechanisms by which each is to be achieved – are not redefined, drawing on international experiences and taking into account the national context. Experiences of democratic transition, although they may be numerous, each have their own specificity – a point confirmed by many studies.[41] Perhaps most importantly, transitional justice, unlike formal justice, is not much bound by fixed principles or firm precedents. Its starting point is "the situation as it is, with all its legal, political

---

35 The full text of this law is available on the parliament's website at: https://bit.ly/2TrzX9u

36 Pablo de Greiff, « Analyse du Projet de loi organique relative aux procédures spéciales concernant la réconciliation dans les domaines économique et financier », sur : https://bit.ly/2tUKdb1

Henda Chennaoui, « Manich Msamah appelle à reprendre la rue », Nawat, le 13 juillet 2016, sur : https://bit.ly/2Hp4lKr

37 See: Commission de Venise, Avis intérimaire sur les aspects institutionnels du projet de loi sur les procédures spéciales concernant la réconciliation dans les domaines économique et financier de la Tunisie, Avis no.818/2015, sur : https://bit.ly/2XOtUur

38 Section 1 of Basic Law 62/2017 (dated 24 October 2017) on Reconciliation in the Administrative Sphere, published in the Official Gazette of the Republic of Tunisia (Issue 85, 24 October 2017), p. 3625.

39 Wahid Ferchichi, "Hal Taltazim ad-Dawla bi-Tanfīdh Niẓām al-ʿAdāla al-Intiqāliyya?" paper presented at a conference titled ad-Dastūr at-Tūnisiyy fī Maḥakk as-Siyāsa, Society for Democratic Transition Studies, Tunis, 25-26/01/2019.

40 International Crisis Group, *Tunisia: Transitional Justice*.

41 Moulay Ahmed Moulay Abdelkarim, ibid, p. 18; Hamadi Redissi, ibid; Marwa Fekri, "Muṣālaḥāt Ghayr Muktamila, Qirāʾa Naqdiyya fī Kitāb Thawrāt Lam Tantahi: al-Yaman wa-Lībiyā wa-Tūnis Baʿd ar-Rabīʿ al-ʿArabiyy," *Siyasat Arabiya*, vol. 38 (May 2019), p. 128.

and human aspects, in which all know what their standing was and is and work to create a new situation by means of a compromise charting a middle course between different and competing interests."[42]

Given all this it would be a mistake to hide behind particular reasons for the failure of reconciliation and insist that solutions must necessarily be linked to those reasons. The issue will only be solved by discussion and debate of a kind that produces new ideas and projects recognising the shortcomings of the process so far and supplementing transitional justice with economic reconciliation. It is possible to draw on the experiences of the Truth and Dignity Commission as well as all the other bodies established since 2011 to investigate corruption, but the process must end with reconciliation, putting the past to rest.[43] And while the Reconciliation Law proposed in 2015 was deemed an assault on the transitional justice process, a "reward to those who funded the electoral campaign that brought Nidaa Tounes to power", the time seems ripe for an economic reconciliation that will finally end the equivocation of recent years.

The government's recent proposal of a law including suggestions on how to "complete the transitional justice process, achieve comprehensive reconciliation and strengthen national unity" suggests that we are moving in this direction.[44]

Economic reconciliation may appear, superficially, to expose the weakness of the state and its inability to hold those involved in corruption to account. And this might well be true: unstable political, economic and social conditions in Tunisia have indeed weakened the state, including the Truth and Dignity Commission, meaning that it has been unable to stamp out corruption with carrot or stick. Reconciliation has thus not been as successful as might have been hoped for in corruption cases. But economic reconciliation might help reinvigorate the state. It will allow it to put the legacy of despotism to rest and move confidently towards the future. And it will also improve its capacity to carry out its functions, particularly as regards economic recovery, allowing a strong state to emerge combining democracy with security, freedom and prosperity – the precondition of any future anti-corruption efforts.[45]

II: Preventing Future Corruption – Supporting Democratic Transition

Anti-corruption efforts within the framework of transitional justice have a fundamentally preventive aim manifesting in a series of measures. Some of these measures are part of overall reform, while others target corruption directly.

Studies and reports evaluating the extent of corruption in Tunisia agree almost unanimously that before the 2010-2011 Revolution the country was dogged by a particularly serious kind of corruption – "major", "institutional" or "systematic" corruption, as opposed to "low-level" or "administrative" corruption.[46] This type of corruption is serious enough that it has an effect on the whole state: it permeates political, social and economic life and entangles large numbers of officials, bureaucrats and businessmen. This is

what happened in Tunisia: "over the course of 23 years of misgovernment under former President Zine Abidine Ben Ali and his party, the Democratic Constitutionalist Rally, corruption became endemic."[47]

Given how deeply embedded corruption is in state and society, technical measures like signing international treaties on fighting corruption or passing laws to encourage transparency (those facilitating reporting of corruption, for example, or obliging officials to declare income and property) are of little effect unless they are bolstered by measures intended to drive political and economic development in such a way as to effect social justice. This raises an important question concerning political development in particular and

---

42   Moulay Ahmed Moulay Abdelkarim, ibid, p. 23.

43   International Crisis Group, ibid, p. 16.

44   https://bit.ly/2LiWvm7

45   Hamadi Redissi, ibid, p. 11.

46   See the UN Human Rights Council report, ibid.

47   *Mukāfaḥat al-Fasād – Uṭur Dastūriyya*, ibid, p. 14.

the extent to which it is possible to talk about fighting corruption in an undemocratic context.[48]

It would be difficult to find a state or political regime today that would admit to not fighting corruption. On the contrary, states take great pains to highlight their efforts to fight corruption and use public money effectively. But taking these claims at face value does not serve the fight against corruption, because it means conceding various contradictions bound to undermine any attempt to check its spread.

According to the French jurist Georges Vedel, democracy is a governmental framework drawing its legitimacy from the people, pluralism, the division of power, guarantees of rights and freedoms and a state in which all are subject to the law.[49] This modern concept of democracy helps us to feel out the role that democracy might play in fighting corruption. It helps to root out from political life those politicians suspected of corruption, and gives voters an opportunity to flush out – or the hope of flushing out – perpetrators by denying them votes in regular elections, rather than by violent means. Democracy likewise provides a margin of freedom allowing citizens to keep an eye on their rulers and hold them to account whenever there is a whiff of corruption.[50] Anti-corruption policies in turn work to support and strengthen democracy by ensuring elections are free and fair and checking the control of the financially influential minority over government, preventing them from influencing public policy in their own private economic and political interest.[51]

This brings us to a practical problem rooted in the idea that corruption worsens or stabilises during times of democratic transition. In Tunisia some studies suggest that there was a veritable explosion of corruption in the aftermath of the Revolution, an explosion which the state proved incapable of finding efficient solutions for.[52] If we look at the Arab Opinion Index for 2017/2018, for example, we find that 79% of Tunisian respondents stated that corruption had worsened dramatically.[53]

In order to understand what is really going on such generalisations must be qualified. The Revolution rid state and society of the rule of a minority monopolising power and wealth, and insofar as that minority has not returned to power it is only logical to say that there has been a fall in corruption. The apparent increase in corruption can be attributed to two main factors. The first is a conceptual imprecision that lumps together any and all mistakes and misdeeds under the heading of corruption. The second is the newfound space for free expression allowing day-to-day discussion of corruption, encouraging the belief that it has got worse when in fact it is simply out in the open.

The real problem then lies with the difficulties facing state efforts to fight corruption during transitional periods. There are many possible reasons for these difficulties. The heavy legacy left behind by the dictatorial regime may not allow for rapid change, forcing state and society to coexist temporarily with some instances of corruption. Likewise, weak institutions inherited from the past do not help the state to operate efficiently and may require a period of reform during which corruption can thrive unchecked.[54] But consolidation of democratic traditions and expansion of freedoms can also act as

---

48   See: Michael Johnston, « Corruption et démocratie : menaces pour le développement, possibilités de réforme », Tiers-Monde, tome 41, no.161 (2000), p.116.

49   Vedel says that "based on events experienced by a number of countries in the world, we have a definition of democracy that is less scientifically rigorous and more experimental, drawn from the idea that if we cannot define democracy precisely, then we can at least bring together all its constituent parts. Intuitively, it is a form of government drawing its legitimacy from the people, specifically by means of elections, plurality of opinions and political parties, a division of powers that we sometimes call 'separation', guarantees for rights and freedoms, and complementing everything else a 'law-state' in the sense of a system in which no state entity or individual avoids accountability to the law." Georges Vedel, « Introduction à la justice constitutionnelle », in : Table ronde sur la justice constitutionnelle, (Tunis : CERP, 1995), p. 21.

50   Philipe Bezes, Pierre Lascoumes, « Percevoir et juger la corruption politique. Enjeux et usages des enquêtes sur les représentations des atteintes à la probité», Revue Française de Science Politique, vol. 55, (2005), p.757.

51   Ibid.

52   See: International Crisis Group, *Blocked Transition*, ibid.

53   As well as "don't know" and "refuse to answer", some respondents chose "not at all widespread" and "a little widespread"; all of these answers taken together accounted for only 21%, while "has got much worse" accounted for 79%. *Arab Opinion Index 2017/2018*, ACRPS (Doha: May 2018), p. 98. https://bit.ly/2LadHMF

54   See for example: Steven Heydemann, « Après le séisme. Gouvernement économique et politique de masse dans le monde arabe », Critique internationale, vol.4, no.61, (2013), p. 69 ; Michel Dobry, «Les voies incertaines de la transitologie : choix stratégiques, séquences historiques, bifurcations et processus de path-dependence », Revue Française de science politique, vol. 50, no.4-5 (2000), p. 585.

a countervailing force, ultimately allowing the state to contend with corruption and limit its influence on public life. During the period of democratic transformation the aspiration is thus not to root out corruption entirely but to put in place policies aiming to limit it. These policies can be evaluated on the basis of political and judicial orders proving beyond the shadow of a doubt that the state is vigilant against corruption and will be unswerving in dealing with the phenomenon – a phenomenon that Delmas-Marty has described as "the most serious attempt to sabotage the law state and democratic society".[55]

As far as economic development is concerned, meanwhile, it is crucial not to reduce the various political and economic crises experienced by different countries to corruption or treat it as the "root of all evil", since this can mean turning a blind eye to other factors. Adopting anti-corruption policies has not prevented many countries facing serious crises – and nor has failing to fight corruption prevented other countries from achieving high rates of development.[56] It is thus more sensible to see anti-corruption policies as one of many factors that help to mitigate or overcome crises. They also help prevent a small group of influential politicians or financiers from monopolising the fruits of development.

Preventing corruption requires comprehensive policies taking into account the different priorities in different countries. Take for example the Tunisian and Egyptian cases. In Tunisia, human rights violations and the absence of basic freedoms were a key element in the transformation of the presidential system into a system in which the president monopolised executive power, bent the legislature to his will and controlled the judiciary, undermining any equilibrium that might have limited his influence and stopped him

from embezzling public money.[57] It was thus logical that priority should be given to political reforms laying the foundations of a more balanced system in which different government bodies would keep one another in check, a system that would guarantee basic freedoms, allowing society to mobilise against any impropriety in the political system.[58] Economically and socially, meanwhile, it was necessary to focus on those groups most badly affected by corruption using the metric of how far corruption had impacted economic and social rights – thereby helping to produce a clearer understanding of the reasons for disparities in development between the coast and the interior. In this light, giving priority to and employing positive discrimination in the interior can be understood as anti-corruption measures.[59] Anti-corruption measures thus become more effective, in the sense that every advancement in economic development will lead to a drop in the level of corruption and limit its negative effects. This may be why the most economically developed countries are also those with the lowest levels of corruption.

In Egypt, on the other hand, the involvement of the military in all aspects of political and economic life was an obstacle to the creation of a democratic state that might have liberated the popular will and allowed political institutions to address the challenges impeding development.[60] Under such conditions there is not much value to anti-corruption laws so long as the army remains heavily involved in politics and the economy and in the civilian sphere more broadly.[61] It does not take an expert to realise that anti-corruption laws are only meaningful when they are part of an emancipatory democratic environment where there are set parameters within which political and economic actors operate, with as much vigilance against corruption and as little unaccountability

55 Mireille Delmas-Marty, Stéfano Manacorda, « La corruption, un défi pour l'État de droit et la société démocratique », Revue de science criminelle, no.3 (1997), p. 69.

56 Pascal Boniface, « La lutte contre la corruption, nouveau paradigme des relations internationales », Revue internationale et stratégique, no.101 (2016), p. 75.

57 Lotfi Tarchouna, "Manẓūmat at-Tasalluṭ fī'n-Niẓām as-Siyāsiyy at-Tūnisiyy qabl Thawrat 14 Jānfī 2011," al-*Majalla at-Tūnisiyya li'd-Dirāsāt al-Qānūniyya wa's-Siyāsiyya*, vol. 1 (2012), p. 7.

58 Mehdi Mabrouk, "ath-Thawra at-Tūnisiyya al-Mulhima," *Alaraby Aljadeed*, 30 January 2019.

59 International Crisis Group, *Blocked Transition*.

60 See: Azmi Bishara, "al-Jaysh wa'l-Ḥukm ʿArabiyyan: Ishkāliyyāt Naẓariyya," *Siyasat Arabiya*, vol. 22 (September 2016), p. 7.; Zoltan Barany, "al-Quwwāt al-Musallaḥa wa-ʿAmaliyyāt al-Intiqāl as-Siyāsiyy," *Siyasat Arabiya*, vol. 24 (January 2017), p. 81.

61 See for example Abdel Khaleq Farouk, *Iqtiṣādāt al-Fasād fī Miṣr: Kayfa Jarā Ifsād Miṣr wa'l-Miṣriyyīn (1974-2010)* (Cairo: El Shorouk International Booksellers, 2011). See also Hisham Genena's report on corruption in various sectors of the Egyptian economy prepared while he was at the Egyptian Central Auditing Organisation (2017). Genena was later imprisoned because of public statements he made regarding corruption in Egypt.

as possible. Advocating anti-corruption under a dictatorship or a regime uninterested in democracy or basic freedoms is no more than pointless sloganeering so long as it is not put into practice through specific laws and government actions.[62] There thus seemed to be a clear need to pass a transitional justice law concerned with rights, politics, the economy and society – and this was provided for by the 2014 Egyptian Constitution. But the current regime's preference for opacity has led to reconsideration of this option.[63]

Given all this we can conclude that tying anti-corruption efforts to democracy and the rule of law supports the former. Transitional justice in anti-corruption cases can thus be understood as part of the process of creating conditions conducive to democracy, the rule of law and anti-corruption efforts. It is worth noting that there is no automatic connection between doing away with the legacy of the past and adopting policies directed towards the future: it is quite possible for us to imagine a state that adopts and implements anti-corruption policies while paying little attention to a past that might be no more than a burden. But this connection acquires great importance in states transitioning to democracy because of the sheer weight of the legacy and the danger of backsliding into corruption and despotism in a difficult period when democratic traditions – and likewise the rules and principles underlying the fight against corruption – have not yet taken root.

Today countries all over the world are working hard to keep up with the development of this complex phenomenon. These developments are linked, on the one hand, to institutional and structural changes within states and the attendant changes in function. On the other hand, they are tied to global economic transformations – transformations which have made borders unprecedentedly porous for capital, making it possible to invest, own property and move money around freely on an international scale either via traditional banks or using modern technology – and the globalisation of crime that has followed this globalisation of the economy.[64]

Fighting corruption is thus no longer a simple matter of stamping out the giving and taking of bribes. Countries now tend to try and clamp down on it by criminalising a range of acts ranging from bribing local bureaucrats to bribing international public servants or NGO workers, misappropriating, misusing or squandering public money, abusing influence, illegal enrichment and money laundering. They also make efforts to hunt down bribes in the private sector involving government institutions or companies or multinational corporations that negatively affect free and open competition.[65]

After the Revolution there was an obvious need for legislation designed specifically to combat corruption; events had allowed for a much deeper understanding of the phenomenon. One of the first measures to be taken was active implementation of the UN Convention Against Corruption, which Tunisia had signed in 2004 and ratified in 2008. This was done in order to assess the extent to which the existing legal system conformed with the terms of the Convention and allow for the drafting of the necessary statutes.

The new Constitution issued on 27 January 2014 likewise includes anti-corruption and good governance provisions modelled on the modern constitutions of other post-transition countries in Eastern Europe and Africa.[66] Its first section sets forth some general principles, commitments and aspirations of relevance; Article 10, for example, stipulates that "the state shall take pains to manage public money judiciously [*ḥusn at-taṣarruf fī'l-māl al-ʿumūmiyy*] and take the necessary measures in order to spend it in accordance with the priorities of the Tunisian economy, and shall work to prevent corruption and anything that might infringe on

---

62   See for example: Mustafa al-Azab, "al-Āthār al-Ijtimāʿiyya li'l-Qarārāt al-Iqtiṣādiyya fī Miṣr: Ilā Ayy Wijha Tȧkhudunā'l-Intikhābāt al-Barlamāniyya al-Muqbila?" Siyasat Arabiya, vol. 13 (March 2015), p. 49.

63   See for example Abdelfattah Mady, "Miṣr wa'l-Ḥāja ilā ʿAdāla Intiqāliyya Shāmila", *Al Jazeera.net* (accessed on 05/03/2019 at: https://bit.ly/2J0x7DN).

64   See: Mireille Delmas-Marty, Le relatif et l'universel. Les forces imaginantes du droit, (Editions du Seuil, 2004).

65   Philippe Janot, « Firmes Transnationales, Corruptions, États », Annuaire Français de Droit International, (2005), p. 426.

66   See: André Cabanis, Michel Louis Martin, « De la dénonciation de la corruption à la recherche de la transparence dans le constitutionnalisme d'Afrique francophone », in : Mohamed Naceur Loued et al. (eds.), Transparence financière et réformes institutionnelles, (Tunisie : Faculté des sciences juridiques, économiques et de gestion de Jendouba, 2008), p. 69-77.

national sovereignty".[67] The decision to enshrine anti-corruption efforts in the Constitution is perhaps one of the most important steps taken in this regard: not only does the Constitution have primacy over all other laws, it also acts as a contract binding all parties to fight corruption regardless of their intellectual or political differences.

Alongside the Constitution, Tunisia's statute-book now features a number of other laws bolstering anti-corruption efforts. These include the Financial and Economic Crime Tribunal (*al-Quṭb al-Qaḍāʾiyy al-Iqtiṣādiyy wa'l-Māliyy*) Law, the Good Governance and Anti-Corruption Commission Law, the Freedom of Information Law, the Whistleblower Law and the Law on Declaration of Profits and Interests.[68]

Institutionally, Section 6 of the Constitution is given over to independent constitutional bodies – bodies with a range of functions, including overseeing elections, protecting human rights, acting as a media watchdog or preserving the environment. All of these bodies necessarily contribute to the fight against corruption within their own fields.[69] Article 130 also provides for a specific 'Good Governance and Anti-Corruption Commission' charged with 'helping produce and overseeing implementation of good governance and anti-corruption policy, promoting a culture thereof, and advancing the principles of transparency, integrity and accountability'. The Commission is also responsible for 'identifying, investigating and confirming cases of corruption in the public and private sectors and referring them to the relevant authorities.'[70]

The Truth and Dignity Commission likewise took responsibility for looking into former areas of weakness in the functioning of the state and "drafting recommendations pertaining to political, economic, administrative, security, judicial, media, educational and cultural reform and purging the state bureaucracy,

as well as any other recommendations it deems necessary in order to avoid a return to oppression, despotism, human rights violations and abuse of public money".[71] Its 2019 report featured a battery of recommendations on how to develop property legislation and create a climate of transparency in finance, banking, taxation and protection of natural resources.[72]

Another measure targeting corruption directly is the National Anti-Corruption Commission established in 2012 under Framing Decree 120/2020 (dated 14 November 2012),[73] which took responsibility for transitional justice cases concerning corruption when the Investigative Committee for Acts of Corruption and Bribery wound up its activities.[74] In its normal role the Commission enjoys both investigative powers – receiving corruption complaints and referring cases to the relevant judicial or administrative authorities – and preventative powers, collecting data and statistics on corruption, raising social awareness of the attendant dangers and producing reports.[75] In this particular context it has done important work putting in place legislative, institutional and community infrastructure to help fight corruption. But it would have been able to operate more efficiently if it had full criminal investigative powers (*ṣifa ḍabṭiyya*) like those enjoyed by the Malaysian Anti-Corruption Commission, for example.

---

67   Constitution of the Republic of Tunisia, Article 10.

68   See: *Majmūʿat an-Nuṣūṣ al-Qānūniyya al-Mutaʿalliqa bi-Mukāfaḥat al-Fasād* (Tunis: National Anti-Corruption Commission, 2017).

69   Constitution of the Republic of Tunisia, Articles 125-130.

70   Constitution of the Republic of Tunisia, Article 130.

71   Transitional Justice Law, Article 43.

72   Truth and Dignity Commission, *at-Taqrīr al-Khitāmiyy*, ibid.

73   Framing Decree 120/2012 (14 November 2012) on Anti-Corruption, published in Official Gazette 88 (18 November 2011), p. 2746.

74   Ibid.

75   See for example: National Anti-Corruption Commission, *at-Taqrīr as-Sanawiyy li-Sanat 2017* (Tunis, 2018). See: Nizar Barkouti, "Mukāfaḥat al-Fasād fī'l-Qiṭāʿ al-ʿĀmm: Muqāraba fī Taṭbīq Qawāʿid al-Ḥawkama ar-Rashīda," PhD. Dissertation, College of Law and Political Science, Tunis, 2016.

Conclusion

The decision to make the fight against corruption a key part of transitional justice in Tunisia is part of a necessary move away from revolutionary solutions towards reformist solutions. This means the state presenting proportional solutions concordant with transitional justice as it differs from traditional or 'formal' justice: giving priority to redressing harm to victims and de-emphasising punishment in favour of forgiveness in order to pursue future gains such as the return of embezzled money, reconciliation, social justice, economic development and above all else transition to democracy. Working from this premise, efforts should have been directed towards truth, accountability and reconciliation (the central goals of transitional justice), but this did not happen. Transitional justice has thus oscillated in cases of corruption between the flexible demands of transitional justice and the rigid demands of formal justice, particularly as regards economic reconciliation – the animating force of transitional justice. The failure to achieve economic reconciliation has helped a great deal of dirty money remain in circulation in public life as corrupt businessmen seek immunity by throwing their support behind particular politicians. A renewed effort to achieve economic reconciliation is thus urgently needed in order to free public life of the fruits of corruption and thus support democratic transition.

It is also clear how important the democratic state is as the ideal framework within which an environment inhospitable to corruption can be created. A democratic state is not a state free of corruption but a state incorporating strong procedural mechanisms, a broad range of freedoms and a clear separation of powers, guaranteeing accountability and helping to clamp down on corruption. Dictatorship, meanwhile, leads to violent shifts which support neither democratic transition nor the fight against corruption.

References

Arabic

Abdellatif, Kamal. "al-ʿAdāla al-Intiqāliyya wa't-Taḥawwulāt as-Siyāsiyya fī'l-Maghrib: Tajribat Hayʾat al-Inṣāf wa'l-Muṣālaḥa." *Siyasat Arabiya.* vol. 5 (November 2013).

Abdelrahim, Hafez. *az-Zabūniyya as-Siyāsiyya fī'l-ʿĀlam al-ʿArabiyy: Qirāʾa Ijtimāʿiyya Siyāsiyya fī Tajribat al-Bināʾ al-Waṭaniyy bi-Tūnis*. Beirut: Centre for Arab Unity Studies, 2006.

al-Azab, Mustafa. "al-Āthār al-Ijtimāʿiyya li'l-Qarārāt al-Iqtiṣādiyya fī Miṣr: Ilā Ayy Wijha Tàkhudunā'l-Intikhābāt al-Barlamāniyya al-Muqbila?" *Siyasat Arabiya.* vol. 13 (March 2015).

Barany, Zoltan. "al-Quwwāt al-Musallaḥa wa-ʿAmaliyyāt al-Intiqāl as-Siyāsiyy." *Siyasat Arabiya.* vol. 24 (January 2017).

Barkouti, Nizar. "Mukāfaḥat al-Fasād fī'l-Qiṭāʿ al-ʿĀmm: Muqāraba fī Taṭbīq Qawāʿid al-Ḥawkama ar-Rashīda." PhD. Dissertation, College of Law and Political Science. Tunis, 2016.

Belkouch, El Habib. "al-ʿAdāla al-Intiqāliyya wa'l-Intiqāl ad-Dimuqrāṭiyy fī Siyāq ʿArabiyy." *Siyasat Arabiya.* vol. 18 (January 2016).

Ben Achour, Yadh *et al*. ad-Dasātīr al-ʿArabiyya al-Jadīda. Tunis: 2015.

Bishara, Azmi. "al-Jaysh wa'l-Ḥukm ʿArabiyyan: Ishkāliyyāt Naẓariyya." *Siyasat Arabiya.* vol. 22 (September 2016).

Bishara, Azmi. *Ath-Thawra at-Tūnisiyya al-Majīda: Bunyat Thawra wa-Ṣayrūratuhā min khilāl Yawmiyyātihā*. Doha/Beirut: Arab Center for Research and Policy Studies, 2012.

Farouk, Abdel Khaleq. *Iqtiṣādāt al-Fasād fī Miṣr: Kayfa Jarā Ifsād Miṣr wa'l-Miṣriyyīn (1974-2010)*. Cairo: El Shorouk International Booksellers, 2011.

Fekri, Marwa. "Muṣālaḥāt Ghayr Muktamila, Qirāʾa Naqdiyya fī Kitāb Thawrāt Lam Tantahi: al-Yaman wa-Lībiyā wa-Tūnis Baʿd ar-Rabīʿ al-ʿArabiyy." *Siyasat Arabiya.* vol. 38 (May 2019).

Ferchich, Wahid. "Hal Taltazim ad-Dawla bi-Tanfīdh Niẓām al-ʿAdāla al-Intiqāliyya?" paper presented at a conference titled ad-Dastūr at-Tūnisiyy fī Maḥakk as-Siyāsa. Society for Democratic Transition Studies, Tunis, 25-26/1/2019.

Ferchichi, Wahid *et al*. al-ʿAdāla al-Intiqāliyya fī Tūnis wa-Ṣadr al-Qānūn. Tunis: UNDP, 2014.

Jamil, Mohamed Nabil. "al-ʿAdāla al-Intiqāliyya wa-Ḥuqūq al-Insān." PhD. Dissertation, College of Law and Political Science. Tunis, 2018.

Limam, Mohammed Halim. *al-Fasād an-Nasqiyy wa'd-Dawla al-Istibdādiyya: Ḥālat al-Jazāʾir 1962-2016*. Beirut: Center for Arab Unity Studies, 2016.

Moulay Abdelkarim, Moulay Ahmed. "al-Usus al-Falsafiyya li-Mafhūm al-ʿAdāla al-Intiqāliyya: Muqāraba Awwaliyya." *Tabayyun. vol. 11* (Winter 2015).

Mousa, Abdo. "Tarikat Mubārak Lā Tazāl Taḥkumu Miṣr: Ilā Ayy Wijha Tàkhudhunā'l-Intikhābāt al-Barlamāniyya al-Muqbila?" *Siyasat Arabiya.* vol. 13 (2015).

Redissi, Hamadi. "Tūnis bayna Tadʿīm ad-Dimuqrāṭiyya wa-Tafakkuk ad-Dawla." *Siyasat Arabiya.* vol. 18 (January 2016).

Republic of Tunisia (National Anti-Corruption Commission). *at-Taqrīr as-Sanawiyy li-Sanat 2017*. Tunis, 2018.

Republic of Tunisia (Truth and Dignity Commission). *at-Taqrīr al-Khitāmiyy ash-Shāmil*. Tunis: December 2018.

Republic of Tunisia. *Taqrīr al-Lajna al-Waṭaniyya li-Taqaṣṣī'l-Ḥaqāʾiq ḥawl ar-Rashwa wa'l-Fasād*. Tunis: 2012.

Soussi, Ahmed *et al*. Fī'l-Intiqāl ad-Dimuqrāṭiyy wa'l-Iṣlāḥ ad-Dastūriyy fī'l-Buldān al-Maghāribiyya. Tunis: Mujamma El Atrach, 2015.

Tarchouna, Lotfi. "Manẓūmat at-Tasalluṭ fī'n-Niẓām as-Siyāsiyy at-Tūnisiyy qabl Thawrat 14 Jānfī 2011." *al-Majalla at-Tūnisiyya li'd-Dirāsāt al-Qānūniyya wa's-Siyāsiyya.* vol. 1 (2012).

Tawfik, Rawia. "Hal ad-Dawla wa'l-Mujtamaʿ Mustaʿiddān fī Miṣr li'l-ʿAdāla al-Intiqāliyya wa'l-Muṣālaḥa al-Waṭaniyya?

Durūs min Janūb Afrīqiya." *Siyasat Arabiya.* vol. 6 (January 2014).

Various authors. *ath-Thawrāt al-ʿArabiyya: ʿUsr at-Taḥawwul ad-Dimuqrāṭiyy wa-Màālātuhu.*Doha/ Beirut: ACRPS, 2018.

Various authors. *Aṭwār at-Tārīkh al-Intiqāliyy: Màāl ath-Thawrāt al-ʿArabiyya*. Beirut: ACRPS, 2015.

English

Abouldahab, Noha. *"Transitional Justice Policy in Authoritarian Contexts: The Case of Egypt." Policy Briefing.* Brookings Doha. October 2017, accessed on 24/03/2020.

Arab Opinion Index 2017/2018. ACRPS. Doha: May 2018.

International Crisis Group. "Blocked Transition: Corruption and Regionalism in Tunisia." *Report No. 177: Middle East & North Africa*, 10 May 2017.

International Crisis Group. "Tunisia: Transitional Justice and the Fight Against Corruption." *Report No. 168: Middle East & North Africa*, 10 May 2017.

Sadiki, Larbi. "Regional Development in Tunisia: The Consequences of Multiple Marginalization." *Policy Briefing.* Brookings Doha. January 2019, accessed on 25/03/2020.

UN General Assembly, Human Rights Council. *Final Report of the Human Rights Council Advisory Committee on the Issue of the Negative Impact of Corruption on the Enjoyment of Human Rights* (A/HRC/28/73), 5 January 2015, accessed on 26/1/2018.

French

Ben Achour, Yadh. *Tunisie : une révolution en pays d'islam.* Geneva: Labor et Fides, 2018.

Boniface, Pascal. « La lutte contre la corruption, nouveau paradigme des relations internationales ». Revue internationale et stratégique. no.101 (2016).

Delmas-Marty, Mireille, Stéfano Manacorda. « La corruption, un défi pour l'État de droit et la société démocratique ». Revue de science criminelle. no.3 (1997).

Dobry, Michel. «Les voies incertaines de la transitologie : choix stratégiques, séquences historiques, bifurcations et processus de path-dependence ». Revue Française de science politique. vol. 50. no.4-5 (2000).

Hibou, Béatrice La force de l'obéissance : économie politique de la répression en Tunisie, Paris, La découverte, 2006.

Janot, Philippe. « Firmes Transnationales, Corruptions, États ». Annuaire Français de Droit International. (2005).

Johnston, Michael. « Corruption et démocratie : menaces pour le développement, possibilités de réforme ». Tiers-Monde. tome 41. no.161 (2000).

Nouioua, Adnen. « La lutte contre la corruption et le droit international ». Thèse de doctorat en droit public. Faculté de droit et des sciences politiques. Tunis, 2018.

Steven, Heydemann. « Après le séisme. Gouvernement économique et politique de masse dans le monde arabe ». Critique internationale. no.61 (2013).

Taleb, Akila. « Les procédures de Guilty Plea : plaidoyer pour le développement des formes de justice négociée au sein des procédures pénales modernes ». Revue international de droit pénal. Vol. 83. no.1 (2012).

A Law of Diminishing Returns:
Transitional Justice in Post-Revolutionary Libya[1]

Mahmoud Hamad[2]

This paper focuses on transitional justice in Libya since the fall of Colonel Gaddafi. It finds that unlike many countries that suffer from a paucity of transitional justice legislation, numerous relevant constitutional declarations, laws and decrees have been promulgated in Libya. But the process has also faced serious issues, most notably the absence of legislative planning and strategy, the lack of effective dialogue between the parties involved in the legislative process, and the low quality of drafting. The paper concludes that comprehensive transitional justice in Libya depends on achieving consensus among the regional and international actors involved in Libyan affairs as well as securing four main requirements. These are identified as: a stable constitutional system that prioritizes transitional justice; the unification of state institutions; comprehensive countrywide reconciliation; and a national consensus on the most appropriate transitional justice program.

Libya   Transitional Justice   Arab Spring   Libyan Revolution   Democratic Transition

Since 1969 both individual Libyans and several groups thereof have suffered numerous and protracted violations of their political, social and economic rights. The rapid collapse of the regime after the Revolution coupled with social and cultural fragmentation have resulted in a range of social injustices.[3] The exceptional situation in which the Libyan state has found itself after decades under the watchful eye of Colonel Gaddafi has complicated efforts to establish a system of transitional justice. The problems did not end with the fall of the regime: over the course of the civil war many new violations have taken place, most of which constitute war crimes or crimes against humanity. Moreover, the presence of militias and other armed groups has proven a significant obstacle to disarmament, justice and accountability.

All this has been further exacerbated by the failure of successive post-revolutionary governments to bring the security situation under control and the involvement of some government bodies themselves in violations, including ongoing illegal arrests and detentions, torture, and extrajudicial killings.

Libya is not unique in this. Since the 1990s the world has witnessed various political transitions preceded and accompanied by a heavy legacy "ranging from rape and domestic violence to collective atrocities of state-sponsored dirty wars and ethnic cleansing."[4] Ruti Teitel correctly notes that in times of political mobilisation to oust dictatorships, "one burning question recurs. How should societies deal with their evil pasts? This question leads to others that explore the question of the relation of the treatment

---

1   This study was originally presented at the ACRPS's conference titled "Transitional Justice and the Democratic Transition in the Arab Countries: Politics, History and Memory", which was held in November 21-23, 2019. It was translated for publication in *Almuntaqa* by Chris Hitchcock.

2   Associate professor of Political Science at Cairo University.

3   On 25 February 2011, the UN General Assembly's Human Rights Council resolved to form an independent international Commission of Inquiry into Libyan human rights abuses, which came into being on 15 March 2011. Its three members were Asma Khedher (Jordan), Philippe Kirsch (Canada) and M. Cherif Bassiouni (Egypt). Under Resolution S/15-1 the Commission was tasked with investigating and documenting all claims of IHR law violations and, if possible, identifying those responsible, and in particular with making recommendations on how to achieve accountability. Since the UNHRC had referred these cases to the ICC, the Commission was also expected to look into incidents that might be dealt with under international criminal law. The Commission's final report, published on 2 March 2012, covers all of the human rights violations it had recorded during the armed conflict of 2011, including those ongoing after the fall of Gaddafi. It considers the role of three different forces: regime and loyalist forces, revolutionaries (rebels), and NATO. All of the violations discussed are closely linked to transitional justice and have worsened in recent years, making the need for a comprehensive transitional justice program ever greater while simultaneously making it more difficult to implement such a program.

4   Nancy Scheper-Hughes, *Violence in War and Peace* (Oxford: Blackwell, 2004), p. 459.

of the state's past to its future.[5] How is the social understanding behind a new regime committed to the rule of law created? Which legal acts have transformative significance? What, if any, is the relation between a state's response to its repressive past and its prospects for creating a liberal order? What is law's potential for ushering in liberalization?"[6]

Transitional justice is therefore key to the stability of the Libyan state.[7] The Libyan experience will also be of exceptional value for transitional justice programs in other regional post-conflict countries like Yemen and Syria. Studying transitional justice in Libya draws attention to the following questions: is passing laws the best way of achieving transitional justice? Is transitional justice legislation alone sufficient to guarantee an end to killing, conflict, displacement and arbitrary detention? What are the different models of transitional justice implemented in Libya? Why

has transitional justice legislation failed to achieve positive results within the last seven years? Is this failure attributable to shortcomings in the legislation itself, to the absence of the necessary conditions for transitional justice, or to both? We conclude by reviewing the possibilities of implementing a comprehensive transitional justice plan in the short and medium term.

This paper seeks to answer these questions. It is divided into three sections. The first section discusses the various laws concerned with transitional justice passed in Libya since the February uprising first began. The second section analyses the reasons for legislation's failure to implement a comprehensive program of transitional justice. The third section examines the short and medium-term requirements of transitional justice.

I: Transitional Justice Legislation

If some countries suffer from a paucity of transitional justice legislation, a quick glance at the Libyan statute book shows that it has the opposite problem: legislative congestion. Successive Libyan legislatures have issued a whole range of constitutional declarations, laws and decrees pertaining to transitional justice, including (by date of issue):[8]

- Law 5/2011 establishing the National Council for Public Freedoms and Human Rights

- Law 16/2012 adding certain provisions to Law 10/2012 disbursing a financial sum to Libyan families

- Law 17/2012 establishing the rules of national reconciliation and transitional justice

- Law 35/2012 pardoning certain crimes

- Law 37/2012 making it a criminal offence to glorify the dictator (repealed)

- Law 41/2012 amending Law 17/2012 establishing the rules of national reconciliation and justice in Libya

- Law 50/2012 on compensation for political prisoners

---

5 Hamadi Redissi suggests that transitional justice raises three primary questions. "Firstly: what is the fate of the old regime's decisionmakers? Secondly: how to deal with security and military figures responsible for human rights violations? Thirdly: should the property of those who took bribes and other corrupt figures close to the old regime be confiscated?" Hamadi Redissi, "Tūnis Bayn Tadʿīm ad-Dīmuqrāṭiyā wa-Tafakkuk ad-Dawla," *Siyasat Arabiya*, vol. 18 (January 2016), p. 12.

6 Ruti G. Teitel, *Transitional Justice* (New York: Oxford University Press, 2000), p. 3.

7 Moulay Ahmed Moulay Abdelkarim states that "By "transitional justice" is generally meant a range of judicial and non-judicial measures, procedures and mechanisms employed in order to return the rights-related, political, social and institutional situation to normal in a given country. It encompasses those countries that have experienced or are experiencing a state of political crisis such as civil war or a state of emergency." See, Moulay Ahmed Moulay Abdelkarim, "al-Usus al-Falsafiyya li-Mafhūm al-ʿAdāla al-Intiqāliyya," Tabayyun, vol. 11 (July 2013), p. 17.

8 This list is complemented by a long list of relevant decrees including: General National Congress Decision 17/2012 establishing the principle of institutional reform and exclusion from political and administrative offices (*al-ʿazl as-siyāsiyy wa'l-idāriyy*); Transitional National Congress Decision 18/2012 naming the chair and members of the Truth and Reconciliation Investigative Committee; Legal Affairs Decision 2/2011 forming the Committee for Documentation and Investigation of the Crimes of the Old Regime; Legal Affairs Decision 3/2011 forming the Committee for Documentation and Oversight of Detainee, Mercenary and Missing Persons' Affairs; Decision 85/2012 making provisions for and honouring martyrs and missing persons; Decision 53/2013 on the tragic events that occurred in Benghazi; Decision 59/2013 on the Abu Saleem Prison Massacre; GNC Decision 1/2014 forming and establishing the functions of the Investigative Committee; Cabinet Decision 119/2014 on redress for victims of sexual violence; and Justice Ministry Decision 904/2014 regulating the redress for victims of sexual violence fund.

- Law 51/2012 amending a provision of Law 25/2012 pardoning certain crimes

- Law 52/2012 establishing limitations on certain offices (overturned pursuant to Constitutional Appeal 16/59AJ)

- Law 63/2012 establishing the Anti-Corruption Commission

- Law 10/2013 criminalising torture, forced disappearance and discrimination

- Law 13/2013 on exclusion from political and administrative offices

- Law 29/2013 on transitional justice

- Law 1/2014 providing for the families of the martyrs and missing persons of the 17 February Revolution

- The General Amnesty Law (6/2015)

Naturally, there is no space in this paper for in-depth discussion of all of these laws. We can, however, look in detail at the most important examples.

The first piece of legislation concerned with transitional justice was Law 17/2012 establishing the rules of national reconciliation and transitional justice. This law consists of 18 articles and is divided into two sections. The first section (Article 1) defines transitional justice as "a package of legislative, judicial, administrative and social measures addressing events that took place under the old regime in Libya and the violations of human rights and basic human freedoms carried out by the state, and efforts to address by amicable means enmity between certain groups within society." There is no clear timescale given: Article 2 states that "the provisions herein shall be applicable to events occurring from 1 September 2019 until such time as the desired effect hereof is achieved. Said provisions shall not be applicable to those persons who concluded a negotiated settlement under the old regime. Nor shall they be applicable to conflicts in respect of which a judicial ruling has been issued and executed." Article 3 goes on to specify the aforementioned "desired effects" for individuals and for society.[9]

The second section is given over to the Truth and Reconciliation Investigative Commission. Article 4 provides for the formation of a body operating under the Transitional National Council (TNC) and headquartered in Tripoli. This commission has its own legal personality and independent budget. Article 14 establishes the principle of financial or reputational compensation for all those harmed by the crimes of the old regime. So far, however, the law has not been put into force: no implementing regulations have been issued, and the necessary administrative framework has not been put in place.

Shortly thereafter, in early May 2012, the TNC issued Law 35 pardoning certain crimes. This law amnestied crimes committed before it came into force, terminating any associated criminal proceedings and annulling all sentences and other attendant legal effects under the following conditions:

- Where the money has been returned (in cases involving embezzlement of public money);

- Where the perpetrator has reconciled with the victim or been officially forgiven by their closest male relative (*walī'd-dam*);[10]

- Where the perpetrator or accused person has voluntarily handed over the weapons or instruments used in the crime;

- Where the perpetrator had submitted an official repudiation (*iʿlān tawba*) of his actions to the relevant criminal court.

---

9   The aims given are:

    1.   Consolidating social peace.

    2.   Preventing human rights violations.

    3.   Reassuring people that justice exists and is effective.

    4.   Establishing the responsibility of different state bodies for human rights violations.

    5.   Documenting incidents subject to transitional justice and handing the details over to relevant bodies.

    6.   Compensating victims and those harmed.

    7.   Effecting social reconciliations.

10   TN: Under Islamic law and Libyan tribal custom, a murdered person's closest relative is their *walī'd-dam*: the person responsible for their [spilt] blood (i.e. responsible for taking vengeance). Under Libyan law this person can decide to pardon a murderer, in which case the state cannot proceed with a prosecution.

Some crimes were explicitly excluded from the amnesty:

- Crimes committed by members of Gaddafi's immediate family, his in-laws, and his 'agents' or 'aides' (*aʿwānuhu*).[11]

- *Ḥudūd* crimes[12] referred to the judiciary.

- Kidnapping, torture and violent rape.

- Acquiring and selling narcotics or psychotropics.

- Poisoning water or food supplies or dealing in spoilt food or medicine.

In order to guarantee that those included in the amnesty would not reoffend, Article 3 of the law stipulated that its provisions would cease to apply to any beneficiary in the event that they committed any new deliberate crimes within five years of its going into effect.[13] And to guarantee neutrality, Article 4 emphasises that the judiciary will be responsible for settling any issues arising from the implementation of the law, subject to general rules. Article 5 also contains a positive provision: that "the provisions herein shall not prejudice the right of the injured party to restitution or compensation."

The TNC was also responsible for Law 38/2012 on transitional justice procedures. Unfortunately, this law reinforced the idea of letting perpetrators escape punishment and accountability. Article 4 states that "there shall be no punishment for those military, security or civilian activities required by the 17 February Revolution and carried out by the Revolutionaries in order to ensure the success of or protect said Revolution." For many supporters of the old regime this law seemed like a prime example not of transitional but of retributive justice.

In 2012 the TNC's term ended and the first post-revolutionary General National Congress (GNC) was elected. In clear contradiction to the idea of amnesty, the GNC promulgated various laws punishing supporters of the old regime. Law 13/2013 on exclusion from political and administrative offices, for example, barred anyone who occupied any position of importance under the Gaddafi regime from holding political or bureaucratic office for a period of ten years. Its definition of political or bureaucratic office was expansive, going much further than any international precedent.[14] It created a deep rift in society between victors enjoying all their rights and vanquished with no rights at all. This exacerbated political and military conflict and made the success

---

11   Zawati notes that the term *aʿwān* is very flexible and can apply to almost anyone depending on the personal interests and political inclinations of those applying the law: Hilmi M. Zawati, "Prosecuting International Core Crimes under Libya's Transitional Justice: The Case of Saif Al-Islam Gaddafi and Abdullah Al-Senussi," in: Alice Diver and Jacinta Miller (eds.), *Justiciability of Human Rights Law in Domestic Jurisdictions* (Cham, Switzerland: Springer International Publishing, 2016), p. 226.

12   The article stipulates that "[i]n the event that the persons benefiting from it commit a new deliberate crime within five years of the date that this law enters into force, the pardon provided for herein shall be annulled and [said persons] shall be returned to custody; those who had been sentenced shall complete their sentences or the unserved portion thereof, and criminal proceedings against those whose trials were terminated pursuant to this law shall resume on the condition that this be announced in the media."

13   TN: *Ḥudūd* crimes are serious crimes under Shariʿa carrying major corporal punishments: adultery, false accusation (*qudhf*), apostasy, theft and banditry. Law 70/1973 for example provides for the flogging of adulterers as stipulated by the Shariʿa tradition; Law 13/1425 allows courts to order a thief's hand cut off.

14   Article 2 stipulates that 'those persons covered by the provisions of Article 1 herein shall not be permitted to hold the following offices:

1.   Chairmanship or membership of state or local legislative, oversight or constituent committees;
2.   Sovereign [i.e. senior] state offices;
3.   National and local executive offices, from President or Prime Minister to Department Director [*Mudīr Idāra*];
4.   Chairmanship or membership of boards of directors; administrative, executive or oversight positions from Department Director upwards in official bodies, institutions, government bodies, banks, public companies, [companies] owned fully or partially by the Libyan state or one of its institutions, whether it conducts its activities within the country or abroad;
5.   Membership of a panel of judges [i.e. sitting as a judge in any court];
6.   Leadership positions in the security establishment or the military;
7.   The offices of ambassador or consul to international and regional organisations; other diplomatic offices; likewise technical attaches;
8.   Chairmanship or membership of decision-making bodies within parties, entities, institutions or commissions of a political character;
9.   Chancellorship of universities, academies, colleges or institutes of higher education;
10.   Auditing positions;
11.   Senior positions in any media body.

of a comprehensive transitional justice programme much less likely,[15] particularly given that it was issued at the behest of armed groups that took control of the GNC after besieging and ultimately storming the Ministries of Justice and Foreign Affairs.

This law established vague criteria by which political rivals could be excluded from public office for ten years, and in the absence of clear rules, has been used selectively to penalise some of those who worked for the Gaddafi regime – without any kind of objective underpinnings, without regard for the principle of equality before the law, and without a well-defined implementation mechanism. It also created a new principle of retroactive effect and laid the groundwork for punishment not of deeds but of categories of people. It therefore violates individual civil and political rights and some of the most important human rights, such as the right to defend oneself and the right not to be punished for an unproven crime. Those who fall victim to the law are stripped of a fundamental constitutional right: the right to a free and fair trial before facing any punishment. It also threatens to further weaken the Libyan state by depriving it of many of its most qualified staff.[16] And in addition to the fundamental contradiction involved in simultaneously adopting a system of compensatory justice and a system of retributive justice,[17] most transitional justice legislation in Libya has been marked by a "to the victor the spoils" mentality.

In 2013 the GNC passed a new, comprehensive transitional justice law (Law 29/2013), which begins by defining transitional justice. This law comprises 34 articles distributed over six sections: general provisions; the Truth and Reconciliation Committee; inspecting institutions; compensation; investigations and trials; final provisions.

According to Article 3 of this law, its provisions apply to incidents between 1 September 1969 and the end of the transitional period, defined as the election of a legislative assembly in accordance with the Permanent Constitution. The law is thus still in force

as of the time of writing because the draft constitution has still not been adopted by popular referendum, meaning that the state institutions emanating from it remain provisional – including the legislative assembly. Its goals are numerous: it legally recognises the 17 February Revolution as righteous and the old regime as corrupt and despotic, and seeks to preserve social peace, prevent human rights violations, establish the extent to which different state organs are responsible for such violations, document incidents of interest to transitional justice, compensate victims, and examine institutions.

The law also expands the definition of transitional justice, extending it to crimes and violations committed by revolutionaries or those fighting under the banner of the TNC or other bodies – that is, it is not limited to the crimes of the old regime. This praiseworthy development was intended to put to rest the criticism that previous laws had neglected to deal with violations accompanying and following the 17 February Revolution. It also states that transitional justice extends to "1) positions and actions that damaged the social fabric and 2) acts necessary to bolster the Revolution but marked by certain behaviours incompatible with its principles."

Law 29 also provides for the formation of a Truth and Reconciliation Investigatory Commission attached to the Parliament. The Commission is empowered to investigate human rights violations within the mandated period and make recommendations on how to proceed (including referring them to the judiciary). It is compelled to submit a comprehensive report detailing the incidents it has investigated and identifying those responsible as well as the reconciliation efforts it has made. It also submits a report recommending further measures in those cases it has investigated. By default its sessions are open to the public except where it decides otherwise because of security considerations or to protect public morals. Finally, it enjoys priority over the courts in investigating incidents: the judiciary cannot decide disputes that are being heard by the Commission

---

15 Article 1: "The General National Congress affirms in principle the necessity of reforming those institutions of the Libyan state directly responsible for human rights violations and likewise those persons directly responsible for the corruption of political, economic, social and administrative life in Libya from 1 September 1969 until liberation was declared on 30 October 2011, by excluding them and preventing them from exercising political rights or holding sovereign positions within the state, subject to compulsory legal restrictions and in accordance with the principle of non-discrimination."

16 Amid the tug of war between competing legislative organs, on 2 February 2015 the Parliament suspended this particular law.

17 For more detail on the central pillars of these two systems see: Abdelhay Moudden, "al-ʿAdāla al-Intiqāliyya wa's-Sulṭawiyya al-Mulabrala: Namūdhaj al-Maghrib," Omran, vol. 5(2013), p. 130.

until it concludes its investigations, and if an incident subject of a court dispute is submitted to it then court proceedings must immediately be suspended.

The law also establishes another commission empowered to examine state institutions (security, judicial, military and financial as well as any other institutions the Cabinet sees fit to subject to scrutiny). This commission is likewise granted the power to hand over cases to disciplinary authorities, the public prosecutor or the Cabinet for further action.

Finally, Law 29 creates a victim restitution fund, with the specific sums and methods of payment to be defined by implementing regulations issued by the Cabinet. The power to try relevant cases is restricted to civilian criminal courts, removing jurisdiction in cases involving crimes committed by the military or for political or military ends from military courts. Steps are also taken against the mass granting of citizenship after the February uprising: the law provides for a legal committee to review decisions to grant nationality.[18] But although this law is more comprehensive than its predecessors and enshrines many of the central principles of transitional justice, it has still not been put into practice: no implementing regulations have been issued and no implementation mechanism put in place.[19]

II: The Failure of Transitional Justice Laws

There are many reasons for the failure of transitional justice projects in Libya. Some involve the breakdown of the political transition process, while others are closely linked to the transitional justice legislation itself. Successful political transition is a necessary if not sufficient condition for a transitional justice program to be viable. Regrettably, in Libya transitional justice has not been part of an integrated plan for social peace.[20] In the first part of this section we will discuss the negative repercussions of the breakdown of the political process for transitional justice. In the second part we will consider the various shortcomings of the transitional justice legislation, including the absence of legislative strategy and planning, the limited discussion between different legislative bodies and the poor drafting of laws.

On the one hand, the particular features of the Libyan case –the extensive legacy of violations committed under a despotic regime where a single man dominated political life and undermined all other institutions – have inevitably exacerbated the complications and difficulties of transitional justice. Successive governments have used up all their energies dealing with political fragmentation, security issues and frictions between different tribes or ethnic groups, as well as in attempts to meet citizens' basic needs. As a result, the implementation of transitional justice laws has fallen to the bottom of the list of priorities.

On the other hand, Libya suffers from a deep-rooted tribalism hostile to the law and to equality between citizens, and regional disputes feed narrow localist thinking and particular interests at the expense of the concept of the state. This increases Libya's exposure to the risk of separatism. The ominous decline in the security situation and the wide dissemination of weapons and militias outside legitimate state

---

18   "Article 29: annulling decisions to grant citizenship.

A Legal Committee shall be formed by means of a decision from the President of the General National Congress to consider decisions granting Libyan citizenship. It shall have the power to undertake whatever measures necessary to do so, in particular to recommend the following:

   1.   Withdrawal of Libyan citizenship from all those granted it under a decision issued later than 15/02/2011.

   2.   Withdrawal of Libyan citizenship from all those granted it by the old regime for political reasons or because of their political leanings.

   3.   Withdrawal of Libyan citizenship from all those granted it in contravention of the provisions of legislation in force at the time of the grant.

Withdrawals shall take place pursuant to a reasoned decision from the executive authorities, in accordance with the general rules governing loss of citizenship. The relevant authorities shall be obliged to implement decisions issued by this Committee. The Committee shall have the right to exercise all necessary powers to achieve this, including appealing on grounds of unconstitutionality laws and decisions under which Libyan citizenship has been granted."

19   Point 7 of the Sarraj Initiative promises to "implement transitional justice mechanisms, redress harm, and implement a general amnesty in order to achieve comprehensive national reconciliation."

20   On the importance of transitional justice as part of the management of the post-conflict period, see: Donna Pankhurst, "Issues of Justice and Reconciliation in Complex Political Emergencies: Conceptualising Reconciliation, Justice and Peace," *Third World Quarterly*, vol. 20, no. 1 (1999), p. 254.

structures,[21] the weakness and novelty of civil society, and the fragility of state institutions (to the point that they are incapable of performing their functions competently and effectively)[22] also place Libya at particular risk. Furthermore, struggles between neighbouring countries and international powers have entrenched and expanded the scope of political and military conflict: one recent report from the European Council on Foreign Relations states that "[t]he role of foreign states in Libya's civil war has long been murky, yet hugely significant. Interventions designed to serve foreign states' political or regional interests have been a constant feature of the country's post-revolutionary fractiousness and strife."[23] The failure of the UN and other regional and international organisations to deal with political and social divisions have consigned transitional justice initiatives to an early grave.

Although more than seven years have passed since the 17 February uprising, political and institutional divisions remain the order of the day. The persistence of these divisions has been the greatest obstacle to efforts to achieve transitional justice. The victory of the National Coalition Party in the 2014 elections and the refusal of some of the other parties to accept the results added to the deep, structural reasons for fragmentation and hence produced greater divisions between Libyans. These divisions, initially political and ideological, soon became material and geographical. This has manifested in competing legislative and executive bodies: an independent House of Representatives and government (HoR) in eastern Libya supported by Haftar's forces, and the Government of National Accord (GNA) in Tripoli (led by Faiz Sarraj, prime minister under the Skhirat Agreement) supported by various armed groups. This has inevitably meant divisions within most public institutions. Not only politics and ideology are involved here but both local and international political, security and economic interests. This division is one of the most serious challenges facing the reconciliation and transitional justice process in Libya. A state having sovereignty over all its territory is a basic requirement for any legislation to be implemented, even legislation of less crucial import than that concerning transitional justice.

Alongside all this, the tribal and ethnic makeup of Libya has stymied national reconciliation. Libya's social structure is predominantly tribal, and tribes played an important role in the Revolution.[24] Unfortunately, years of divide-and-conquer policies under the old regime intended to guarantee control over society have left behind a bitter legacy. Gaddafi was able to foment tensions between various tribes and areas of the country, tensions that have persisted after his fall from power. Tribal alliances during the Revolution produced social divisions and have left behind deep clefts in the Libyan social fabric. These clefts have impeded democratic transition and the implementation of transitional justice laws seen as biased in favour of particular tribal groups. Sometimes they have developed into armed clashes, both during and after the Revolution.[25] This has created deep and enduring fault lines in the body politic and in society. There are now loyalist cities and tribes and opposition cities and tribes. Examples of this include the conflict between Amazigh-majority Zwara and its Arab neighbours in Jumayl and Riqdalin, the fierce hostility between Misrata and Tawergha, the feud between the tribes of Zawiya and Warshefana, and the fully-fledged war between Awlad Suleiman and the Qadhadhfa.[26]

The chaotic security situation has been one of the most serious obstacles to the transition process since Gaddafi's ouster. One of the enduring dangers in Libyan society has been the broad availability of

---

21   For more detail on the breakdown of the security situation and what the author calls the 'gap of authority' following the ouster of the Gaddafi regime, see: Ramazan Erdağ, *Libya in the Arab Spring: From Revolution to Insecurity* (New York: Palgrave Macmillan, 2016), pp. 47-64.

22   Zawati, p. 231.

23   Tarek Megerisi, "Libya's Global Civil War: Policy Brief, European Council on Foreign Relations", June 2019 (accessed on 26/07/2019 at https://bit.ly/2WLhzHA).

24   C.f. Thomas Hüsken, *Tribal Politics in the Borderland of Egypt and Libya* (New York: Palgrave Macmillan, 2019).

25   Ahmida says that "there are at least three errors: security and unofficial forces' control [over territory] at the expense of official institutions; the absence of a national constitution; and opposition to institutionalization." Ali Abdullatif Ahmida, *Dawla Mā Baʿd al-Istiʿmār wa't-Taḥawwulāt al-Ijtimaʿiyya fī Lībiyā* (Doha and Beirut: ACRPS, 2012), p. 24.

26   Bashir Ali Al Kout, "Furaṣ Taḥqīq al-ʿAdāla al-Intiqāliyya wa'l-Muḥākama al-ʿĀdila fī Lībiya fī Ẓill at-Taḥawwulāt ar-Rāhina," *al-Ijtihād al-Qaḍāʾiyy*, vol. 3, no. 13 (December 2016), p. 144.

weapons of every kind – light, medium, and heavy – and militias' use of this vast arsenal to pursue political and economic goals. As soon as the common enemy (the regime) had been dispensed with, armed groups quickly turned on one another, creating complex security problems. The circulation of weapons has stymied even state-building efforts, never mind national reconciliation and transitional justice initiatives. The situation is complicated further by the fact that these weapons are concentrated in the hands of tribal or religious militias outside the control of the central government and closely linked to foreign regimes or intelligence services. The disarmament, demobilisation and reintegration process is thus ineluctably linked to the implementation of transitional justice mechanisms. And troublingly – despite the many years that have passed – militias and armed groups are more brutal and more dominant than ever, not only in the countryside and provincial towns but in major cities (above all Tripoli).[27]

This has been exacerbated by the weak institutional structure of the Libyan state. The old regime undermined the competence and effectiveness of state institutions. For almost 40 years, Gaddafi marginalised both civil and military institutions in favour of the so-called Revolutionary Committees (*al-Lijān ath-Thawriyya*) in order to guarantee complete control over state and society. One of the most vital institutions to have been undermined in this way is the judiciary: the regime integrated non-judicial institutions like the Public Prosecutor's Office, the Government Litigation Authority, the Public Advocacy Department and the Law Directorate into the judicial arm in order to undercut any claim to judicial institutional independence. Exceptional courts and political intervention in judicial affairs became defining features of the legal system. While

judges were freed of this particular set of political shackles after Gaddafi's ouster, the judiciary has nonetheless faced serious challenges in the post-revolutionary era. Many judges and lawyers (both defence and prosecution) are afraid to work in the absence of a regime capable of protecting them. Numerous judges have been threatened, and some judges and prosecutors have been assassinated or kidnapped by defendants. This has meant that the judiciary cannot carry out its duties, particularly in light of the frightening increase in human rights violations – forced disappearances, arbitrary arrests, deaths under torture, assassinations, kidnappings, destruction of public and private property – the great numbers of refugees and victims of forced displacement, and the various prisons and detention centres outside state control.[28]

It is only fair to note that these failures are not only due to domestic problems. Various international and regional factors have also impeded re-stabilisation. The UN has not carried out its mandate in Libya. Despite significant efforts made by successive Special Representatives of the Secretary-General (SRSG), it has not been able to help Libyans escape the vice-like grip of the crisis. This reflects above all else conflicts between international and regional powers and their inability to agree on a settlement[29] as well as shortcomings in the UN Support Mission in Libya (UNSMIL). UNSMIL has been led by four different officials, each with a very different idea of how to solve the conflict, and the short time available has not allowed any of them the opportunity to fully grasp the details of the Libyan crisis or develop integrated approaches to problems and put them into practice on the ground.[30] Two of those chosen did not speak Arabic, making their mission much more difficult; the same applies to many lower-ranking employees. And the revelation

---

27　Interviews conducted by the author with various Libyan activists and academics between 2014 and 2018. See also: HRW, "Libya: Events of 2018," in: *World Report 2019*, 22 September 2018 (accessed on 02/04/2020 at https://bit.ly/3bnkvzi

28　C.f. *Abuse Behind Bars: Arbitrary and unlawful detention in Libya*, UNHRC, April 2018 (accessed on 02/04/2020 at https://bit.ly/2xWUXvm).

29　"To make progress on any new roadmap, however, UN envoy Salamé will need to receive the full-throated support of the states that have been most involved in Libyan diplomacy: France, Russia, the UK and the U.S. among permanent members of the Security Council; Libya's neighbours, including Algeria, Egypt, Tunisia and Italy; regional powers further afield such as Qatar and Turkey; and regional institutions such as the European Union (EU), the League of Arab States and the African Union." See: International Crisis Group, "Restoring UN Leadership of Libya's Peace Process," 18 September 2017 (accessed on 02/04/2020 at https://bit.ly/35R2uIw

30　UNSMIL's leaders in succession:

Tarek Mitri: 12 September 2012 – 14 August 2014

Bernardino Léon: 14 August 2014 – 4 November 2015

Martin Kobler: 4 November 2015 – 22 June 2017

Ghassan Salamé: 22 July 2017 – 2 March 2020.

that Bernardino León – former Special Representative and head of UNSMIL – engaged in secret negotiations with the UAE during his time in Libya has made the Mission's neutrality seem exceedingly suspect.[31]

Interventions by regional and international powers have also had a serious impact on prospects for a solution in Libya.[32] Various countries have provided support to specific factions, either to further regional aims or to spite other powers. Libya has thus become a theatre of proxy warfare, impeding any political solution or comprehensive reconciliation. A few countries have gone beyond media or financial interventions and confronted revolutionary change in Libya directly, even providing military support and materiel to particular political and military forces on the ground and thereby worsening violent unrest and political and security chaos. Egypt and the UAE have provided assistance to Haftar and the HoR government in the East in order to undermine the Islamism dominant in the GNA: Cairo and Abu Dhabi believe that Islamist forces are the greatest threat to their regional political project. Doha and Istanbul, meanwhile, have given substantial support to the other side. The same applies to European forces: France is backing Haftar while Italy supports the GNA in Tripoli.

Alongside all this comes transitional justice legislation both badly drafted and poorly executed. Post-revolutionary legislation in general has suffered from several flaws. It has become a political tool susceptible to manipulation and improvisation according to political and ideological whims. While the GNC and its Islamist parties prefer an approach that makes a comprehensive break with the Gaddafi regime, the HoR has taken a more conciliatory approach. This clash of visions and concepts appears clearly in the different transitional justice legislation issued by these different institutions.[33]

Law 35/2012 pardoning certain crimes and Law 38/2012 on certain procedures concerning the transitional period (both issued by the TNC), Law 29/2013 on transitional justice (promulgated by the GNC), and the General Amnesty Law of 9 September 2015 (issued by the HoR) all provide for amnesties – despite UN Resolution 1970 (26 February 2011), which refers all Libyan cases to the ICC, calls for the Libyan authorities to cooperate with the ICC Prosecutor, and imposes travel bans and asset freezes on sixteen named people (members of the Gaddafi family and certain high-ranking officials involved in major crimes). Law 17/2012 does not mention criminal prosecution despite this being the foundation of any transitional justice mechanism, and Law 29/2013 likewise avoids discussing the topic despite Article 3 enjoining "accountability for human rights violations committed under cover of the state or an institution thereof or an individual operating with support therefrom." Note the vague phrasing, which is open to multiple interpretations and throws the door open to criminalisation and mass trials, risking a shift towards retributive justice. As far as this legislation is concerned (and thus the Truth and Reconciliation Committee established under it), "violations" are unique to the Gaddafi era: those that have taken place after his ouster and been recorded by international organisations are dismissed. All this promotes selective, retributive justice and undermines the transitional justice process.

Supporters of the Gaddafi regime typically take a very negative view of all efforts to enact transitional justice legislation. There is a widespread belief that the purpose of these initiatives is to allow the victors to take revenge and to consolidate political power rather than to pursue a comprehensive system of justice that strengthens the unity of Libyan society.[34] No connection has been made between the program of exclusion from political office and political reconciliation. Quite the opposite: the law provides for a form of accountability rooted in retribution and

---

31   Leaked emails showed secret coordination between León and the Emirati government (which supports a one specific faction in the Libyan conflict). León was subsequently appointed as the first Director-General of the Emirates Diplomatic Academy, a position commanding an annual salary exceeding $500,000 as well as various benefits. David D. Kirkpatrick, "Leaked Emirati Emails Could Threaten Peace Talks in Libya, The New York Times," 13/11/2015.

32   Azmi Bishara argues for a reconsideration of the role played by external factors in democratic transformation, which he suggests has been ignored by many researchers more interested in domestic factors: "It is no longer possible to neglect the external factor in cases of transition: it is impossible to contend with them today without understanding it." Azmi Bishara, "Mulāḥaẓāt ʿan al-ʿĀmil al-Khārijiyy fī'l-Intiqāl ad-Dimuqrāṭiyy," *Siyasat Arabiya*, vol. 38 (May 2019), p. 11.

33   Belkouch notes the vital importance of consensus on the underpinnings of transitional justice: "In all cases where there is no [common] foundation enjoying the agreement of the most important political factions, transitional justice projects are fruitless – as in Yemen or Libya." Habib Belkouch, "al-ʿAdāla al-Intiqāliyya wa'l-Intiqāl ad-Dimuqrāṭiyy fī's-Siyāq al-ʿArabiyy," *Siyasat Arabiya*, vol. 18 (January 2016), p. 82.

34   Mark Kersten, "Transitional Justice Without a Peaceful Transition – the Case of Post-Gaddafi Libya," in Arnim Langer and Graham K. Brown (eds.), *Building Sustainable Peace: Timing and Sequencing of Post-Conflict Reconstruction and Peacebuilding* (New York: Oxford University Press, 2016), p. 312-316.

unidirectional justice targeting those linked to the defeated regime.[35] It has thus magnified divisions within the country, thereby reducing the transitional justice program's prospects of success.

Moreover, the philosophy governing Libyan transitional justice legislation has many flaws of its own. All laws prior to Law 29/2013 were incomplete, covering some aspects of transitional justice while neglecting many others. Law 29/2013 itself, meanwhile, suffers from numerous problems that have impeded implementation. It was issued in a hurry, without consulting public opinion – that is, without sufficient media attention or discussion – giving weight to the belief that it was the result of pressure placed on GNC members by armed militias.[36] Moreover, there was no attempt to include civil society organisations or victims of violations before and during the Revolution in discussion of what the law should look like.[37]

The legislature's choice to use the term "national reconciliation" (*muṣālaḥa waṭaniyya*) rather than "transitional justice" was likewise unfortunate, causing the public a great deal of confusion because it gave them the impression that this law meant pardoning and not punishing those responsible for killings, torture and rape. As a result the law never enjoyed the kind of popular support needed for successful implementation of any transitional justice legislation. The drafters also neglected various questions relating to the Truth and Reconciliation Commission, failing to assign it premises or the necessary manpower. The Commission itself was flawed: its membership was made up exclusively of retired or working judges without including political scientists, psychologists or sociologists as it should have. Judges alone do

not possess the necessary professional background to lead the transitional justice process, and the nature of judges' work perhaps makes them less than ideal figures to implement transitional justice mechanisms. Victims likewise seem to play a very limited role in the Commission's work. They are not mentioned in this law except with regard to compensation. This does not provide sufficient space for in-depth study of the legacy of human rights violations via open hearings or for victims to express their own opinions.

Moreover, the law has only been partially implemented: on the ground it has suffered the same fate as other statutes of its kind. Although a Commission has been appointed, the results of its investigations have not been published. The legislature has deliberately undermined the law, issuing parallel ordinances of direct relevance to transitional justice – whether prior legislation laying the groundwork for its failure or subsequent legislation that robs it of any meaning. Some of its articles have been the source of deep and lasting controversy. The article concerning authoritative grants of citizenship, for example, has caused serious problems for ethnic minorities, particularly the Tuareg and Toubou peoples. Its defenders argue that the Gaddafi regime used grants of citizenship in order to attract non-Libyan mercenaries to fight in its ranks, in which case by revoking citizenship the state is simply striking down a grant that was illegitimate in the first place. But Tuareg and Toubou leaders claim that those who obtained citizenship papers during and after the Revolution are native Libyans long denied them by the old regime; granting them citizenship thus corrected their status.[38] This

---

35   Fraihat correctly notes that "The "culture of the victor" that has prevailed since the collapse of the Qaddafi regime has sharply divided Libyan society. National reconciliation cannot be achieved as long as the rigid and polarizing division between *azlam* (regime loyalists) and *thuwar* (anti-Qaddafi revolutionaries) prevails." Ibrahim Fraihat, *Unfinished Revolutions: Yemen, Libya, and Tunisia after the Arab Spring* (New Haven: Yale University Press, 2016), p. 24.

36   Tawfik emphasizes the importance of transparency and of society participating in the drafting and implementation of transitional justice legislation. She notes that "the National Unity Law that established the Truth and Reconciliation Committee was totally revised seven times. Three hundred amendments were made to the first draft after months of consultations in public conferences, ministerial meetings, and sessions of the Parliament's Justice Committee running to some 130 hours, as well as hearings drawn on by this Committee in which some victims of violations and their representatives participated and discussions between the Committee and the Parliament. Transparency and participation were not only a feature of the drafting process but also of the work of the Reconciliation Committee. It was agreed that the hearings of the Committee and its subcommittees would be public and open to popular participation except in exceptional cases where considerations of justice required otherwise." Rawia Tawfik, "Hal ad-Dawla wa'l-Mujtamaʿ fī Miṣr Mustaʿiddān li'l-ʿAdāla al-Intiqāliyya: Durūs min Janūb Afrīqyā," *Siyasat Arabiya*, vol. 6 (January 2014), p. 97.

37   The GNC has adopted this approach in discussion of some legislation, which had a positive effect on the Elections Law and the Public Offices Law as well as the Constitutional Committee Law. Interviews conducted with Ahmed Ghanem, Rule of Law Official at UNSMIL, in Tunis between 2015 and 2017.

38   Meetings with Toubou and Tuareg representatives on the Constitutional Committee in Tunisia and Oman, 2015-2017.

dispute, exacerbated by the article, proved a major impediment to the work of the Constituent Assembly.[39]

III: Opportunities for Transitional Justice in Libya

Most students of transitional justice describe it as a fundamentally political process relying on interlocking efforts by politicians, the state bureaucracy and particularly the judiciary, the security establishment and civil society activists – as well as support from the international community. This author believes that any comprehensive transitional justice in Libya will require several preconditions to be met and agreements to be made both on Libyan soil and between the regional and international powers involved.[40] There are perhaps four basic requirements: a stable constitutional regime valorising transitional justice; a single unified set of state institutions; a set of important reconciliations on the ground; and a national consensus on the ideal transitional justice program.

The first requirement is, theoretically, close at hand. After a monumental effort, the Constituent Assembly has managed to produce a draft constitution meeting the difficult conditions for ratification.[41] All that is needed now is the political will to successfully hold a referendum allowing the constitution to be formally adopted. The final draft of the constitution makes limited reference to transitional justice: only Article 181, a relatively short article within Section 11 (Provisions for Transition) is directly pertinent. This article stipulates that:

"1) The state shall undertake to implement transitional justice measures; a law shall be issued to govern fact-finding, compensation for harm done, accountability, and examination of institutions.

2) A Transitional Justice and Reconciliation Commission shall be created whose composition shall be determined by law in a fashion guaranteeing representation for all the constituent communities of Libyan society, neutrality, independence and competence, [and establishing] the duration of its work; [this Commission] shall undertake to design and implement transitional justice programs as part of a comprehensive national reconciliation."

This article is imperative because it commits the state to the requirements of transitional justice and the creation of an independent institution for this purpose. Also important is the stipulation that all segments of Libyan society should be represented in order to ensure the process's social legitimacy, that this body should be independent, and that its work should be explicitly linked to a comprehensive national reconciliation.

Alongside this article there are several others of significant relevance to transitional justice. Article 36 (Crimes Against Humanity), for example, which prohibits all forms of behaviour constituting crimes against humanity, war crimes, genocide or terror, stipulates that there is no statute of limitations on such crimes and that they are excluded from any amnesty. This may limit the Transitional Justice Commission's ability to use pardons to put the past to rest and move

---

39   The author participated in several meetings held in in Oman and Tunisia under the auspices of the UN and other international organisations in order to solve disputes between different groups. The rights of ethnic minorities (known in Libyan political discourse as "linguistic constituent communities", *mukawwināt lughawiyya*) were the most important source of these disputes.

40   Azmi Bishara rightly notes that reduced US involvement has had important negative repercussions for Libya: "The United States continues to greatly regret its choice to intervene militarily, because it would have preferred stability under Gaddafi to the chaos that has since emerged. Since the war the US has not taken any steps to strengthen the fledgling democracy. It was swept into an aerial intervention against the Libyan regime, but quickly realised that the alternative was instability and the spread of Islamist forces, leaving the field to the European countries." Bishara, p. 21. The US has contented itself with piecemeal programs supporting civil society and the rule of law or promoting civil culture and minority rights, largely leaving the political process to the UN and European and regional forces; this has had negative effects thanks to the conflicting interests of these powers.

41   Because of political power struggles, the Constitutional Declaration and its amendments include certain exceedingly strict conditions unprecedented in other constitutional processes, whether in periods of democratic transition or under stable political regimes. The 60 seats on the Commission were divided equally between the three historic regions: Cyrenaica (East), Tripoli (West), and Fezzan (South). Some seats were also reserved for women and the three linguistic minority communities (the Amazigh, Tuareg, and Toubou). The Declaration requires the agreement of these communities "in respect of any provisions concerning them". Adoption of the new constitution likewise requires a two-thirds majority of delegates followed by a two-thirds majority vote of citizens in a popular referendum.

forward. Article 61 (The Right to a Trial), meanwhile, guarantees all citizens the right to legal recourse and to a fair trial before a lawful and appropriate judge (*qāḍin ṭabīʿiyy*), and states that no law or government decision is exempted from judicial oversight: "nor shall any behaviour that prejudices or threatens rights or freedoms be excluded [therefrom]." Article 62 provides for a number of other guarantees including presumption of innocence and forbids extrajudicial punishment as well as stipulating that "no violation shall command punishment or sentence prejudicial to liberty except those acts committed after this law enters into force; any punishment shall be personal and appropriate to the crime and its perpetrator." Article 182 (Reconstruction) stipulates that "the state shall give priority in its programs to the reconstruction of those cities and villages that have suffered the effects of military activities and armed conflict, depending on urgency, in a fashion accounting for development requirements country-wide; the state shall create the necessary mechanisms for this." It is also important to note that the draft constitution does not provide for the exclusion of the old regime's supporters: the drafters considered it more important to create a document that could unite Libyans rather than dividing them.[42]

Once the constitutional structure is in place political divisions on the ground must cease. In order to pave the way for transitional justice it is urgently necessary to unify the institutions of the state, particularly the three "sovereign institutions" (*muʾassasāt siyādiyya*): the army, the police, and the judiciary. Barring this, fragmented institutions and militia barbarity will mean that any attempts to implement transitional justice will be dead on arrival. Alongside political will, transitional justice requires a stable political and security situation allowing the country to rebuild, move the reconciliation process forward and consolidate the rule of law. Transitional justice cannot exist without stability and peace. It is impossible to imagine a functioning judiciary in a country where the state does not control the security situation. The courts cannot go about their business when there is no

guarantee that judges will be safe or that judgements will be executed. This will require a coordinated effort to address the paramilitary problem. As it stands there are many distinct armed groups, and although some are formally affiliated with official bodies (the Ministry of Defence, the Interior Ministry), this affiliation is typically superficial, a means of gaining legitimacy: in practice the state has no effective control over any of these groups.[43]

It is also important that we learn from transitional justice programs implemented in the global south in countries suffering similar problems to those of Libya. With such a complicated situation and such weak state institutions we cannot afford to reinvent the wheel. The South African experience stands out here as a ground-breaking experiment in terms of both the mechanisms employed and the results achieved. This has been recognised by both Tunisia and Morocco. "The Tunisian Ministry for Human Rights and Transitional Justice sought the help of the South African Ministry of Justice in forming a committee along the lines of the Truth and Reconciliation Committee created in South Africa in 1995. In 2003, Morocco established its own Justice and Reconciliation Commission to investigate human rights violations between 1956 and 1999."[44]

Thereafter a comprehensive program of transitional justice will require a series of reconciliations: political, social, economic and ethnic. A political reconciliation between those who supported the Revolution and those who supported Gaddafi, helping to mend a social fabric torn apart by violent political factionalism. A social reconciliation bringing together tribes or cities that have fought bloody conflicts with one another and addresses the attendant population displacement, providing a final and comprehensive solution to divisions within the body politic. An economic reconciliation between those deprived of wealth and power and those elites who have monopolised it whether under Gaddafi or after the February Revolution – and returning stolen assets to the public purse, allowing the state to compensate

---

42 Personal interviews conducted with members of the Constituent Assembly Constituent Commission, 2015-2018.

43 Al Kout, p. 140.

44 Tawfik, p. 91.

those in greatest need.[45] And an ethnic reconciliation between the different communities (Arab, Amazigh, Touareg, Toubou and others) ending injustice and putting into practice the principles of citizenship and equality. Integrating different tribal, religious and ethnic groups is a key prerequisite of unity and justice.

Finally there must be a political will conscious of the importance of transitional justice for a stable state and society.[46] Passing laws is not in itself enough if the state does not put all its energy into the transitional process. This will be followed by national consensus on transitional justice and its importance to individuals, communities and society as a whole, and emphasis on the importance of societal participation in law-making. Laws must be drafted with universal participation in such a way that they reflect in-depth national discussions: any transitional justice project must be a national project bringing everyone together. Before being drafted and imposed by the legislature any law must be inspected and discussed by all sections of society – by civil society organisations, victims' associations and families, activists and experts – before mechanisms are developed appropriate to the specific features of the Libyan situation.

The idea, aims and mechanisms of transitional justice must also be explained to tribal, religious and local leaders so that they can pass them on in turn to the public. Tribal sheikhs and notables enjoy a prominent position in Libyan society, particularly outside big cities; religion likewise plays an important role in Libyans' lives and prominent religious personalities will be able to attract the support of broad swathes of society. It is also important to win the backing of academics, writers, media figures and opinion leaders. Failure to do so has scuppered several transitional justice programs in recent years.

As far as implementation is concerned, it must be emphasised that transitional justice is a comprehensive system – that the parameters of every part must be laid out in such a way that no individual part contradicts either the system as a whole or any other individual part. Truth committees must have total independence. This can be achieved by making sure that civil society organisations form a significant part of their makeup[47] and choose their representatives independently, as well as by making sure that a quorum is required to take decisions, ensuring that these representatives cannot be marginalised. Sources of funding that do not depend on the agreement of particular government bodies must be guaranteed by law, and the committees must be allowed to determine their own internal procedure, with the law obliging them to be entirely open and transparent except in exceptional circumstances where secrecy is necessary to protect those appearing before them. They must also be obliged to publish their findings directly rather than passing them on to administrative, parliamentary or judicial bodies. And the law must provide for mechanisms by which these findings can be developed into practical measures – either by referring cases to the judiciary or providing compensation – and ensure that state bodies will carry out these measures, putting in place appropriate penalties to deter non-compliance.

Truth committees should also have priority in investigating complaints, disputes and cases relevant to transitional justice and involving violations and crimes that fall within its remit. Only civilian courts should have jurisdiction in such cases, regardless of the identity of the perpetrators or the circumstances in which they took place. It would also be sensible to create a mechanism to oversee supplementary investigations carried out by the Public Prosecutor's Office or investigating judges, involving representatives of the truth committees and civil society; complaints and testimony submitted via this mechanism should then be referred to a higher judicial body capable of intervening to correct the course of investigations or trials if necessary.

---

45   It is important that a balance is struck between getting back embezzled money and reassuring local businessmen that their property is safe. Here it may be useful to draw on the Tunisian experience of transitional justice. Some of the measures adopted in Tunisia allowed public money to escape, with negative repercussions for the Tunisian economy despite the relative success of the transitional justice process. See: Redissi, p. 13-14.

46   The lack of political will torpedoed nascent attempts to create a transitional justice system in Egypt after the ouster of Mubarak. For more detail see: Reem Abou El-Fadl, "Beyond Conventional Transitional Justice: Egypt's 2011 Revolution and the Absence of Political Will," *The International Journal of Transitional Justice*, vol. 6 (2012) p. 318-330

47   The Moroccan transitional justice process shows the importance of the role played by truth committees in redressing harm and consolidating and strengthening political reform. See: Kamal Abdellatif, "al-ʿAdāla al-Intiqāliyya waʾt-Taḥawwulāt as-Siyāsiyya fīʾl-Maghrib: Tajribat Hayʾat al-Inṣāf waʾl-Muṣālaḥa," *Siyasat Arabiya*, vol. 5 (November 2013), p. 97-100.

With regard to compensation and redress, assessing material and psychological compensation for harm caused to victims or their relatives should be the responsibility of truth committees or an independent commission formed for this purpose. Compensation set by truth committees or the independent commission should be implementable without approval from any executive, legislative or judicial body; the state should provide the necessary funding out of its budget.

An independent body should also be created comprising representatives of the people as a whole and of civil society organisations, in order to produce plans for the reform and restructuring of state institutions relevant to transitional justice and establish a timeframe for their implementation. This body should also investigate corruption cases and establish what measures should be taken in respect of them – including criminal proceedings or internal disciplinary measures. It should have the power to propose new laws necessary for it to achieve its goals and submit them directly to the legislature. And its decisions (but not its proposed laws) should be binding on government entities even without approval from the executive or the legislature, with non-compliance punishable by law.

If all these conditions are met, the groundwork will be laid for a successful, integrated program of transitional justice ushering in a united, independent and democratic Libya in which the law is sovereign. As the conflict deteriorates and ever more appalling crimes are committed, political and social stability is inconceivable without citizens supporting a comprehensive plan putting the past to rest and effective measures to prevent these crimes from happening again under the new state's institutions. If Libya is successful, then its model will serve as a beacon to other countries in the region entering post-conflict periods.

Sources

Arabic

Abdelkarim, Moulay Ahmed Moulay. "al-Usus al-Falsafiyya li-Mafhūm al-ʿAdāla al-Intiqāliyya." *Tabayyun.* vol. 11. (July 2013).

Abdellatif, Kamal. "al-ʿAdāla al-Intiqāliyya wa't-Taḥawwulāt as-Siyāsiyya fī'l-Maghrib: Tajribat Hayʾat al-Inṣāf wa'l-Muṣālaḥa." *Siyasat Arabiya.* vol. 5. (November 2013).

Ahmida, Ali Abdullatif. *Dawla Mā Baʿd al-Istiʿmār wa't-Taḥawwulāt al-Ijtimaʿiyya fī Lībiyā.* Doha and Beirut: ACRPS, 2012.

Al Kout, Bashir Ali. "Furaṣ Taḥqīq al-ʿAdāla al-Intiqāliyya wa'l-Muḥākama al-ʿĀdila fī Lībiya fī Ẓill at-Taḥawwulāt ar-Rāhina." *al-Ijtihād al-Qaḍāʾiyy.* vol. 3. no. 13 (December 2016).

Belkouch, Habib. "al-ʿAdāla al-Intiqāliyya wa'l-Intiqāl ad-Dimuqrāṭiyy fī's-Siyāq al-ʿArabiyy." *Siyasat Arabiya.* vol. 18. (January 2016).

Bishara, Azmi. "Mulāḥaẓāt ʿan al-ʿĀmil al-Khārijiyy fī'l-Intiqāl ad-Dimuqrāṭiyy." *Siyasat Arabiya.* vol. 38. (May 2019).

Moudden, Abdelhay. "al-ʿAdāla al-Intiqāliyya wa's-Sulṭawiyya al-Mulabrala: Namūdhaj al-Maghrib." *Omran.* vol. 5. (2013).

Redissi, Hamadi. "Tūnis Bayn Tadʿīm ad-Dīmuqrāṭiyā wa-Tafakkuk ad-Dawla." *Siyasat Arabiya.* vol. 18. (January 2016).

Tawfik, Rawia. "Hal ad-Dawla wa'l-Mujtamaʿ fī Miṣr Mustaʿiddān li'l-ʿAdāla al-Intiqāliyya: Durūs min Janūb Afrīqiyā." *Siyasat Arabiya.* vol. 6. (January 2014).

English

Abou El-Fadl, Reem. "Beyond Conventional Transitional Justice Egypt's 2011 Revolution and the Absence of Political Will." *The International Journal of Transitional Justice*. vol 6. (2012).

Diver, Alice & Jacinta Miller (eds.). *Justiciability of Human Rights Law in Domestic Jurisdictions*. Cham, Switzerland: Springer International Publishing, 2016.

Erdağ, Ramazan. *Libya in the Arab Spring: From Revolution to Insecurity*. New York: Palgrave Macmillan, 2016.

Fraihat, Ibrahim. *Unfinished Revolutions: Yemen, Libya, and Tunisia after the Arab Spring*. New Haven: Yale University Press, 2016.

Hüsken, Thomas. *Tribal Politics in the Borderland of Egypt and Libya*. New York: Palgrave Macmillan, 2019.

Human Rights Watch. "Libya: Events of 2018," in: *World Report 2019*, 22 September 2018.

International Crisis Group. "Restoring UN Leadership of Libya's Peace Process." 18 September 2017.

Langer, Arnim & Graham K. Brown (eds.). *Building Sustainable Peace: Timing and Sequencing of Post-Conflict Reconstruction and Peacebuilding*. New York: Oxford University Press, 2016.

Megerisi, Tarek. *Libya's Global Civil War. Policy Brief.* European Council on Foreign Relations, June 2019.

Pankhurst, Donna. "Issues of Justice and Reconciliation in Complex Political Emergencies: Conceptualising Reconciliation, Justice and Peace." Third World Quarterly. vol. 20. no. 1 (1999).

Scheper-Hughes, Nancy. *Violence in War and Peace*. Oxford: Blackwell, 2004.

Teitel, Ruti G. *Transitional Justice*. New York: Oxford University Press, 2000.

UNHRC. *Abuse Behind Bars: Arbitrary and unlawful detention in Libya*. April 2018.

Arabic Origins of the Foundational Myth of Western Identity:
Between Histories of the Conquest of America and the Conquest of Andalusia[1]

Mohamed Abdelrahman Hassan[2]

The history of the conquest of America has constituted a primary source of self-perception and identity formation for Western nations, feeding their imagined superiority over the other nations of the world. This comparative study shows that modern Western historical knowledge is linked much more closely to Arab knowledge than it is to a pure Greco-Roman origin, contrary to the commonly accepted idea in contemporary Western thought. It compares the work of Spanish historians on the conquest of America in the sixteenth century CE with Arab texts concerning the conquest of Andalusia written in the 9th and 10th centuries AH, drawing out similarities between the two stories. It concludes that the narrative of the conquest of America is a copy of the Andalusia conquest narrative, reclaimed by the Spanish at the beginning of the modern era. It thus affirms the diverse origins of western knowledge against the claim that it is purely Greco-Roman.

Conquest of America   Conquest of Andalusia   Recurring Themes   Western Identity

Many Western historians consider the conquest of America the greatest event of modern history. This story has been spun into a tale closer to fiction, in which it is claimed that just five hundred men conquered the huge kingdom of Mexico that ruled over millions of people.[3] The historian Francisco López de Gómara (1511-1566), the first to record the history of the conquest and the biography of the leading Spanish conquistador Hernàn Cortés (1485-1547), wrote: "The conquest of Mexico and the conversion of the peoples of New Spain can and should be included in the histories of the world, not only because it was well done but because it was very great."[4] In the same biography, he ends up describing the conquest of America as "the greatest event since the creation of the world."[5] Commenting on the conquest of Mexico in addition to the conquest of Peru, the

Spanish historian Antonio de Solís (1610-1669) also wrote that what happened was "wholly incompatible with the sincerity of history, and even in a romance would surpass the exaggeration and the license of fable itself."[6] Subsequently, the English historian William Robertson (1721-1793) wrote of the Pizarro brothers, to whom he attributed to the conquest of Peru, referring to them as "extraordinary men" because they defeated "one of the greatest kingdoms of the world."[7]

Commenting on this glorification of conquest, contemporary American historian Matthew Restall says that during the sixteenth century, the story of the conquest created what might be called the "Cortés cult" in Europe, stating that "admirers travelled like pilgrims to Cortés' residence in Spain. the Cortés cult was further stimulated by Gómara's hagiography of

---

3   The study focuses on the extent to which two versions of a specific type of historical discourse – the Spanish discourse of conquest at the beginning of the modern era and the Arabs' discourse in the Middle Ages – overlap. It is thus not concerned with whether the process by which the Spanish took control of the Americas is best considered a "conquest" or an "invasion" or an "encounter", as some Western historians prefer to call it.

4   Francisco López de Gómara, *Cortés, The Life of the Conqueror by his Secretary, Lesley Byrd Simpson* (Trans., ed.) (Berkely & Los Angles: University of California Press, 1966), p. 4.

5   David A. Brading, *The First America: The Spanish Monarchy, Creole Patriots and the Liberal State* 1492-1876 (Cambridge: Cambridge University Press, 1998), p. 46.

6   Antonio De Solis, *History of the Conquest of Mexico by the Spaniards, Thomas Townsend* (trans.), vol. 1 (London: John Osborn, 1738), p. 457.

7   William Robertson, *The History of America*, vol. 3 (London: W. Strahan, 1739), pp. 3-5.

Arabic Origins of the Foundational Myth of Western Identity:
Between Histories of the Conquest of America and the Conquest of Andalusia

Articles

1552 – that the crown attempted to suppress too" because Cortés's rising stature threatened the position of the king himself.[8] To understand the relevance of this story to Arab and Islamic history requires a brief description of the circumstances in which it took place. It is closely related to the Arab-Islamic presence in Andalusia, which lasted nine hundred years beginning from the Arab conquest in 92 AH/711 AD through to their departure between 1609 and 1614. Arab and Muslim Andalusians lived through the conquest of America in Spain and remained Spanish citizens for nearly a century after the conquest.[9]

Brief Historical Background to the Spanish Conquest of America

In 1492, Fernando and Isabella, the king and queen of Aragon and Castile who united their kingdoms with their marriage, seized the Kingdom of Granada, the last of the Andalusian Muslim kingdoms. In the same year Christopher Columbus chanced upon America on his way to India, after fighting as a crusader in the war against the Muslims of Granada.[10] Upon his arrival in America, the King of Spain asked the Pope to grant him that continent on the basis of the European idea of "discovery", requiring the presentation of a story demonstrating their arrival upon "a new land." On 4 May 1493, Pope Alexander VI (1431-1503) issued a papal bull granting America to Spain. The decree divided the "new" territories of the world between Portugal and Spain, the two most powerful European countries at that time, granting the lands to the west of the 100th meridian to Spain, and the lands east of it to Portugal.

Subsequently, Spanish immigrants flocked to America, and their numbers increased. On 1 April 1520, an unidentified Spanish leader, Hernan Cortés sent a letter to the King of Spain, Charles V (1500-1558), informing him that in 1519 he had "discovered" a country, called Yucatan by its residents, on the American continent.[11] The Spanish had claimed what is today Mexico, calling it "New Spain". A second letter arrived from Cortés in August 1521, informing the king that he had conquered the country inhabited by the Aztecs. Those letters detailing the story of Yucatan, and the gold and silver that Cortés sent with them, led the king of Spain to name Cortés ruler of Mexico in 1522. This story would change everything for the continent and for the entire world. A race to conquer the world began among the countries of Western Europe, a race which continued throughout the modern era. Here lies the importance of the story to the history of the modern world.

Theoretical and Methodological Framework

The historical sources of the discourse surrounding the conquest of America are important for several reasons. The first is that this discourse formulated concepts and justified practices that made European global hegemony in the modern era possible. According to historian Matthew Restall, European claims about their right to spread their civilization were based on "the myth of Spanish superiority, a subset of the larger myth of European superiority and the nexus of racist ideologies that underpinned colonial expansion from the late fifteenth to early twentieth centuries."[12]

Studying this discourse contributes to an understanding of how modern European discourse on conquest developed, and how it rendered the peoples

---

8   Mathew Restall, *Seven Myths of the Spanish Conquest* (Oxford: Oxford University Press, 2003), p. 12.

9   Most Arabic texts agree that the conquest of Andalusia was in the year 92 AH, differing over the month. Ibn Abd-El-Hakam says that it happened in Shaʿban, see: bn Abd-El-Hakam, *History of the Conquest of Spain*, John Harris Jones (ed.) (Guttenberg-London: John Harris Jones, 1858), p. 9; While Ibn al-Qūṭiyya says that it happened in Ramadan, see: Abu Bakr Muḥammad Ibn ʿUmar Ibn al-Qūṭiyya, *Ta'rikh Iftitāḥ al-Andalus* (History of the Conquest of Al-Andalus) (Cairo: Dār al-Kitāb al-Maṣrī; Beirut: Dār al-Kitāb al-Libnānī, 1989), p. 33.

10   Christopher Columbus, *The Log*, Robert H. Fuson (trans.) (Camden-Maine: International Marine Publishing, 1992), p. 51.

11   Cortés sent his letter, which arrived late, on 10 July 1519, to Queen Joanna and her son Charles V:

Hernando Cortés, *Letters from Mexico*, Anthony Pagden (trans.) (New Haven & London: Yale University Press, 1986), pp. 3-46.

12   Restall, p. xix.

Arabic Origins of the Foundational Myth of Western Identity:
Between Histories of the Conquest of America and the Conquest of Andalusia

Articles

of the world, along with their lands and wealth, the object of description that allowed Europeans to control them. It demonstrates the extent to which this discourse has contributed to the development of the contemporary Western system of knowledge, based on the distinction between Western nations as "modern societies" and non-European nations as "traditional societies". By inventing a historical stage, called "modernity", the old distinction between Europeans and non-Europeans that was used in the "age of discovery" on racial grounds was reproduced, but in the form of historical knowledge cloaked in the veil of science and objectivity.

For non-European nations, the European conquest discourse is important because it implanted a willingness to submit to the invaders in the peoples who were conquered, portraying them negatively in their own eyes, as impotent societies. The western-educated elites embraced those stories spinning a miraculous tale of European invaders as culturally superior and spread them among subsequent generations through modern educational and cultural institutions. It has instilled a culture of dependency that requires great effort to change to this day.

The study highlights the importance of Arab historical knowledge to critique of Eurocentrism in modern history. This is a critique that is developing today in several regions of the world, the most important of which is Latin America.[13] The departure from the narrow, specialized historical perspective that examines fragmented parts from the past, to a comprehensive perspective that rethinks contemporary issues, such as the rise of civilizations, the history of modern times, and the role of knowledge in controlling peoples, does not find much interest from those involved in the study of Arab history. This study attempts to draw attention to the ability of Arab historical studies to enrich this growing effort today in the global south.

From a terminological perspective, the conquest of America means the totality of conquests and invasions that took place in the period 1520-1535, whereby kingdoms such as the Aztecs in Mexico and the Incas in Peru were taken over. After Cortés,

other Spaniards from America sent letters to the king, which included similar stories about their conquests of kingdoms neighbouring Mexico. The Pizarro brothers wrote the story of the conquest of Peru, and the Alvarado brothers wrote the story of the conquest of Guatemala. The conquest of Mexico is the most prominent example among these stories, and so the study uses the term "conquest of America" or "conquest of Mexico" interchangeably. The only difference is that the first describes the general wider context of the conquest, while the second describes the finer details of events.

The main question posed by this study is: What are the sources of historical knowledge within which the story of the conquest of America has been developed and given a central place in modern European conquest discourse? The answer should be that the Arab historical knowledge that developed in Andalusia, especially that which dealt with the conquest event, formed the basis for the Spanish historical imagination that shaped the story of the conquest of America. This premise, which is based on the assumption that its historical knowledge contributes to its production of collective imagination and memory, is justified by two historical observations, the first historical and the second social. Historically, the sixteenth century in which the history of the conquest of America was written was dominated by the Spanish preoccupation with the escalation of new Islamic influence, exemplified by the appearance of Ottoman fleets in the Mediterranean basin. The Muslims of Andalusia were still living in Spain and had not yet been expelled, so there was a looming threat of internal revolts supported by the Turkish armies that controlled the southern coast of the Mediterranean, who invaded Egypt in 1517 and then Algeria in 1518 – just a year before Spain invaded America. The Turks also threatened the southern coasts of Spain and Portugal, competing with Portugal for influence over the Indian Ocean region, occupying Yemen, and approaching India.[14] Socially, it has been noted that societies' knowledge of itself and its perception of its history are closely related to the collective imagination that inspires its dealings with others. Because Andalusian culture prevailed in the Iberian

---

13   The most representative contemporary intellectual trend regarding this approach is the De-coloniality Project. See: Walter D. Mignolo & Arturo Escobar (eds.), *Globalization and the Decolonial Option* (New York: Routldge, 2010).

14   Turkey was not absent from what the Europeans call "the age of discovery," and for a modern view on this subject, see Chapter 1 in: Giancarlo Casale, *The Ottoman Age of Exploration* (New York: Oxford University Press, 2010).

Arabic Origins of the Foundational Myth of Western Identity:
Between Histories of the Conquest of America and the Conquest of Andalusia

Articles

Peninsula for a period of nearly a thousand years, it continued even after the Muslim exodus in 1614. Culture cannot just be packed away and transported upon physical departure, so its influence on the Spanish imagination, and their historical memory, persisted beyond the time it took to write the story behind the conquest of America.

To analyse historical discourse, the study relies on a trans-disciplinary approach fusing critical historicism and the "Study of Topoi" – the analysis of recurring themes in the study of contemporary historical discourse to extract a system of narrative elements that appear repeatedly in various historical texts. Since the beginning of the second half of the twentieth century, research has developed in the narrative nature of fields neighbouring literature, especially mythology and history. The critic Northrop Frye was the first to link literary study with narrative knowledge, indicating the influence of certain literary methods in organizing Western narrative knowledge.[15] Hayden White went further to distinguish between the plot and the story, in an analysis of a considerable sample of historical texts.[16] He demonstrated the parallels with different literary genres, such as comedy, tragedy, and novels, instigating an important shift in the field of historiography, which argued that the task of historians is to produce a story that explains the succession of certain events, controlled by a limited number of narrative patterns.

The German Islamic studies academic Albrecht Noth has developed an analysis of recurrent themes in the texts of Muslim historians, based on the perception that they were reproducing narrative elements from ancient texts when they needed to include an event in their texts and did not have enough information about it to fill a void that their neglect of the event

might have caused.[17] Thomas Sizgorich then used the same approach to study the texts in which Muslim historians formulated positive images of social actors, such as reformers and Sufis, as well as conquerors.[18] The feasibility of this approach is evident in its ability to investigate the relationships between contiguous discourses over long periods, as in the case of discourses surrounding the north and south of the Mediterranean's conquests studied here.

There are very few studies of topoi in Islamic texts by Westerners or indeed by Arabs that might serve as an example. One of these is the work of Nicola Clarke, who notes that Western academics' attitudes to Arabic-language histories of Islam either denigrate them or assign them only limited value.[19] Many such academics consider the repetitive nature of Arab history-writing to prevent it from being taken a source of historical knowledge, because, "it speaks to us through the use of persistent topoi and abstracted, stylized, narratives. And it certainly is fraught with a considerable amount of fiction."[20] They argue that conquest histories can be reduced to only limited facts of a general nature, and that the details of events, and the opinions of those who are said to have lived through them, do not add anything.[21] This is a position that pre-conceives a distinction between Arab historical knowledge – not scientific because it is based on topoi – and Western knowledge – considered scientific despite being no less dependent on topoi – as the analysis of the conquest of America discourse below will explain.

---

15   Fry identified four narrative styles: Romantic, Tragedy, Comic, and Paradox. He linked them to the four seasons in the first chapter of: Northrop Frye, *Anatomy of Criticism: Four Essays* (Princeton & Oxford: Princeton University Press, 2000).

16   Hayden White, "Interpretation in History," *New Literary History*, vol. 4, no. 2, On interpretation: II (Winter 1973), pp. 295-297.

17   Albrecht Noth, *The Early Arabic Historical Tradition: A Source Critical Study* (New York: Darwin, 1994).

18   Thomas Sizgorich, *Violence and Belief in Late Antiquity: Militant Devotion in Christianity and Islam* (Pennsylvania: University of Pennsylvania Press, 2009), p. 217.

19   Nicolas Clark takes the example of Patricia Crone, who argues that the Arabic texts reflect the concerns of the ninth and tenth centuries AD in which they were written, and not the events of the seventh century about which they are written, considering them a fabrication; Nikola believes that Stefan Leder can also be ranked alongside Crone. See the introduction of: Nicola Clarke, *The Muslim Conquest of Iberia: Medieval Arabic Narratives* (New York: Routledge, 2012).

20   See: Shoshan Boaz, *The Arabic Historical Tradition and Early Islamic Conquests: Folklore, Tribal Lore, Holy War* (New York: Routledge, 2016), Introduction.

21   Ibid. p.4.

Arabic Origins of the Foundational Myth of Western Identity:
Between Histories of the Conquest of America and the Conquest of Andalusia

Articles

Narrative Elements in the History of the Conquest of Andalusia Reproduced in the History of the Conquest of America

Since the study seeks to draw out the sources of the conquest story told by Western historians, it will first look to the conquest of America before turning to its Andalusian counterpart.[22] The story develops over four stages, each of which comprises an important shift. The first and second stages both lay the groundwork for the conquest, with the first reinforcing the superiority of the invaders with their advanced intelligence and civilization, and the second affirming the moral depravity of the natives. These two stages prepare the reader for the image of the invaders as exceptional individuals whose actions are positive, while natives are passive, unable to take action. In this way, it prepares for the third stage, in which the conquest begins at the level of symbolic acts. This is then followed by the fourth, practical stage, culminating in the consolidation of Spanish control over Mexico. This study will compare two major stories from the third stage. It lists an element from the first stage — the only one that Arab historians have noticed in the two stories — which is the burning of ships by both leaders of the conquests, Tariq Ibn Ziyad and Cortés.[23]

Shortly after the Spanish soldiers landed on the coast of Mexico, some of them revolted, because Cortés began to contravene his direct commander, the ruler of Cuba, so they demanded to return. The historians' texts on the conquest say that Cortés resolved the rebellion with a rare genius. In his letter to the king, he explained his actions, saying: "Believing, therefore, that if the ships remained there would be a rebellion, and once all those who had resolved to go had gone I would be left almost alone, whereby all that in the name of God and of Your Highness has been accomplished in this land would have been

prevented, I devised a plan which left the ships unfit to sail, I grounded them, so they lost all hope for escape and I advanced safely."[24] Then Bernal Diaz (1496-1584), who was a soldier in and wrote about the campaign, added that Cortés, having destroyed the ships, addressed his soldiers, saying: "we could look for no help or assistance except from God, for now we had no ships in which to return to Cuba. Therefore we must rely on our own good swords and stout hearts."[25] The historian Cervantes Salazar says that Cortés burned his ships, contradicting Cortés and his companion Diaz's attestations that the ships were sunk. This assertion was supported by Spanish historian, Joseph de Acosta (1540-1600) who wrote that Cortés "ha[d] burnt his ships, and shut himself in the midst of his enemies, there to vanquish or to die."[26]

The Arabic texts, meanwhile, report that after landing on the Andalusian coast the Arabs accompanying Tariq Ibn Ziyad became suspicious of him and his soldiers because he had begun to act without the permission of his superior, the governor of Morocco Musa ibn Nusayr. They thus demanded that they be allowed to go home. To avoid this, Tariq burned the entire campaign fleet and, according to some historians, then addressed the Arabs, urging them to win or they would die, so the soldiers were united and determined to meet the army of Visigoths who were ruling Andalusia at the time.[27] This was reported by a number of historians, most notably al-Himyari, in the context of his description of Gibraltar. He said: "It was named Jabal Tariq [Tariq's Mountain] because when Tariq bin Abdullah made the crossing with the Amazigh who were with him, he took up a fortified position on this mountain. He guessed that the Arabs would not take him down and he wanted to clear

---

22   Contrary to the texts of Ibn Abd al-Hakam and Ibn Habib written in the ninth century AD, and the text of Ibn al-Qūṭiyya written in the tenth century AD, some Arabic texts used here were written after the eleventh century CE, but most of its historical material is taken from the texts of the ninth and tenth centuries.

23   Muḥammad ʿAbdullah ʿAnān refers to this correlation in passing. See: Muḥammad ʿAbdullah ʿAnān, *Dawlat al-Islām fī al-Andalus: min al-Fatḥ ila ʿAhd an-Nāṣir* (Cairo: Maktabat al-Khānijī, 1988) p. 49.

24   Cortés, p. 52.

25   Bernal Díaz, *The History of the Conquest of New Spain*, John M. Cohen (trans.) (England: Penguin, 1963), p. 131.

26   Joseph de Acosta, *The Natural & Moral History of the Indies, Edward Grimestone* (trans.), Clements Robert Markham (ed.), vol. 2 (London: The Hakluyt Society, 1880), p. 520.

27   ʿAbd al-Ḥalīm ʿUways believes that Tariq's burning of his ships was not mentioned by historians of the Egyptian school, such as Ibn Habib, nor by historians of the Andalusian school, such as Ibn al-Qūṭiyya and Ibn Abd Al-Hakam, but that it was only reported by Al-Idrisi and his contemporary Ibn al-Kardabūs, and that al-Himyari was late to relay Al-Idrisi, see: ʿAbd al-Ḥalīm ʿUways, Qaḍiyyat Iḥrāq Ṭāriq Bin Ziyād li ʾs-Sufun bayn al-Usṭūra wa ʾt-Tarīkh (Cairo: Dār al-Ṣaḥwa li'n-Nashr, 1987), p. 6-7.

Arabic Origins of the Foundational Myth of Western Identity:
Between Histories of the Conquest of America and the Conquest of Andalusia

Articles

himself of the charge, so he ordered the burning of the boats he had arrived in and he was exonerated from that of which he was accused."[28] Al-Idrisi also wrote of Gibraltar, "It was called Jabal Tariq because of Tariq bin Abdullah bin Wanamu al-Zanati, who allowed the Amazigh to fortify themselves on the mountain and felt that the Arabs did not trust him, so, wanting to change that, he ordered the burning of the boats that he arrived in and he was exonerated from that of which he was accused."[29]

It is clear that the incident of burning ships in the conquest of America is exactly the same as that in the conquest of Andalusia in every detail. In both stories, some soldiers rebel against the commander because he acted without the permission of the governor, his immediate superior; to settle the rebellion, the commander orders self-sabotage, destroying the campaign ships. Some historians of both say that he burned them and then addressed the rebels, claiming there is no way to survive without victory, before they came together and went off to conquer the kingdom. Although the story in the Spanish and Arabic texts perfectly correlates (rebellion, ship burning, a speech, and the soldiers uniting behind their commander), Western historians have instead searched for the historical source of the story of Cortés burning ships in Roman history. American historian William Prescott (1726-1795) links it to a story reported by the English historian Edward Gibbon (1737-1794), in his book *History of the Decline and Fall of the Roman Empire*, in which the Roman commander Julian burns his ships.[30] Although Prescott does not cite the source of the story reported by Gibbon, Julian's campaign, even if its ships were completely burned, has no parallel with the Cortés incident, because the function of the recurrent theme is not represented in just one component — the burning — but rather through various corresponding elements that make up what might be called a "cluster theme."

The story behind the conquest of Mexico includes a build-up to the actual burning — the rebellion caused by the unauthorized conduct of the commander —

and involves a consequent event, the speech, followed by the resulting unification of rebels and soldiers. There are five elements that combine to persuasively function as narrative unity and contribute to the creation of historical truth. All these elements are linked in the same way in the story of Andalusia. Without this kind of logical connection, the isolated incident serves no purpose within the story. More importantly, the burning incident in the story of the Julian campaign is not presented in the wider context of the overarching story of conquest as it is within the story of the conquest of Mexico, or of Andalusia whereby dozens of narrative elements correspond.

The third stage begins with the arrival of the Spaniards to what is now the centre of Mexico City, which was called Tenochtitlan by its inhabitants. They were received by Moctezuma, the King of Mexico at the time, known for his tyranny, and his subjects, and shown great hospitality. Historians say that the Mexicans welcomed the Spaniards because they believed that they did not want to settle in their kingdom, and that they would return only to obtain gold. And because gold did not have much value for the Mexicans, this was not much cause for concern. This misunderstanding was one of the main factors behind the Spanish victory, as it prevented the Mexicans from mounting a defence of their country. According to the Spanish texts, Cortés was aware of this from the start, reinforcing the Mexicans' belief that he did not wish to seize their kingdom. Gómara wrote that Cortes was telling the Mexicans that he had come to avenge them for the injustice of King Moctezuma, and that he would then return to his country, to avoid the unification of their forces against him.[31] The strength of the Mexicans was thus dispersed and they did not consider fighting him.

In the conquest of Andalusia, the Arabic texts attributed the same behaviour to the Visigoth nobles who made up the military leadership class and provincial rulers of the country. They claimed that one of the reasons for the Muslim victory was the Visigoth belief that Tariq did not want to seize

28   Évariste Lévi-Provençal pointed out that there is another expression used instead of "take him down" in a different version of the al-Himyari narrative, which means "they did not trust him." It is clearer in meaning, and corresponds to the word used by Al-Idrisi, from whom al-Himyari took the account, see: Muḥammad bin ʿAbdullah bin ʿAbd al-Munʿim Al-Ḥimyarī, *Şifāt Jazīrat al-Andalus*, Évariste Lévi-Provençal (ed.), 2nd Print (Beirut: Dār al-Jīl, 1988), p. 75.

29   Muḥammad Bin Muḥammad Bin ʿAbd Allah Al-Idrīsī, *Nuzhat al-Mushtāq fī Ikhtirāq al-Āfāq*, vol. 2 (Cairo: Maktabat ath-Thaqāfa al-Dīniyya, 2002) p. 540.

30   William Prescott H, *History of the Conquest of Mexico*, vol. 1 (Philadelphia: J. B. Lippincott Company, 1873), p. 368.

31   Diego Durán, *History of the Indies of New Spain*, Doris Heyden (trans.) (Norman: Oklahoma University Press, 2009), p. 548.

Arabic Origins of the Foundational Myth of Western Identity:
Between Histories of the Conquest of America and the Conquest of Andalusia

Articles

power, and their confidence that he would be satisfied with the spoils of the invasion, then return to where he came from. They did not think of fighting the Muslims and supporting their king, referred to as Ludric by Arab sources but Rodrigo in the Spanish.[32] For his part, Tariq realized the importance of fostering the confidence of the Visigoth leaders in his disinclination to take over their country, so he assured them that he would return to Africa after helping them to overthrow their oppressive king, who was known for his tyranny. Ibn Idhari wrote about the Visigoth nobles' abandonment of king Rodrigo: "When the Arabs and Amazigh entered with Tariq, Christians surrendered him [Rodrigo] and he was defeated."[33]

Al-Maqqari's records on the Visigoth nobles mentioned that: "Some of them told each other: This *Ibn al-Khabītha* (son of a bitch) has defeated our king, and is not of his family, but rather was one of our vassals, and we are not short of trouble with him. These people who come with Tariq have no need to settle our country, but want to fill their hands with loot then leave us, so let us concede defeat to *Ibn al-Khabītha* when we meet them, and perhaps they will suffice themselves with that. Once they are gone, we will give power to someone who deserves it."[34] Al-Maqqari's text confirms that the leaders of Andalusia did not defend their country as a priori measure when they learned of the arrival of the invaders. Recently, a contemporary historian, David Levering Lewis, noticed the clear similarity between the belief of the Visigoth and Aztec nobles that the invaders would be satisfied with taking the spoils of war, and neither of them fought off the invaders, and that misconception led to the conquest of Andalusia and Mexico. But Lewis did not go beyond his preliminary observation to trace other symmetries in the two stories.[35]

The story of the conquest of America continues with the Spaniards settling in Mexico City, where they began to secretly search for a rumoured colossal treasure, including the riches of former Mexican kings, hidden by Moctezuma in a hidden location. The story was first reported by Gómara, despite not being found in Cortés' letters. He narrates that "While [Cortés] was thus pacing [in Moctezuma's palace], he noticed that one wall of the room was whiter than the others. He approached and saw that it had recently been whitewashed, and that a short while before there had been a doorway in it, now sealed with stone and mortar. He called two servants (the rest of them being asleep, for the hour was very late) and had them open it. He entered and found many rooms, in several of which was a large quantity of idols, feather works, jewels, precious stones, silver, and an astonishing amount of gold, as well as so many lovely things that he was amazed. He closed the door as well as he could and left, without touching anything, so as not to alarm Moctezuma."[36]

Bernal Diaz tells the story differently to Gómara, who attributed the discovery of the treasure to Cortés alone. Because Diaz was a soldier in the campaign, he was keen to assign a role in finding the treasure to the soldiers. He noted that while some of them were walking around Moctezuma's Palace, "two of our men one of whom was the carpenter Alonso Yañez, called attention to some marks on one of the walls which showed that there had once been a door, though it had been well plastered up and painted. Now as we had heard that Montezuma [Moctezuma] kept his father's treasure in this building [...] they mentioned the matter to Cortes. So the door was secretly opened and Cortes went in first with certain captains. When they saw the quantity of golden objects- jewels and plates and ingots- which lay in that chamber they were quite transported. They did not know what to think of such riches."[37] Historian Diego Durán says: "One day the Spaniards' eagerness and hunger for gold led them to a small low door that had been filled in and recently plastered, a mystery that intrigued them. They were ordered to open it, and when they passed through a narrow door they found a spacious

32   Author Unknown, *Akhbār Majmūʿa fī fatḥ al-Andalus wa-Dhikr Umarāʾihā Raḥimahum Allah wa'l-Ḥurūb al-Wāqiʿah baynahum*, Ibrahim al-Abiyari (ed.) (Cairo: Dār al-Kitāb al-Maṣrī; Beirut: Dār al-Kitāb al-Libnānī, 1981) p. 19.

33   Aḥmad Bin Muḥammad Ibn ʿIdhārī, *Al-Bayān Al-Mughrib fī Tarīkh al-Andalus wa'l-Maghrib*, vol. 2 (Beirut: Dār ath-Thaqāfa, 1980) p.3.

34   Aḥmad Bin Muḥammad al-Tilmisānī Al-Maqarrī, *Nafḥ al-Ṭīb min Ghuṣn al-Andalus al-Raṭīb wa Dhikr Wazīrihā Lisān al-Dīn al-Khaṭīb*, vol. 1 (Beirut: Dar al-Kitāb al-ʿIlmiyya, 2012), p. 248.

35   David Levering Lewis, *God's Crucible: Islam and the Making of Europe*, 570-1215 (New York: Norton, 2008), p. 125.

36   Gómara, p. 169.

37   Diaz, p. 242.

Arabic Origins of the Foundational Myth of Western Identity:
Between Histories of the Conquest of America and the Conquest of Andalusia

Articles

chamber in the middle of which stood a pile of gold, jewelry and rich stones, the whole pile as high as the tallest man."[38] When the Spaniards added this hidden treasure to that which they had seized from their campaigns in other provinces, on their way to Mexico city, it formed the sum of all the wealth they had gathered from their conquest of Mexico.

In the Arabic texts on the conquest of Andalusia, Muslims also obtained two treasures. One of them was hidden behind a door, found by Musa Ibn Nusayr when he joined Tariq in Andalusia, and the second was collected by Tariq from the spoils of different cities. Ibn Abd al-Hakam records the news of Musa's treasure by writing: "Abd al-Malik ibn Maslama told that Al-Layth ibn Sa'd said, "When Andalusia was conquered, a man came to Musa bin Nusayr, and said: "Send a party with me and I will lead you to a treasure", so he sent one with him. The man then told them "open here", so they opened it. Then they were flooded with riches of the kinds of peridot and rubies they had never seen before. They were amazed and said that Musa ibn Nusayr did not believe them, so they sent for him to come and see."[39] Ibn Abd al-Hakam did not provide further details about the place behind which it was hidden from the account of Al-Layth ibn Sa'd.

Another historian, Al-Dhahabi, records the narration of Al-Layth ibn Sa'd closely to the text of Ibn Abd al-Hakam, but in more detail: "Musa sent his son Marwan to the army [...], and a man pointed him to a treasure in Andalusia, so they broke open its door, and they were flooded with rubies and peridot that dazzled them."[40] Here, al-Dhahabi mentions a piece of the story neglected by Ibn Abd al-Hakam, which is that the treasure had, or was behind a door. It should be noted that Musa's soldiers did not think he would believe the news of the treasure, so they sent for him to come to see its magnitude. This perfectly mirrors Diaz's reports on the behaviour of the Spanish soldiers when they found the Mexican treasure hidden behind the door. He said that they summoned Cortés so he would come to see it for himself. Thus, the treasure

theme in the texts of historians writing about the conquest of America mirrors what was previously recorded in texts written seven hundred years before Cortés's conquest of Mexico.

This is not everything regarding treasure, as the Arabic texts confirm that Tariq's treasure contained the precious legacy of all the former kings of Andalusia and included part of the treasure of the Prophet Suleiman (King Solomon). Al-Himyari enumerates the contents of the treasure, saying: "among it are a hundred and seventy crowns inlaid with pearls and precious stones, and they found a thousand swords encrusted with royal jewels and piles of pearls and rubies and gold and silver vessels, the type of which could not be described, and the table of Sulaymān Ibn Dawūd."[41] Al-Maqqari says: "Tariq found great treasures in Toledo, including one hundred and seventy crowns of pearls, rubies and precious stones, and a hall full of gold and silver vessels. And it was so huge it was said that the horsemen jousted in it with lances due to its vastness. And it was said that the tableware was made of gold and its platters of jade and onyx, and they mention other things that the beholder can hardly believe."[42]

Just as the Arabic texts revealed that Muslims found treasures that included the swords, crowns and wealth of former Andalusian kings, the American conquest story repeated the same narrative. The Historian Durán provides us with important information about the owners of the hidden Mexican treasure, which included "the treasure that had belonged to all the kings who were his [Moctezuma's] ancestors, which they had deposited there but which could not be used by the present ruler. When a king died, on that very day all his wealth in gold, gems, feathers and weapons and wardrobe were placed in that room and guarded as if they were sacred or divine things. The king who was about to reign would then begin to acquire wealth so that it could not be said he used the treasures of his ancestors. So it was that the treasure was guarded as a testimony to the greatness of the city of Mexico Tenochtitlan."[43] Thus, the American

---

38   Durán, p. 532.

39   Ibn Abd-El-Hakam, p. 6.

40   Muḥammad bin Aḥmad bin ʿUthmān Al-Dhahabi, *Siyar Aʿlām al-Nubalāʾ*, vol. 4 (Beirūt: Muʾassasat al-Risālah, 2001) p. 498.

41   Al-Himyarī, p.131.

42   Al-Maqarrī, p. 159-160.

43   Durán, p. 532.

Arabic Origins of the Foundational Myth of Western Identity:
Between Histories of the Conquest of America and the Conquest of Andalusia

Articles

conquest historians provide a description of the treasure found by Cortés that emulates that of Tariq and Musa's treasure by the Andalus historians: the hidden location, the content that included the legacy of the former kings, and the function of the treasure as a record of royal history.

In the story so far, historians of the conquest of America have not found anything equivalent to Suleiman's table, which was found in the treasure of Andalusia, in the treasure of Mexico. Yet here, Durán allows for a comparison to be drawn by noting that the Spanish found a distinctive four-piece masterpiece among the treasure, which attracted their attention and admiration, and he describes the piece: "The most remarkable were four large platters made to represent fountains. […] In sum, this chamber contained the most amazing wealth ever seen, and the bewildered Spaniards took the gold platters to Cortés as proof of these great riches."[44] Durán describes the most distinguished piece of treasure as a being made of four large platters, which parallels the unique piece of Andalusian treasure that Muslims called Suleiman's table: it too had four legs, and was also discovered with platters.

There is no difference between Muslims likening the Andalusian four-piece with the platters as a table, and the Spanish likening the Mexican one with platters to a fountain. The analogy is metaphorical, and most significant is the description of the piece as being distinguished from the rest of the treasure, while Muslims invented the "table", which was nothing but a church altar inlaid with gems.[45] They believed it to be a table because they found a large number of golden platters and cups with it, which Durán also describes with the Mexican treasure. Meanwhile Gómara expressly stated that the Mexico piece was also a table. He wrote that the treasure contained "a great table service of gold and silver, cups, pitchers, plates..."[46]

All that remains to indicate the perfect symmetry between the two treasures, is for the Spanish texts to claim that the treasure of Mexico is similar to the treasures of King Solomon, as the Muslims did before them. This time, Cortés personally makes the comparison, as he linked Mexico's treasures to King Solomon before his soldiers found it. This is likely to come from ancient knowledge, predating the conquest of America, deeply rooted in the collective memory of the Spaniards. In the first letter to the king of Spain, in which Cortés conveyed the news of his descent from the coast of Mexico before entering deeper, he likened the wealth of Mexico to the treasures of Solomon. Then he conveyed to the king what he had heard about the abundance of in gold and jewels in Mexico City, saying: "We shall endeavor to see and learn the secret of this and other things of which we have heard so that we may render Your Royal Highnesses a true account, as of the wealth in gold and silver and precious stones which Your Majesties may judge according to the samples we are sending. In our view it cannot be doubted there must be in this land as much as in that from which Solomon is said to have taken the gold for the temple."[47] The US historian Prescott likewise notes that the Spanish conquerors drew comparisons between Mexico and King Solomon's treasure.[48]

Thus, all elements of the treasure narratives coincide, forming a cluster theme more complex and interconnected than that of the burning ships. Finally, Gómara, furthers the parallel with Andalusia by adding that, among the treasures of Mexico the King of Spain received: "The Emperor was also given many precious stones, among them a fine emerald as big as the palm of one's hand, square, pointed like a pyramid."[49] And among the Andalusian historians also, the most important pieces of treasure, after the golden table, was a rare big gem, which some called "the orphan of the pearl", indicating its uniqueness, and Al-Himyari mentioned "an unmatched pearl."[50]

---

44   Ibid.

45   Arab sources say that this piece was the prayer niche of the Toledo Church, with four bases and decorated with gold and jewels. Others say that it was an altar. See: Jayyusi, p. 60.

46   Gómara, p. 296.

47   Cortés, p. 29.

48   William H. Prescott, History of the Conquest of Mexico, vol. 2 (Paris :Baudry's European Library), 1844, p. 361.

49   Gómara, p. 296.

50   Al-Himyarī, p. 5.

Arabic Origins of the Foundational Myth of Western Identity:
Between Histories of the Conquest of America and the Conquest of Andalusia

Articles

It is significant that the similarity between the Arabic description of the Andalusian treasure and the Spanish description of the Mexican treasure does not stop with the hidden door. They both include the fortunes of the former kings, found in a spacious room, and included a four-piece with platters, a rare pearl, and a relationship to the treasures of King Solomon, and the symmetry is ingrained in the patterns of the conquerors' behaviour towards the treasures. Muslim historians wrote that Tariq bin Ziyad secretly seized part of Solomon's table, breaking one of its legs and hiding it from Musa to use as evidence that it was he and not Musa ibn Nusayr (who had taken it from him) who had found it.[51] Correspondingly, Spanish historians say that Cortés's soldiers also seized part of Mexico's treasure table. Durán states that "the bewildered Spaniards took the gold platters to Cortés as proof of these great riches."[52] The story of the conquest of America does not clarify the function of this evidence, unlike the clear role it plays in the struggle of Musa and Tariq, but it is significant that part of the Mexican table is taken as evidence as well just as in the Andalus story.

It is notable that the confrontation between the invaders and the people of the Kingdom plays out, in both stories of conquest, at this third stage, only at the level of symbolic actions. On the part of the conquerors, the invasion begins with a symbolic action expressing their determination to conquer, destroying their ships, followed by the delivery of a speech by the leader to quash any rebellion, while also misleading the Kingdom's leaders, convincing them that they have no intention to stay in their country. The invaders also seize a hidden treasure that has a symbolic, in addition to material, value, which represents the legacy of the former kings indicating the kingdom's political independence and sovereignty.

After this third stage based on symbolic actions comes the fourth stage, in which a military confrontation erupts between the two parties ending with the Spanish invaders taking over Mexico City. The sequence of actions here emulate the actions recorded in the Arabic texts about the conquest of Andalusia. An example of this is the closing event in which the Spaniards mounted their decisive victory, completing the conquest: the arrest and murder of the King of Mexico.

After the prolonged Spanish siege of Mexico City, its people were unable to defend it after losing men, food and water. And when it was confirmed to Cuauhtémoc — the king of Mexico who took power after the death of Moctezuma — that his capital was on the brink of collapse, he tried to escape. But the Spaniards managed to capture him, because instead of hiding himself, he left using the water channel surrounding the city in a procession of boats, with his being distinguished by luxurious royal decorations, inside which he sat on his luxurious royal throne. The distinctive appearance of the royal boat gave away his location to the Spanish soldiers, who then captured the king: "It pleased our lord God that Garcia Holguin should overtake Cuatemoc's fleet, which by its rich decorations, and awnings, and royal seat he recognized as the craft in which the lord of Mexico was traveling," wrote Bernal Diaz.[53]

The story of the Mexican leader who brings about the defeat of his army by appearing in his royal adornment has been repeated throughout the story of the conquest of America, and even some contemporary Western thinkers have taken this as evidence that the indigenous peoples of America did not understand the function of signs. In his semiotic study of the conquest of America, which gained worldwide popularity at the end of the 20th century, the French thinker Tzvetan Todorov contended that the native Mexicans did not understand that signs could be used deceptively to mislead enemies, but rather used them only to denote the truth.[54]

In the Arabic texts, the appearance of the Visigoth King, Rodrigo (Ludriq), on the battlefield with complete royal adornment, carried on his great throne, which Muslim historians described as a *sarīr* (bed), led to his death at the hands of Tariq bin Ziyad, and the success of the conquest. Ibn al-Raqiq wrote about the decisive confrontation between Muslims and the

---

51   Ibn Abd-El-Hakam, p. 4.

52   Durán, p. 532.

53   Díaz, p. 402.

54   See also the opinion of historian Anthony Pagden approaching Todorov's thesis in his introduction he wrote for the book: Tzvetan Todorov, The Conquest of America: The Question of the Other (Norman: University of Oklahoma Press, 1999).

Arabic Origins of the Foundational Myth of Western Identity:
Between Histories of the Conquest of America and the Conquest of Andalusia

Articles

Visigoth army: "And Tariq went to al-Andalus [...], and when news of his arrival reached the kings of al-Andalus, they turned to the greatest king, Ludriq, who was a tyrant, with great Christian manpower, and he went to Tariq with a well-equipped army, and brought a bed of gold encrusted with pearls and rubies [...], and all the ornaments of those kings who preceded him. When he reached the mountain where Tariq was, Tariq and the men went to him on foot [...] The mountain was rugged, and the Amazigh were faster on their feet. The Amazigh reached their horses first, and rode their horses, plunged their swords in and obliterated them [the Visigoths] ceaselessly for three days and three nights."[55] Evidently, the story of the death of the King of Mexico mirrors that of the King of Andalusia, revealing the choice to display grandeur rather than hide from the eyes of the invaders.

The symmetry in the end of the stories of the conquest of America and of Andalusia does not stop with the killing of the Mexican king's successor. According to historians, when García Holguín captured the King of Mexico, his direct commander, Gonzalo de Sandoval, contested it, claiming that he was the leader and Holguín was under his command, and that the honour of arresting the king must be his.[56] Díaz wrote: "On receiving the news he [Sandoval] told the oarsmen in his own launch to make all possible speed, and overtaking Holguin, claimed the prisoner. Holguin refused his demand, saying that he and not Sandoval had made the capture. Sandoval replied that this was so, but he was commander of the launches and Garcia Holguin sailed under his command."[57] The dispute between them escalated until being put to Cortés.

In the story of the conquest of Andalusia, the same thing happened in the arrest of the second king. After Musa Ibn Nusayr joined Tariq, the Muslims in Cordoba besieged Rodrigo's successor.[58] When the siege intensified, the king tried to escape secretly, but Maghith Al-Rumi, a soldier under Musa's command, noticed his exit, and chased him until he was arrested. But Musa deprived Maghith of the honour of the king's arrest, under the pretext that Musa was Maghith's superior and should take the credit. It was said that "Musa sent a request that he bring him the infidel, so he [Musa] said by God, do not take him, I will present him to the caliph, so he attacked him [Maghith] and took [the infidel] from him."[59] When Maghith saw Musa's insistence, he proposed to him the solution that the captive king be his victim saying: "I captured him. But you behead him. And he [Musa] did it."[60] This mirrors the story of Mexico's successor king who was killed following a row over the details of his captivity.

With the arrest and murder of King Cuauhtémoc, the tale of the conquest of America ends, and it is clear that most of the story has reproduced elements from that of the conquest of al-Andalus, at least within the third stage. The parallels revealed by this study include the destruction of ships, the leaders of the country believing that the invaders planned to leave, the treasure stored behind a hidden door, the legacy of the former kings, the rare table/platters and pearl, the downfall of the leader due to his royal adornment, and finally, the conquerors dispute over who captured the leader. These seven elements are cluster themes, containing several elements that share the same function to serve the narrative discourse that fabricates historical truth. Complementing the symmetry of these seven themes is another group of symmetrical themes, pertaining to the fourth stage, in the tricks that both parties resort to during the war. Thus, the story behind the conquest of America is a replica of the story of the conquest of Andalusia.

Western historians produced many texts about the conquest of America, formulating the story of a supernatural conquest of Mexico, and the story formed the basis for the historical Western discourse on the conquests of the modern era, still prevalent today. Western historical knowledge, as the conquest

---

55   Abū Isḥāq Ibrāhīm Ibn al-Qāsim Ibn al-Raqīq, Tarīkh Ifrīqiya wa 'l-Maghrib (Beirut: Dār al-Gharb al-Islāmī, 1980) p. 43.

56   Díaz, p. 403.

57   Ibid.

58   The author here called this king "The King of Cordoba," describing that, "Magith captured him, and he was the only king of Andalusia to be caught." He describes Cordoba as "the house of the king of illiterates and Ludrique before them," so the king of Cordoba, who was captured by Magith after the death of Ludrique in Cordoba was his successor. See: Author Unknown, Akhbār Majmūʿa fī fatḥ al-Andalus wa-Dhikr Umarāʾihā Raḥimahum Allah wa 'l-Ḥurūb al-Wāqiʿah baynhum, (Magritte [Madrid]: Rapidnaire Press, 1867). P.14-18.

59   Ibid, p.19.

60   Ibid, p.20. In the copy of the book that Ibrahim Al-Abyari edited, see p.27.

Arabic Origins of the Foundational Myth of Western Identity:
Between Histories of the Conquest of America and the Conquest of Andalusia

Articles

discourse shows, rests on a deep structure connected to the discourse of medieval Arabic knowledge, from which it draws generative rules, allowing it to produce a large number of texts to create a history that has been falsely attributed to exclusively Greco-Roman, purely European, sources. The end result is that modern Western knowledge, despite claims of its purely Greco-Roman origin, like the knowledge of all other civilizations, has diverse roots. It is closely related to the civilizations whose existence coincided with the beginning of the rise of Europe in the sixteenth century, most notably the civilizations of the Eastern and Southern Mediterranean.

Conclusion

As noted at the beginning of this study, most Western researchers describe the conquest texts written in Arabic in the Middle Ages as narratives with recurring themes, with no historical value. Boaz describes them as "folkloric stories about a glorious past, a reflection of the state of mind and agenda of their creators and transmitters, and a response to the interests of the milieu of their consumers."[61] They do not in any way reveals the truth about the conquest at hand, but rather represent "the foundation myths of the Muslim society in the areas that generated them," according to Hugh Kennedy.[62] Weighing this position on Arabic texts based on reproduced stories, this study concludes that what Western thinkers and historians consider to be modern European history, beginning with the conquest of Spain, Mexico, Peru, and the rest of America, as it is based heavily on stories replicated from Arabic texts. As the study demonstrates, the text does not offer any kind of factual knowledge of what happened in Mexico and the rest of America during the European invasion. They should thus be considered as representatives of modern "founding myths" of Western society, if Kennedy's phrasing is fair.

---

61   Boaz, p. 6.

62   Ibid.

Arabic Origins of the Foundational Myth of Western Identity:
Between Histories of the Conquest of America and the Conquest of Andalusia

Articles

References

Arabic

Author Unknown. *Akhbār Majmūʿa fī fataḥ al-Andalus wa Dhikr Umarāʾihā Raḥimhum Allah wa'l-Ḥurūb al-Wāqiʿah baynahum.* Madrid: Ribadineira Press, 1867.

Author Unknown. *Akhbār Majmūʿa fī fataḥ al-Andalus wa Dhikr Umarāʾihā Raḥimhum Allah wa'l-Ḥurūb al-Wāqiʿah baynahum.* Ibrahim al-Abiyari (ed.). Cairo**:** Dār al-Kitāb al-Maṣrī; Beirut: Dār al-Kitāb al-Lubnānī, 1981.

Author Unknown. *Dhikr Bilād al-Andalus,* Luis Molina (ed.). vol. 1. Madrid: Spanish National Research Council, 1983.

Ibn al-Raqīq, Abū Isḥāq Ibrāhīm Ibn al-Qāsim. *Tarīkh Ifrīqiya wa'l-Maghrib.* Beirut: Dār al-Gharb al-Islāmī, 1980.

Ibn al-Qūṭiyya, Abu Bakr Muḥammad Ibn ʿUmar. *Tarīkh Iftitāḥ al-Andalus*[4] (*History of the Conquest of Al-Andalus*). Cairo: *Dār al-Kitāb al-Maṣrī*; Beirut: *Dār al-Kitāb al-Libnānī*, 1989.

Ibn ʿIdhārī, Aḥmad Bin Muḥammad. *Al-Bayān Al-Mughrib fī Tarīkh al-Andalus wa-l-Maghrib.* vol. 2. Beirut: Dār al-Thaqāfa, 1980.

Al-Idrīsī, Muḥammad Bin Muḥammad Bin ʿAbd Allah. *Nuzhat al-Mushtāq fī Ikhtirāq al-Āfāq.* vol. 2. Cairo: Maktaba al-Thaqāfa al-Dīnīya, 2002.

Jayyusi, Salma Khadra. (ed.). *Al-Ḥaḍāra al-ʿArabīyya al-Islāmīyya fī al-Andalus.* vol.1. Beirut: Markaz Dirāsāt al-Waḥda al-ʿArabīyya, 1998.

Al-Ḥimyarī, Muḥammad bin ʿAbdullah bin ʿAbd al-Munʿim. *Ṣifāt Jazīrat al-Andalus.* Évariste Lévi-Provençal (ed.). 2nd Print. Beirut: Dār al-Jīl, 1988.

Al-Dhahabi, Muḥammad bin Aḥmad bin ʿUthmān. *Siyar Aʿlām al-Nubalāʾ.* vol. 4. Beirūt: Muʾassasat al-Risālah, 2001.

Sālim, al-Sayyid ʿAbd al-ʿAzīz. *Tarīkh al-Muslimīn wa Āthāruhum fī al-Andalus: Min al-Fatḥ al-ʿArabī ḥatta Suqūṭ al-Khilāfa bi Qurṭuba.* Alexandria: Muʾassasat Shabāb al-Jāmiʿa, 2002.

ʿAnān, Muḥammad ʿAbdullah. *Dawlat al-Islām fī al-Andalus: min al-Fataḥ ila ʿAhd an-Nāṣir.* Cairo: Maktabat al-Khānijī, 1988.

ʿUways ʿAbd al-Ḥalīm. *Qaḍiyyat Iḥrāq Ṭāriq Bin Ziyād liʾs-Sufun bayn al-Usṭūra wa't-Tarīkh.* Cairo: Dār aṣ-Ṣaḥwa li'n-Nashr, 1987.

Al-Maqarrī, Aḥmad Bin Muḥammad al-Tilmisānī. *Nafḥ al-Ṭīb min Ghuṣn al-Andalus al-Raṭīb wa Dhikr Wazīrihā Lisān al-Dīn al-Khaṭīb.* vol. 1. Beirut: Dar al-Kitāb al-ʿIlmiyya, 2012.

English

Bethencourt, Francisco. *Racism: from the Crusades to the Twentieth Century.* Princeton: Princeton University Press, 2013.

Boaz, Shoshan. *The Arabic Historical Tradition and Early Islamic Conquests: Folklore, Tribal Lore, Holy War.* New York: Routledge, 2016.

Brading, David A. *The First America: The Spanish Monarchy, Creole Patriots and the Liberal State 1492-1876.* Cambridge: Cambridge University Press, 1998.

Clarke, Nicola. *The Muslim Conquest of Iberia: Medieval Arabic Narratives.* New York: Routledge, 2012.

Columbus, Christopher. *The Log.* Robert H. Fuson (trans.). Camden-Maine: International Marine Publishing, 1992.

Cortés, Hernando. *Letters from Mexico.* Anthony Pagden (trans.). New Haven & London: Yale University Press, 1986.

De Acosta, Joseph. *The Natural & Moral History of the Indies.* Edward Grimestone (trans.). Clements Robert Markham (ed). vol. 2. London: The Hakluyt Society, 1880.

De Gómara, Franciso López. *Cortés: The Life of the Conqueror by his Secretary.* Lesley Byrd Simpson (Trans., ed.). Berkeley & Los Angles: University of California Press, 1966.

Díaz, Bernal. *The History of the Conquest of New Spain.* John M. Cohen (trans.). England: Penguin, 1963.

Durán, Diego. *History of the Indies of New Spain.* Doris Heyden (Trans.). Norman: Oklahoma University Press, 2009.

Arabic Origins of the Foundational Myth of Western Identity:
Between Histories of the Conquest of America and the Conquest of Andalusia

Articles

Dussel, Enrique. "Beyond Eurocentrism - the World-System and the Limits of Modernity", in: Fredric Jameson and Masao Miyoshi (eds.), *Cultures of Globalization.* Durham: Duke University Press, 1998.

Frye, Northrop. *Anatomy of Criticism: Four Essays*. Princeton & Oxford: Princeton University press, 2000.

Ibn Abd-El-Hakam, Abdurrahman. *History of the Conquest of Spain*. John Harris Jones (ed.). Guttenberg- London: John Harris Jones, 1858.

Lewis, David Levering. *God's Crucible: Islam and the Making of Europe, 570-1215*. New York: Norton, 2008.

Mignolo, Walter D. & Arturo Escobar. (eds.). *Globalization and the Decolonial Option*. New York: Routledge, 2010.

Noth, Albrecht. *The Early Arabic historical Tradition: A Source Critical Study*. New York: Darwin, 1994.

Prescott, William H. *History of the Conquest of Mexico*. vol. 2. Paris: Baudry's European Library, 1844.

_____. *History of the Conquest of Mexico*. vol. 1. Philadelphia: J. B. Lippincott Company, 1873.

Restal, Mathew & Florine Asselberg. *Invading Guatemala: Spanish, Nahua and Maya Accounts of the Conquest Wars*. Pennsylvania: The Pennsylvania State University Press, 2007.

Restall, Mathew. *Seven Myths of the Spanish Conquest*. Oxford: Oxford University Press, 2003.

Robertson, William. *The History of America*, vol. 3. London: W. Strahan, 1739.

Sizgorich, Thomas. *Violence and Belief in Late Antiquity: Militant Devotion in Christianity and Islam*. Pennsylvania: University of Pennsylvania Press, 2009.

De Solis, Antonio. *History of the Conquest of Mexico by the Spaniards*. Thomas Townsend (trans.). vol. 1. London: John Osborn, 1738.

Todorov, Tzvetan. *The Conquest of America: The Question of the other*. Norman: University of Oklahoma Press, 1999.

White, Hayden. "Interpretation in History." *New Literary History*. vol. 4, no. 2. On interpretation: II (Winter 1973).

The Limits of Rational Choice in the Sociology of Social Movements: The 20 February Movement and the Rif Movement in Morocco[1]

Mohamed Naimi[2]

This study critically assesses rational choice theory in the sociology of social movements using Moroccan protest movements as a case study. It also shows how social movement studies evolved from social psychology to rational choice theory, which supposes that individuals decide whether to participate in any social movement by calculating costs and benefits. By studying the movements of unemployed graduates in Morocco, the paper demonstrates that, despite the theory's ability to interpret some aspects of social movements, it falls short when it comes to explaining symbolically motivated movements. These movements stress self-assertion and immaterial values such as freedom and dignity, as in the case of the 20 February and the Rif movements. As an alternative this study proposes to extend the boundaries of this theory to include the cognitive field through the application of axiological rationality instead of rational choice theory.

Social Movements Rational Choice Theory Moroccan Protest Movements 20 February Movement Rif Movement

This study considers the role of rational choice theory in explaining certain phenomena within the sociology of social movements. It attempts to interrogate the theory and the extent to which it is valuable or limited as a way of looking at collective action. It asks several questions: Is there a rationality to social movements? To what extent does the logic of collective action differ from the logic of individual action? And does an individual choose to be involved in collective action because of the benefits or because of values?

The study attempts to answer these questions through a field study of the protest movement in Morocco. By closely inspecting this movement we will be able to examine the theory's explanatory value and consider its limitations as a tool for studying social movements

in all their rich diversity. We will then conclude by reflecting on the prospects for an alternative rationality.

This work forms part of the debate on research methodology in social and human sciences in the Arab world. Sociology of social movements serves as the academic field within which the interpretative value and limitations of rational choice theory will be discussed. Its originality lies in its topic and methodology, which differ from the issues previously addressed in empirical studies in Morocco:[3] the logic of collective action is studied within social movements that have contributed, or contribute to, the formation of a free-standing Moroccan protest space.

Social research as a search for knowledge is the ultimate goal of the sociologist, who seeks not only to collect useful and correct information but also to

---

3   Among others: Assia Benadada & Latifa El Bouhsini (dir.), "Le Mouvement des droits humains des femmes au Maroc: Approche historique et archivistique," Étude réalisée par Le Centre d'histoire du temps présent, Faculté des Lettres et des Sciences Humaines-Rabat/ Université Mohammed V de Rabat, 2014; Mounia Bennani-Chraïbi & Mohamed Jeghllaly, "La Dynamique protestataire du Mouvement du 20 février à Casablanca," Revue française de science politique, vol. 62, no. 5 (2012); Jacopo Granci, "Le Mouvement amazigh au Maroc: De la Revendication culturelle et linguistique à la Revendication sociale et politique," Thèse en science politique, Montpellier 1, 2012; Badimon Montserrat Emperador, "Les mobilisations des diplômés chômeurs au Maroc: Usages et avatars d'une protestation pragmatique," Thèse de doctorat en Science politique, Aix-Marseille 3, 2011; Tehri Lehtinen, "Nation à la Marge de l'État, la Construction identitaire du Mouvement Culturel Amazigh dans l'Espace national marocain et au-delà des frontières étatiques," Thèse de doctorat d'État en anthropologie sociale et ethnologie, École des Hautes Études en Sciences Sociales, Paris, 2003.

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

educate society as to the status and credibility of certain 'sources' of knowledge.[4] While the research question concerns the explanatory value of the theory of rational choice and its limitations as regards the sociology of social movements, this question was chosen within the context of a theoretical problematic assuming that there are close connections between all the social movements, constitutive of a protest space seeking to achieve a relative independence *vis-à-vis* two competing spaces: the political space and union activity. The study's importance thus lies in its examination of the validity of certain theoretical frameworks through the study of a sample of social movements in Moroccan society.

Rational Choice Theory

Since the sociology of social movements is a subfield of sociology, the term 'methodology' as used in this science is generally taken to mean techniques of observation or data collection and analysis. However, this definition remains very limited because methodology – as well as referring to descriptive techniques – also comprises the principles that guide scientists in their quest to establish new theories or begin to analyze and criticize existing theories. There is no doubt that knowledge of this methodology requires in-depth study of the most important theories in sociology, theories that cast light on previously unrecognized basic social phenomena.

Broadly speaking a distinction is made between "methodological holism" and "methodological individualism". If methodological holism considers social phenomena to be whole entities studied in order to highlight causal relationships between them, then methodological individualism is an illustrative approach that allows us to grasp social phenomena by tracing them back to the individual actions that make them up. It is worth noting that the foundations of both approaches were established at the end of the nineteenth century: methodological holism emerged in France with Emile Durkheim, while methodological individualism was pioneered by two German sociologists, Max Weber and Georg Simmel (1858-1918).[5] Methodological individualism is considered one of the most important forms of rational choice theory, which provides a general conception of social sciences based on three axioms that we will expand on later: individualism, understanding and rationality.[6]

In addition to this rational model, sociology provides other models for understanding and interpreting social action, one or more of which any researcher can adopt according to the available data. The importance of these models lies in their ability to impart subjective meanings to facts assembled via research tools that are either quantitative (questionnaires and statistics), or qualitative (observations and interviews). Perhaps the most prominent of such models are Ted Gurr's concept of relative deprivation,[7] Jeremy Bentham's principle of utility,[8] and the model of congruence between actions and social norms dubbed "Habitus" by Pierre Bourdieu.[9] This is in addition to Weber's "ideal models" of action and the model of behaviors imposed on the subject to reduce dissonance in crisis situations, or what Durkheim calls "anomie". On the whole, these models derive their strength from attributing subjectively likely and widely accepted meanings to facts. Should these models collide with enigmatic facts, the unknown is ascribed to the known.[10]

The present study is concerned only with the theory of rational choice. Perhaps the easiest way to explain this theory's distinctive characteristics is to focus on its attempt to build models of individual action,

4   Sotirios Sarantakos, *Social Research*, (London: Macmillan, 1998).

5   Raymond Boudon & Renaud Fillieule, *Les Méthodes en sociologie*, Collection Que sais-je? (Paris: PUF, 1969), p. 4.

6   Raymond Boudon, "Théorie du choix rationnel ou individualisme méthodologique?" *Sociologie et sociétés*, vol. 34, no. 1 (2002), p. 9.

7   Ted Robert Gurr, *Why Men Rebel* (Princeton: Princeton University Press, 1970).

8   *The Principle of Utility* by Jeremy Bentham (1748-1832) is based on the principle that individuals perceive their interests only from the perspective of the relationship of pleasure to pain. Every action has positive and negative consequences, causing individuals to perform the actions that bring them the most happiness.

9   Pierre Bourdieu (1930-2002) defines Habitus as "the product of the work of inculcation and appropriation necessary in order for those products of collective history, the objective structures (e.g., of language, economy, etc) to succeed in reproducing themselves more or less completely, in the form of durable dispositions" Pierre Bourdieu, *Esquisse d'une théorie de la Pratique: Précédé de "Trois études d'ethnologie kabyle"* (Paris: Librairie Droz, 1972), p. 225.

10   François Dubet, "Frustration relative et individualisation des inégalités," *Revue de l'OFCE*, no. 150 (Février 2017), p. 1.

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

where an individual acts rationally in a particular situation.[11] According to this perspective, one can say that an individual behaves rationally when his choice of action is based on information related to his situation (What does he want? What are the possibilities and the alternatives available? How does he arrange priorities?) and on the action's potential benefit, although the question of how much knowledge is required to make a rational choice remains controversial in this theory. It is worth noting that intent is the basis for interpretation in the theory of rational choice; that is, the justifications for action lie in the individual's desires and beliefs. The strongest form of this interpretation claims that those desires and beliefs are reasons for the action.[12] This axiom leads to an important observation: the theory of rational choice is based on a set of axioms that form an axiomatic pattern.

In this regard, Raymond Boudon believes that the first axiom of this pattern is the axiom of individualism, which holds that every social phenomenon is the product of individual behavior, actions, decisions, attitudes and beliefs. The second is the axiom of understanding that assumes that an individual's actions and beliefs are all understandable, at least in principle. As for the third axiom, it is that of rationality which, although it does not deny the existence of irrational causes, holds that the individual actions and beliefs that social sciences must be aware of are essentially the product of rational justifications that may be somewhat perceptible to the individual. The fourth axiom – teleology or instrumentalism – assumes that the justifications that the individual takes into account in his actions and beliefs relate to their consequences. The fifth is the axiom of egocentrism, stating that an individual cares exclusively or as a priority about the consequences of actions and beliefs associated with his personal interests. The sixth axiom is cost-benefit analysis, which assumes that any action involves a cost and a profit, and therefore individuals always choose the actions that achieve the greatest possible benefit.[13]

Marxist sociology adds a seventh axiom: that individuals value their actions, attitudes, and beliefs based on their consequences on their personal interests, which are essentially linked to their class interests. Some sociologists draw inspiration from Nietzsche and add the axiom that a social actor is subject to the "will to power". Although the restrictive Marxist or Nietzschean axioms of the theory of rational choice do not constitute a general framework, the sociology inspired by them has produced some analyses that are sometimes very useful.[14]

If the theoretical structure defined by the two axioms of individualism and understanding is appropriate to interpretive sociology in the Weberian sense, then the axiomatic pattern, reduced to the axiom of individuality, brings us to methodological individualism as a basic method in social sciences as well as methodological holism. It is noteworthy that Boudon gives special importance to the pattern consisting of the axioms of individualism, understanding and rationality, as he considers it a general rational model driving most effective sociological theories.[15]

This study is based at least in part on rational choice theory because of its ostensible interpretive value *vis-à-vis* the emergence and development of certain types of social movements; as we will demonstrate later, work premised on rational choice theory in this field is considered one of the most prominent manifestations of its success. This decision is also justified by the increased attention that social movements have been receiving since 2011 in the context of the first wave of Arab revolutions – not only in the Arab world, but also internationally, given the pioneering role it played in leading all of the uprisings and revolutions of Arab peoples.

---

11   Ian Craib, *Modern Social Theory: From Parsons to Habermas* (London: Harvester Wheatsheaf, 1992).

12   Ibid.

13   Raymond Boudon, *Raison, bonnes raisons* (Paris: PUF, 2003), pp. 19-21.

14   Ibid., p.24.

15   Ibid., p.25.

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

The Value of Rational Choice Theory for the Sociology of Social Movements

Rational choice theory is particularly attractive as a theoretical basis, as is correctly highlighted by James Coleman because it visualizes the action in such a way that any additional question becomes unproductive. "Rational action" means an action driven by cost-benefit analysis: whenever a person is interpreted as having undertaken a particular action instead of another because it seemed to them to further their objectives more, the account is complete.[16]

In order to measure the extent to which the rational choice theory contributes to the development of social sciences, it suffices to mention the works of Coleman,[17] Anthony Oberschall,[18] Russell Hardin[19] and Timur Kuran.[20] Thanks to this theory, these scholars have succeeded in explaining some challenging phenomena in the sociology of social movements, criminality, public opinion or the state. No solid university education in any of the major fields of sociology can ignore the methodological contributions made by rational choice theory.[21] But to what extent is an act of collective protest a rational act?

To answer this question and explain the position enjoyed by rational choice theory in the sociology of social movements, we need to provide a brief overview of the methodological development of this branch of sociology. The earliest approaches to collective action, which emerged in the late 19th century, viewed it as a crowd movement to be studied from the perspective of social psychology:

"The most striking peculiarity presented by a psychological crowd is the following: Whoever be the individuals that compose it, however like or unlike be their mode of life, their occupations, their character, or their intelligence, the fact that they have been transformed into a crowd puts them in possession of a sort of collective mind which makes them feel, think, and act in a manner quite different from that in which each individual of them would feel, think, and act were he in a state of isolation. There are certain ideas and feelings which do not come into being, or do not transform themselves into acts except in the case of individuals forming a crowd."[22]

"We see, then, that the disappearance of the conscious personality, the predominance of the unconscious personality, the turning by means of suggestion and contagion of feelings and ideas in an identical direction, the tendency to immediately transform the suggested ideas into acts; these, we see, are the principal characteristics of the individual forming part of a crowd. He is no longer himself, but has become an automaton who has ceased to be guided by his will."[23]

However, the Chicago school would gradually leave behind this inherited view of crowd psychology. In the interwar period, Robert E. Park (1864-1944) and Herbert Blumer (1900-1987) integrated crowd study into the study of collective behavior, which became one of sociology's established subjects.[24] Protests were no longer moments of social pathology but rather had a special rationality. The principle of crowd behavior based on the logic of contagion was also replaced by the principle of individuals heading towards common goals. The Chicago school's advocates and their students adopted a methodology based on the individual as a social actor, because

16   Boudon, "Théorie du choix rationnel", p. 11.

17   James Coleman, *Foundations of Social Theory* (Cambridge/London/Massachusetts: Harvard University Press, 1990).

18   Anthony Oberschall, *Social Conflict and Social Movements* (USA: Prentice-Hall, 1973).

19   Russel Hardin, *One for All: The Logic of Group Conflict* (Princeton: Princeton University Press, 1995).

20   Timur Kuran, *Private Truths, Public Lies. The Social Consequences of Preference Falsification* (Cambridge/ London/ Massachusetts: Harvard University Press, 1995).

21   Boudon, "Théorie du choix rationnel", p. 15.

22   Gustave Le Bon, *The Crowd: A study of the popular mind*, 2nd ed (Dunwoody, Georgia: Norman S. Berg.), p. 5.

23   Ibid., p. 12.

24   Erik Neveu, *Sociologie des mouvements sociaux*, 5th ed. (Paris: La Découverte, 2011), p. 39.

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

collective accounts of a given behavior can only be understood from the perspective of the agent.

Other studies in the 1960s ushered in a new era in the analysis of the distinctive collective behavior of social movements. Some scholars tackled the problem of interpreting revolutions or rebellions by focusing on the concept of "relative deprivation", as in James A. Davis' theories of revolution.[25] Davis attempted to account for revolutions by a sudden divergence between people's expectations (motivated by economic progress) and satisfaction of those expectations due to changing economic circumstances (such as slowing or declining economic growth) or political circumstances (such as fierce repression)[26]. Ted Gurr likewise argues that it is relative deprivation resulting from the difference between actors' aspirations and their reality that leads to the emergence of social movements. But this does not mean that there is a mechanical relationship between deprivation and protest, as it is known that any social movement requires the production of a discourse and the determination of responsibility, in addition to working to spread meaning throughout lived social relations.[27]

There is a great distance separating relative deprivation, as a difference between aspirations and resources, from collective action. Therefore, in order to understand and explain collective action resulting from deprivation, it is assumed that the theory of relative deprivation is supported by other additional explanations and theories.[28] In this respect, Mancur Olson[29] has provided us with theories that have actively contributed to the transfer of networks of analysis from social psychology – a field developed by Neil Smelser and Ted Gurr – to a theoretical field inspired by economics. Herein lies the bottom line that constitutes the theoretical framework within which the study will examine the value of rational choice theory to the sociology of social movements and their limitations.

Olson believes that before deciding whether to participate in any social movement, individuals consider the cost-benefit principle. His analysis is based on the following paradox: From a common-sense perspective, it is assumed that the more a particular movement targets the interests of a group of individuals, the more intuitive collective action is. But Olson objects that a group that possesses these characteristics may never take action. Therefore, it would be a mistake to consider any latent group as an entity with a unified will: the analysis must also take into account the logic of individual strategies.

If we believe that the larger a mobilization, the more cost-effective it is, we cannot account for the 'free rider' scenario, which involves a more cost-effective strategy: abstention. Consider the case of a non-striking worker who nonetheless benefits from an increase in wages thanks to a strike – without incurring any costs such as deductions from wages or dismissal from work. If we pursue this logic to its end point, any mobilization becomes impossible; the rationality of individuals who refuse to act will inevitably lead to inaction.

However, experience confirms the possibility of collective action. This prompted Olson to enrich his model with the concept of selective incentives. Selective incentives may be positive, such as granting services and privileges to members of the organization involved in the action, or negative in the form of coercion, as in the closed shop system.[30] To what extent can the Olson model, which is inspired by the theory of rational choice, form the basis for an explanation of social movements in Morocco?

For nearly two decades, Morocco has witnessed an upsurge in protests, with about 52 taking place in 2012.[31] At the same time, the position of political parties and unions has declined: the percentage of

25   Didier Le Saout, « Les Théories des mouvements sociaux. Structures, actions et organisations: Les Analyses de la Protestation en perspective," *Insaniyat*, No. 8 (1999), pp. 145-163.

26   James A. Davies, "Toward A Theory of Revolution," *American Sociological Review*, vol. 27 (1962), pp. 5-19.

27   Neveu, p. 41.

28   François Dubet, "Frustration relative et individualisation des inégalités", *Revue de l'OFCE*, no. 150 (2017), p. 6.

29   Mancur Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups* (UAS: Harvard University Press, 1965).

30   Used historically in unions in Britain and the United States of America, this system allows employers to hire union members only.

31   Ministry of Interior Statistics as reported by Prime Minister Abdelilah Benkirane on November 30, 2012, before the House of Representatives. See: Hassan al-Ashraf, "Binkīrān: 'al-ʿĀmm Zayn' fī Majāl al-Ḥurriyyāt wa-Ḥuqūq al-Insān", *Hespress*, 30/11/2012 (accessed on 28/11/2017 at: https://bit.ly/2TQfU0z)

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

young people who are members of a political party does not exceed 1%, while only 4% participate in party or union meetings.[32] This is in addition to the low turnout in legislative elections: 51% in 2002, 37% in 2007, 45.5% in 2011, and 42.29% in 2016.[33]

Based on this data, between 20 February 2011 and 19 February 2012 I conducted fieldwork on the 20 February Movement in Rabat via direct observation, participant observation, and semi-directed interviews. The resulting study concluded that social movements do not exist in isolation from one another nor do they hesitate to demonstrate their relative independence *vis-à-vis* political parties and unions. Since the study revolves around the type of relations that exist between social movements and institutional politics, I opted to approach the issue within a theoretical framework assuming that there are close connections between all the social movements constitutive of the protest space, which seeks to achieve relative independence *vis-à-vis* two competing fields: the political field and union activity.

Prior to the first wave of Arab revolutions Arab social scientists showed little interest in the sociology of social movements. But within the Francophone academic community specializing in countries south of the Mediterranean, a work by Mounia Bennani-Chraïbi & Olivier Fillieule[34] (a seminal work in this regard) laid the groundwork for the use of the concept of "social movements" to study the countries of this region. This same work criticizes the ontological differences that the political opportunity structures model claims exist between democratic and non-democratic states. This model suggests four types of political patterns versus four types of conflict. If strong democracies are favorable to social movements, this is not the case with the other three patterns that experience secret opposition and short-

term confrontations, which are quickly suppressed as is the case in strong non-democratic regimes including Morocco[35]; civil wars in weak non-democratic regimes; or military coups and sectarian conflicts in weak democracies.[36]

This American paradigm, which has often dominated the literature of sociology of social movements, has come under criticism for its mechanical and static association between the development of social movements and the openness of the structure that allows or forecloses political opportunities.[37] This criticism is supported by the presence of some examples of non-fossilized authoritarian regimes in the southern Mediterranean, which even adapt to events and protests. The Moroccan regime, for example, has allowed for the emergence of protest movements since the beginning of the 1990s. Authoritarian Tunisia was also the scene of major protests in the Gafsa mining basin.[38]

These critiques have shown the limitations of the political opportunity structures model. It is no longer credible to claim that social movements are unique to democratic regimes and that secret opposition with short-term confrontations remains the fate of authoritarian regimes. This study thus builds on a theory first sketched out by Lilian Mathieu in 2007 in his study of collective protest action in France. Defining the central concept in its approach, Mathieu says that "[t]he space of social movements is a field of practice and meaning, relatively independent within the social world, within which protest movements unite with certain ties."[39]

Until recently, political struggles in Morocco – as well as, since independence was gained in 1956, social movements – were typically led by national movement parties[40] and their associated unions.[41] During this stage of conflict with the regime it was

---

32   High Commission for Planning, *Enquête Nationale sur les Jeunes* (Kingdom of Morocco: 2012), p. 69.

33   Results of legislative elections, Morocco, Ministry of Interior (accessed on 02/12/2019 at : https://bit.ly/2RG5AtV)

34   Bennani-Chraïbi Mounia & Fillieule Olivier (dir.), *Résistance et protestations dans les Sociétés musulmanes* (Paris: Presses de Sciences-Po, 2003).

35   Charles Tilly & Sidney Tarrow, *Contentious Politics*, 2nd ed (New York: OUP, 2015), p. 57.

36   Ibid., p. 105

37   Lilian Mathieu, *L'Espace des mouvements sociaux* (Paris: Edition du Croquant, 2012), p. 114.

38   For a six-month period in 2008 the Gafsa region in Tunisia's southwest witnessed a strong protest movement because of the declining role of the Gafsa Phosphate Company in reviving the region's economy.

39   Lilian Mathieu, "L'Espace des mouvements sociaux," *Politix*, vol. 1, no. 77 (2007), p. 133.

40   These include the Independence Party, the National Union of Popular Forces, the Socialist Union of Popular Forces, and the Party of Progress and Socialism.

41   The Moroccan Workers' Union, the General Union of Moroccan Workers, and the Democratic Confederation of Labor.

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

thus impossible to talk about an independent protest space, since any social or political mobilization came either directly or indirectly from these entities. The first attempts to create an independent space of this kind came only with the establishment of the National Association for Unemployed Graduates in Morocco in 1991 and the subsequent explosion of unemployed graduate movements.[42]

To a great extent, these movements provide a miniature laboratory to examine the conceptual and methodological tools of rational choice theory in its Olsonian form. Study of these movements affirms the importance of the cost-benefit axiom as one of the fundamental principles of methodological individualism based on instrumental rationality. In addition, the effectiveness of the 'closed shop' technique to block the 'free rider' scenario was verified, as this contributed to successful social mobilization of the unemployed thanks to the mandatory involvement and participation of every member desiring a state job.[43] Operating according to this principle continued to be fruitful throughout the period in which access to public jobs was directly guaranteed. Moreover, Olson's paradox was confirmed when the 'selective incentives' ceased because direct employment was cancelled under a Prime Ministerial edict in 2012, leading to a loss of momentum in these movements.

The year 2011 offered unemployed graduates an opportunity for direct employment in public service. This can be attributed to the protest dynamic created by the 20 February Movement. The government sought to break the links between this Movement and the movements of the unemployed, granting all 4,304 unemployed graduates then registered in government lists government jobs. But once the process started it became clear that many of these graduates did not benefit. This led them to organize into new groups that were involved in escalating protests, perhaps the most important of which was the occupation of the headquarters of the Independence Party in Rabat. The IP's Secretary-General was then Prime Minister in the pre-Arab Spring government.[44]

But this moment ushered in a phase of decline for these movements, beginning from 2012. To make up for their weak capacity for mobilization resulting from the absence of "selective incentives", various unemployed graduates' organizations were forced to resort to some forms of solidarity[45] or alliance[46] that were previously lacking due to the race for job opportunities that were available locally or nationally. As a last resort, these movements escalated their forms of protest[47] despite their very high cost.[48]

The second case that demonstrates the effectiveness of Olson's rational model is the trainee teachers' movement whose demands comprised the employment of all teachers and the non-reduction of scholarships. In this case it should be noted that the 'free rider' option was not made infeasible by a 'closed shop' system[49] but because the movement was made up of small groups (about 250 trainees in each regional center), subject to interpersonal-interactive arrangements. It is understood that in this type of groups the feeling of being able to influence decision-making is stronger and more likely to lead to mobilization. Moreover, social and moral pressures are more present and real because the relationships between its members are based on proximity, reciprocity and familiarity. The presence of 'selective incentives' (guaranteed work and increased scholarships) on the one hand, and

---

42 Badimone Montserrat Emperador, "Les Mobilisations des diplômés chômeurs au Maroc usages et avatars d'une protestation pragmatique," Thèse de doctorat en Science politique, à Aix-Marseille 3, École Doctorale Sciences Juridiques et Politiques (Aix-en-Provence), 2011, p. 8.

43 Organizing committees established lists with member names to monitor the attendance and participation of each member in the various forms of protest orchestrated by their movements. Therefore, only committed and regular members benefited from state employment. See: Author's field notes, 2010-2015.

44 It is worth mentioning that the occupation, which lasted between 13 and 20 July 2011, almost turned into bloody confrontations between the unemployed officials protesting in the Independence Party's headquarters and the party's supporters who were about to storm the place to free it from its occupiers. Thanks to the initiative of higher authorities in the state to negotiate, a more ghastly outcome was avoided. Author's field notes, 2010-2015.

45 Such as the organization of a unified national march in Rabat on 6 October 2013. Ibid.

46 Such as the establishment of the National Union for Unemployed Officials on 25 February 2015. Ibid.

47 In particular, blocking traffic or the tramway in the center of Rabat, or rail tracks. This is in addition to occupying the headquarters of some ministries, public administrations, or party headquarters. Ibid.

48 The most prominent example of this is the death of an unemployed graduate. Author's field notes, 2010-2015; in addition, the Rabat Appeals Court remanded nine activists in custody on 4 April 2014 on charges of sabotaging public property, assaulting private security personnel, and blocking rail tracks, see: "Tàjīl Muḥākamat al-Muʿaṭṭilīn at-Tisʿa ilā 15 Shutambir", *Al-Yawm 24*, 01/09/2014 (accessed on 02/12/2019 at: https://bit.ly/2r47cTm)

49 It was not possible to implement a 'closed shop' policy in this movement because the government, if it met the demands, would not exempt anyone.

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

the near impossibility of being a 'free rider'[50] on the other, allowed the trainee teachers' movement to last for about six months and continue to pressure the government until the two parties signed a memorandum of agreement.[51]

In short, it can be said that the study of these two social movements have demonstrated the explanatory power of Olson's rational model. But this does not mean that we can stop asking other questions. To what extent can this rational perspective be generalized to other social movements, especially those that have profoundly affected the current Moroccan protest space, such as the 20 February Movement and the Rif Movement?

The Limitations of Rational Choice Theory: On the Sociology of the 20 February Movement and the Rif Movement

Olson's theory has largely succeeded in explaining the emergence of social movements based on economic interests, such as the integration of unemployed graduates into public service or ensuring that training is associated with employment in the case of trainee teachers. However, this theory does not apply to social movements built on intangible values such as freedom, dignity, social justice, solidarity and coexistence. Hence, Olson's conception of the 'collective action paradox' remains somewhat simplistic, material, objective and instrumental, despite serving as the starting point for the concept of 'selective incentives' and the additional finessing of 'symbolic incentives'.[52] These are incentives of a moral and psychological nature, such as the joy of struggle, the satisfaction that results from defending certain ideas, a sense of the ability to act, self-assertion and self-value. To demonstrate the importance of this intangible type of incentive, two cases of social movements in Morocco will be analyzed. They provide evidence of the limitations of the Olsonian model of instrumental rationality, paving the way for alternative interpretations based on 'symbolic incentives' or belong to 'axiological rationality'. The issue is linked to the 20 February Movement and the Rif Movement.

Regardless of the criticism of Olson's model, this model poses a positive challenge to sociological analysis by stating that collective action is not an intuitive matter. This observation seems to have led a generation of researchers to try to take up the challenge by seeking to explain the conditions for the development of social movements. However, this due mention of Olson's work does not prevent from asking for more scrutiny of the 'rationality' that he places at the heart of behavior and about the conditions of its existence. Nor does it prevent us from asking about the limits of the application of this model.[53] By doing so we will arrive at some of the most important criticisms directed at rational choice theory in the social sciences generally, and in particular in the sociology of social movements.

The most important of these criticisms can be formulated as negative questions: Does the way that readiness as regards economic calculation is internalized not differ by social circles and times? Does the possibility of dealing with problems according to a rational perspective not differ from one individual to another and from one action to another according to the individual himself? Is it not possible to avoid conflating the theoretical models of interpretation that the researcher prepares to explain the objective regularities of the various patterns of behavior with the self-sustaining motivations of social actors during collective action? Finally, is it not possible to think of an activist as someone with social content rather than a calculator?

The internalization of readiness as regards cost-benefit calculations does indeed vary across social settings and times. Moreover, the possibility of dealing with

---

50   There were rare cases of trained teachers who did not participate in the movement's protests. See: Trainee teachers in Morocco Facebook page: https://bit.ly/2pyqrnb

51   On 16 April 2016, a memorandum of agreement was signed suspending implementation of the decree separating employment from training and providing for the employment of all trainees after (formal) competitive exams were held at the end of December 2016.

52   Daniel Gaxie, "Rétributions du militantisme et paradoxes de l'Action collective," *Swiss Political Science Review*, vol. 11, no. 1 (2005), p. 160.

53   Neveu, p. 48.

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

problems from a rational perspective is not the same from one individual to another, nor from one act to another according to the individual himself. Therefore, confusion between theoretical models to explain the various patterns of behavior and self-sustaining motivations by social actors during collective action should be avoided. Finally, it is indeed permissible to think of an activist as someone with social and cultural qualifications that go beyond all utilitarian instrumentality.

Although the theory of rational choice, especially in its instrumental rational model with Olson, provides important methodological possibilities for understanding and explaining many aspects of the phenomena associated with some social movements, it remains unable to explain other issues in the same field. For this reason, this study uses an alternative theoretical framework that accommodates the theory of rational choice and goes beyond it at the same time. This is Mathieu's 'social movement space' theory.

The 20 February Movement seems to be the most prominent attempt by the protest space in Morocco to gain its independence. Contrary to Olson's conceptualization of collective protest action, this movement did not have material demands specific to a single social group.. It is thus difficult to study using instrumentalist rational choice theory. Examination of the movement's demands shows that it is of a general political, legal, and social nature that does not belong to one group or another, but rather is of concern to most segments of society, as is the case with most social movements that emerged during the first wave of Arab uprisings and revolutions. The demands of the 20 February Movement are normally summarized as freedom, dignity and social justice.

We recall that the 'Olson paradox' states that small groups are more likely to rally than larger groups thanks to the mobilization potential of 'selective incentives' and thanks to the active role of the 'closed shop' technique in blocking the efforts of 'free riders'. We can say that the 20 February Movement managed to overcome the 'Olson paradox', mobilizing diverse

social groups in about a hundred cities throughout 2011.[54]

It is here that the movement, after its orientation towards social change, acquires its collective dimension as well as its conflictual dimension. It is worth noting that this definition of the movement differs greatly from the one that reduces it to "organization, an active mobilizing force, and claims of social significance".[55] The collective dimension of the 20 February Movement is demonstrated by the fact that protesters – despite their political and ideological differences – agreed on a range of political and legal demands. As for the conflictual dimension, it indicates the positioning of the 20 February Movement and the state on either side of the oscillating balance of power and meaning. The movement's third dimension is evident in its attitude towards social change, due to the dissatisfaction of activists and participants in the movement with corruption and tyranny, and their endeavor to change this reality through demands for democracy and social justice.[56]

However, the mobilization launched by the 20 February Movement was purely political from the very beginning and has remained so. It has failed absorb existing hotspots of social movement in the country.[57] Therefore, the 20 February Movement falls to some extent within the category of "new" social movements as per Alain Touraine's definition. This categorization is justified by its demands that are related to intangible universal values such as freedom, dignity and social justice, which are based on the identity of its activists and participants who belong mostly to an educated middle class, and from its horizontal structure. It differs from labor movements in that it mobilizes its members around intangible issues such as identity, environment, peace, and human rights. Movements of this kind are based on three principles, the first of which is the principle of identity, which means that the group must have an easily recognizable and significant identity with respect to the cause it defends. The second principle is the principle of conflict, according to which the

---

54   Author's field notes, 2011.

55   For a further expansion of the comparison, see: Abd al-Rahman Rachik, "Ḥarakat 20 Fibrāyir: Tatwīj li'l-Iḥtijājāt fī'l-Maghrib", in: *20 Fibrāyir wa-Màālāt at-Taḥawwul ad-Dimuqrāṭiyy fī'l-Maghrib*, Democratic Transition Series (Doha / Beirut: Arab Center for Research and Policy Studies, 2018), p. 145.

56   This definition of social movement is taken from Lilian Mathieu, *L'Espace des mouvements sociaux*, (Paris: Edition du Croquant, 2012), p. 12.

57   Mohamed El-Sassi, "an-Niẓām as-Siyāsiyy al-Maghribiyy Ghudāt Ḥirāk 2011: al-Istiqrār al-Hashsh Badīlan min ad-Dimuqrāṭiyy," in: *20 Fibrāyir wa-Màālāt at-Taḥawwul ad-Dimuqrāṭiyy*, p. 74.

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

studied movement should determine who are its opponents. The third principle is the new social movement's defense of its demands in the name of inalienable universal values, such as freedom, human rights, and environmental protection, among others.[58]

It seems clear, then, that the rational choice theory in its instrumentalist Olsonian model suffers from a methodological and epistemological myopia *vis-à-vis* this type of social phenomenon, in which the protest collective action is subject to a logic differing from instrumental rationality based on the cost-benefit axiom. How can the specificity of this different logic be determined? One of the activists of the 20 February Movement in Casablanca said: "I completed my studies in journalism and philosophy before the Arab Spring began, but then I postponed my master's degree and all job offers, canceling everything for the sake of what I believed in. I could have become a journalist at one of the newspapers or radio stations that offered me a job and my grades in philosophy would have allowed me to become a high school teacher, enabling me to complete my studies. I could have done my master's degree then my PhD either domestically or abroad with the help of relatives."[59]

If we read this testimony from the viewpoint of the rational choice theory in its instrumental model, we notice that the cost of the chosen action exceeds its benefits. Indeed, the activist canceled all job and graduate studies opportunities for the values he believes in, such as freedom, dignity and social justice. The activist adds, "I stopped everything and participated in the joy demonstrations in 2011. I joined the media committee after friends told me there was a shortage of members in the largest city in Morocco, then I left for the slogans committee after some friends told me they needed members. I was like a maniac, sparing no effort, sometimes attending two marches in two distant cities followed by a night meeting. I threw myself into everything that motivated and reassured the people. I did not believe that 'the fighter is the last one to be beaten or killed'.[60]"

This activist sacrificed all opportunities for work or graduate studies in order to participate in what he called 'demonstrations of joy' during the uprisings of 2011. This is in addition to his involvement in various activities of the 20 February Movement where he spared no effort, and his belief that a fighter should always be at the forefront and ready to make sacrifices, as attested to by his committed dedication.

This conclusion is reinforced by another testimony given by one of the activists of the 20 February Movement in the city of Rabat in an interview conducted by the researcher in 2011. "I participated in most of the protests organized by the 20 February Movement Coordination Committee in Rabat. Although I was beaten and insulted countless times by the security forces in the street, this never discouraged me from continuing the struggle for the values of freedom, dignity, and social justice that I believe in. What's worse, I was threatened with expulsion from the school where I was studying."[61]

Undoubtedly, such an unwavering struggle reminds us of John McCarthy and Mayer Zald's concept of the 'disinterested militant', a novel conceptualization of incentives that goes beyond the 'selective incentives' concept in Olson's instrumental model. This is what Gaxie calls 'symbolic incentives', as noted above, which are of a moral and psychological nature: the joy of struggle, the satisfaction arising from the defense of certain ideas, a sense of the ability to act, in addition to self-assertion and appraisal.

If analysis of the 20 February Movement strongly refutes the instrumentalism of the Olson model, study of the Rif Movement shows that this movement likewise defies the conceptual toolkit of Olson's instrumental rationality. This movement does not have specific class-related demands but rather rights, social and economic demands that concern the entire population in the Rif. If we recall the 'Olson paradox', smaller groups are better prepared for mobilization than larger groups thanks to the potential of 'selective incentives' and the effectiveness of the 'closed shop' technique to prevent the 'free rider' attempts. The Rif

---

58 Alain Touraine, *La Voix et le Regard* (Paris: Les Éditions du Seuil, 1978), p. 112.

59 "Ḥamza Maḥfūẓ Yaktub: Baʿda Sanawāt Arbaʿ min Lasʿat ar-Rabīʿ!", *Huna Sawtak*, 30/12/2014 (accessed on 17/12/2017 at: https://bit.ly/2Ml1vox

60 Ibid.

61 Interview with M. A., activist, who preferred to stay anonymous, Rabat, 10 July 2011.

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

Movement can be said to have beaten this paradox, mobilizing diverse social groups in the Rif – especially in the city of Al Hoceima – for almost a year.[62]

Although the Rif[63] suffers less from disparities[64] than other Moroccan regions, its inhabitants have been constant rebels ever since independence despite major changes to the politics of the country. In fact, social scientists are faced with this paradox: Why are the people of this region almost uniquely rebellious? Or rather, why do the residents of the rest of the marginalized regions in Morocco not protest, or protest only rarely?

This study shows that the Rif Movement has a collective and conflictual dimension as well as a third dimension associated with the orientation towards social change. This movement manages to combine several factors that no other post-independence social movement has succeeded in bringing together. From its very first moments a field leadership emerged from its core,[65] with unrivalled independence *vis-à-vis* both the political and trade union fields.[66]

It is understood that the direct cause of the emergence of the Rif Movement was the gruesome accident that took the life of fishmonger Mouhcine Fikri, 30, in Al Hoceima on the evening of 28 October 2016.[67] This tragedy sparked popular anger and launched waves of protest that continued for nearly a year. As soon as the news spread among the residents, especially the younger generation, they began an open sit-in in front of the local Security Zone Headquarters.[68] To end their sit-in, the protesters requested that the governor of Al Hoceima and the public prosecutor meet with them. The two officials complied, arriving at the sit-in at 3 a.m. on October 29, 2016.[69] After a discussion with the protesters, the two officials committed to conducting an impartial investigation into Mouhcine Fikri's death. The protest was concluded with the formation of a civilian committee entrusted with following up on the case and holding all those responsible for the tragic accident accountable.

Across the country most Moroccans were shocked by mobile video footage showing the victim being crushed to death, transmitted via social networks. A general feeling of *ḥəgra*[70] prevailed, especially after another video showing the man's corpse stuck in the bin lorry's rubbish compactor was disseminated. Consequently, there were several calls for protest via the Internet, followed by waves of protest in many Moroccan cities.

As the current study notes, these events are interconnected methodologically. However, there is no automatic connection between the crushing accident and the outbreak of the Rif Movement.

---

62   From the rise of the movement on October 28, 2016 to the first anniversary of Mohsen Fekry's death on 28 October 2017.

63   The Rif is full of natural resources and enormous potential, which have not been harnessed to achieve balanced development and improve the population's living conditions. The region has been negatively affected by decades of marginalization, isolation and exclusion. See, for example: Omar Iharchane, "Ḥirāk ar-Rīf: as-Siyāq wa't-Tafāʿul wa'l-Khaṣāʾiṣ," *Siyasat Arabiya*, Issue 31 (March 2018), p. 68.

64   The highest poverty rate is found in the Drâa-Tafilalet region (14.6 percent), followed by Béni Mellal-Khénifra (9.1 percent). However, the poverty rate does not exceed 2.6 percent in the region of Tanger-Tetouan-Al Hoceima, to which the Rif belongs. See: Kingdom of Morocco, High Commission for Planning, *an-Natāʾij ar-Rāʾisiyya li-Kharīṭat al-Fuqr Mutaʿaddid al-Abʿād li-Sanat 2014: al-Mashhad at-Turābiyy wa'd-Dīnāmiyya* (accessed on 02/12/2019 at https://bit.ly/381uj1F).

65   Headed by Nasser Zefzafi (born 1978 in Al Hoceima, northern Morocco), who had participated in previous protests in the Al Hoceima region, especially as part of the 20 February Movement during the Arab Spring. Although he was recognized locally as a political activist on social media platforms, he only became famous with the Rif Movement. See, for example: "Ḥiwār: az-Zafzāfī Yaqūl Kull Shayʾ ʿan Ḥayātihi wa-ʿan Ilyās wa-Limādhā Yastafrid bi'l-Ḥirāk wa-Limādhā Ẓahara Rifqat al-Ḥurrās", alaoual.com, 20/5/2017 (accessed on 02/12/2019 at: https://bit.ly/338gJ9B).

Although sentenced to twenty years imprisonment, he was shortlisted for the Sakharov Prize for Freedom of Thought organized by the European Parliament, after receiving 40 nominations from European parliamentarians. See: "az-Zafzāfī Ḍimn al-Qāʾima an-Nihāʾiyya li'l-Murashshaḥīn li-Jāizat Sākhārūf li-Ḥurriyat al-Fikr", lakome2.com, 9/10/2018 (accessed on 10/10/2018 at: https://bit.ly/2BQUfy4)

66   The movement's leaders and activists became especially sensitive towards the majority of the party and trade union organizations, which they considered mere 'political fronts' (*dakākīn siyāsiyya*). See, for example: "Ḥiwār: az-Zafzāfī Yaqūl".

67   This young man was crushed to death in a bin lorry while protesting the confiscation and destruction of his swordfish by the police.

68   In this regard, Nasser Zefzafi's mother recounts, "At around 7 pm on October 28, Nasser was sitting at home. I poured him a cup of tea and before he started sipping it, I told him, 'I heard that someone has been crushed in a garbage truck, is it true? So he put his cup down and went out ...' See: "bi'ṣ-Ṣuwar: az-Zafzāfī Kamā Lam Taʿrifūhu min Qabl", *Aṣwāt Maghāribiyya*, 26/07/2017 (accessed on 20/02/2018 at: http://urlz.fr/5Lam).

69   A video shows the two officials assuring the protesters that an impartial investigation would be launched into the incident. Responding to the officials, one of the interlocutors – who would later be known as Nasser Zefzafi, the leader of the movement – demanded adequate guarantees that there would be a transparent investigation. YouTube, 08/01/2017 (accessed on 28/11/2017 at: https://bit.ly/2qVWe2m).

70   In Morocco, *ḥəgra* connotes contempt, trampled dignity, arrogance, and violated rights.

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

We must mention here that although Morocco has experienced similar events in recent years, they only led to weak protests, limited in time and place,[71] as the reality is far more complex than to be reduced to such simplistic explanations. The tragic crushing was the straw that broke the camel's back, unleashing years of accumulated social discontent. This requires deeper study of how the Rif Movement erupted in the context of the interaction between the protest space and the field of institutional policy.

This tragic accident can be said to have strongly embodied a set of interrelated factors that formed to a large extent the foundation for explaining how this social movement originated and developed. These objective factors concern social structures and interact with other subjective factors concerning the actions of individuals or groups. Perhaps the most important of these factors is the exacerbation of youth unemployment and the spread of the scourge of corruption, which alongside the sense of *ḥəgra* explains many aspects of what happened in the Rif.

The interaction of sociocultural,[72] economic[73] and political[74] factors has undoubtedly created fertile ground for discontent. If we add the weight of history to these factors we get a clearer idea of the painful recollections associated in the rural collective memory with historical tensions with the central authority. After Morocco's independence in 1956, the people of the Rif revolted in the 1957-1959 period, rebelling against marginalization and neglect.[75] According to American anthropologist David Montgomery Hart, the Rif uprising is attributable to dissatisfaction with the independence period: the people of the region have been disappointed by both political parties and the Moroccan government in which they did not even obtain a regional governor position. In addition, their region's underdevelopment, compared to others, deepened their sense of *hogra*. However, instead of responding to these demands[76], the Moroccan regime bloodily suppressed the movement, dispatching ground and air military forces led then Crown Prince Moulay Hassan (later Hassan II) and General Mohamed Oufkir (1920-1972).

The Rif, in addition to other Moroccan regions, witnessed further uprisings: on 19 January 1984 protest movements erupted in several cities, especially Al Hoceima, Nador, Ksar El Kebir and Marrakech.[77] Five years after coming to power, Mohamed VI established an Equity and Reconciliation Commission to put to rest serious human rights violations in the Rif and other regions.[78] However, with the outbreak of the first wave of Arab revolutions in 2011, Morocco, including the Rif, would see new waves of protest under the banner of the 20 February Movement.

There is no doubt that the interaction of these historical, sociocultural, economic and political factors contributed greatly to the formation of a protest space encompassing a group of networks revived whenever the opportunity arises – as happened in the case of Mouhcine Fikri's tragic death. Among the most prominent such networks are the National Association for Unemployed Graduates in Morocco, the local coordination committee of the 20 February Movement, in addition to some leftist and Islamist

---

71   Including, in particular, self-immolation as protest, 'Bouazizi style'. 29 cases of self-immolation were registered in Morocco between 2011 and 2016, see: "Les immolations par le feu au Maroc en chiffres," 16/5/2016 (accessed on 17/12/2017 at http://urlz.fr/5Laz).

72   As the mother tongue of the Rif, the Amazigh language still suffers from significant marginalization in education, administration and information, despite its position being enshrined in the constitution in 2011. The Rif's population thus feel linguistically and culturally marginalized, reinforcing their sense of exclusion. This identity factor plays an active role in the Rif people's pride in their historical glories, which they use in the face of present-day problems.

73   In the absence of strong economic structures in the Rif, smuggling represents an income-generating activity for many families. This is in addition to mountain and marine tourism and the hard currency that the Rif community in Europe brings. It is also no secret that the Rif, especially the town of Ketama, is known for cultivating and trading cannabis and smuggling it into Europe.

74   Most observers believe that the government generally controls the inputs and outputs of the political field. According to the Justice and Development Party's statements on the Rif crisis, this control is evident in the intervention of state agencies to preserve the hegemony of the Authenticity and Modernity Party, which is close to the highest authorities in the country.

75   Hsain Ilahiane, *Historical Dictionary of the Berbers (Imazighen)* (USA: Scarecrow Press, 2006), p. 107.

76   In his aforementioned book, David Hart states that the movement's goals include the evacuation of foreign forces from Morocco, the formation of a broad-based national government, and the establishment of a democratic system that pursues the people's aspirations in the fields of economy, politics, and education.

77   The protests emerged among students, before encompassing other social groups as well. The uprising was subjected to severe bloody violence and large-scale arrests, see in this context: Shakib El-Khayari, "Intifāḍat Yanāyir 1984 bi'n-Nāẓūr… al-Asbāb wa'n-Natāʾij", *al-Ḥiwār al-Mutamaddin* No. 1301, 29/08/2005 (accessed on 10/12/2017 at https://bit.ly/2pk5pss)

78   A national commission created by the King in 2004 to manage the transitional justice process in Morocco and to uncover the truth about serious human rights violations in the 1956-1999 period.

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

currents and other human rights and trade union organizations. Moreover, this protest space represents a fertile ground for every emerging social movement.

One of the by-products of the Rif Movement was a dramatic upheaval within both the protest space and the political field – an upheaval the likes of which Morocco had not seen since the 2011 uprisings. As far as the protest space was concerned neither the quick measures taken by the King nor the Prime Minister's own initiatives succeeded in calming the situation. And the regional authorities were likewise unable to stop the protest and prevent it from spreading to other regions.[79]

In the political field the state's responses can be divided into two categories: hasty measures and medium-term measures. Both the King and the government took rapid steps intended to absorb the anger of the Rif population and urban popular opinion.[80] But the government's management of the situation was marked by confusion and inefficiency, which contributed to the movement's perseverance and helped it spread to most regions of the country; none of the methods it adopted produced a solution. The mismanagement is obvious to anyone familiar with the movement's chronology: measures ranged from promising an impartial investigation into Mouhcine Fikri's death to using excessive and disproportionate force and accusing movement leaders of separatism and receiving foreign funding. These accusations were then withdrawn and ministerial delegations were sent to the region to follow the progress of the programmed development projects.[81]

In the medium term, according to movement activists, accountability in the "impartial investigation" encompassed only a few sacrificial lambs and did not extend to senior officials. Although initially authorities had taken a flexible approach to the protests – hoping that they would peter out naturally with time – their persistence led to a change in direction. After they accused leaders and activists of being 'separatists' and 'receiving money from abroad', the movement's leaders quickly launched a rebuttal campaign on social networks, which led to the withdrawal of the accusations and recognition of the legitimacy of the movement's demands. Activists nonetheless insisted on going ahead with a scheduled demonstration.[82] Under royal instructions, a ministerial delegation visited Al Hoceima to hold meetings with locally elected officials and civil society representatives, albeit in the absence of the movement's leaders.[83]

The final straw in the mismanagement of the crisis was the state's use of religion to attack the movement's legitimacy. A Friday sermon accusing activists of fomenting 'strife' (*fitna*) provoked worshippers led by Nasser Zefzafi to boycott the preacher on the grounds that religion was being used for political ends. This incident provoked one of the most dangerous *volte-face*s that the movement would experience. The authorities launched a massive campaign to hunt down, detain and prosecute leaders and activists, levelling very serious charges against them. They also banned any form of protest.[84]

Despite ongoing arrests and harsh sentencing, protests in the Rif did not stop – in fact, they spread further in most parts of the country. When time and the arrest of the its leadership and many of its activists failed to break the movement, the security forces lost patience and accelerated their crackdown. The cost of the struggle was thus very high for the movement's

---

79   Peaceful demonstrations were organized in thirty cities, the most important of which were Tangier, Casablanca, Rabat, Marrakech, and Nador. See: "Ghaḍab wa-Muẓāharāt bi'l-Maghrib Baʿd Mawt Bāʾiʿ Samak Ṭiḥnan", *Al Jazeera.net*, 31/10/2016 (accessed on 02/12/2019 at: https://bit.ly/324APjX)

80   Immediately after the tragic accident, the King quickly dispatched the Minister of the Interior to the city of Al Hoceima to offer condolences to Fikri's family. He also gave instructions "to conduct a thorough and in-depth investigation and to follow up on all those found responsible in this incident". PM Abdelilah Benkirane, meanwhile, called on his Justice and Development Party not to respond to any call to protest. See: ibid.

81   Mohamed Naimi, "Ḥirāk ar-Rīf: Baʿd ʿUnf as-Sulṭa al-Mufriṭ, Lā Makhraj min al-Azma ilā bi'l-Ḥiwār", www.lakome2.com, 02/07/2017 (accessed on 03/07/2017 at: https://bit.ly/2C1b1L5)

82   This massive demonstration was held in Al Hoceima on May 18, 2017 to denounce accusations of treason and to cling to the movement's economic and social demands. See: "al-Ḥusayma Tusayyir Masīra Ḍakhma Rāfiḍa li't-Takhwīn wa-Mutashabbitha bi'l-Maṭālib", www.aljamaa.net, 18/05/2017 (accessed on 02/12/2019 at: https://bit.ly/2JDooFg)

83   Author's field notes: *Krōnōlōjiyā Ḥirāk ar-Rīf*, 2016-2017.

84   Ibid.

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

leaders and activists.[85] At the same time, political answers were provided, especially by the King in his capacity as head of state.[86] This is an important methodological point through which the extent of the controversial interaction taking place between the protest space and the field of institutional policy is evident, contrary to the theory of 'the structure of political opportunities'.

Once again, when faced by this type of social movement – in which collective action is subject to an entirely un-utilitarian logic unconcerned

with the axiom of cost-benefit analysis – Olson's instrumental rationality shows its methodological and epistemological deficiencies. Nonetheless, despite the criticism directed at it, the theory retains a double advantage. On the one hand, it has reconsidered the alleged causal relationship between discontent and collective action. On the other, it has cast light on an important dimension of the process of mobilization: the cost and diverse risks facing those protesting, which often prevent those who otherwise might be assumed to protest from acting.[87]

Towards an Alternative Rationality in the Explanation of Social Movements

Based on our conclusions here – and in order to understand and explain collective action from an open and flexible rational perspective – rational choice theory requires some adjustment. We might call the result of this adjustment 'bounded rationality' theory or 'good reason' theory. This can only be achieved by supporting it with other explanations like those offered by resource mobilization theory, which highlights the role of societal linkages, action organizers and networks. Also noteworthy is Charles Tilly's work, which has helped explain the role of political contexts, institutional patterns, and ideological presentations in constituting collective action. In general, sociologists and historians have highlighted the role of political cultures and

perceptions of social justice in the formation and development of protest action, away from the solid nucleus of relative deprivation.[88]

With the advent of resource mobilization theory in the 1970s in the United States, the seminal contributions of Tony Oberschall (1973), William Gamson (1975), Charles Tilly (1976), John McCarthy and Mayer Zald (1977) cast new light on old questions and considerations. This theory breaks epistemologically with a theoretical perspective hypnotized crowds and violent mobilization. It also breaks with Olson's instrumental perspective, which is interested exclusively in social movements with direct material concerns. Resource mobilization theory can thus

---

85   About 500 detainees, the youngest of whom was not yet 14, according to the movement's activists' Self-Defense Committee, in addition to the death of activist Imad Atabi, who was wounded in the head during a security intervention to disperse the Al Hoceima march on July 20, 2017. See: "500 Muʿtaqal fī'l-Maghrib ʿalā Khalfiyyat Ḥirāk ar-Rīf fī Aqall min Sana", www.alyaoum24.com, 10/10/2017 (accessed on 02/12/2019 at: https://bit.ly/2N72sob).

On June 26, 2018, the First Instance Criminal Chamber of the Appeals Court in Casablanca sentenced 46 Rif movement leaders and activists to a total of 300 years imprisonment, with sentences ranging from one year to 20 years. The movement's leader Nasser Zefzafi and three other leaders were convicted to twenty years in prison. See: "'Ājil… Aḥkām Ṣādima fī Ḥaqq Qāʾid "Ḥirāk ar-Rīf" Nāṣir az-Zafzāfī wa-Rifāqihi", http://chamaly.ma, 26/6/2018 (accessed on 12/12/2019 at: https://bit.ly/338dZt4)

86   The King's first response was to chair a Cabinet meeting on 25 June 2017 dedicated to the discussion of several topics, most notably the Rif protests. The crisis in all of its complexity was reduced to technical and administrative issues pertaining to the failure to implement the 'Al Hoceima, Beacon of the Mediterranean' program. The King expressed to the government "his dissatisfaction, exasperation, and concern" regarding the failure to implement the projects included in this development program within the specified deadlines. He also expressed his anger at a number of ministers. See: The Kingdom of Morocco, "Jalālat al-Malik Yataraʾʾas bi'd-Dār al-Bayḍāʾ Majlisan li'l-Wuzarāʾ", *al-Anshiṭa al-Malikiyya*, http://www.maroc.ma/, 25/06/2017 (accessed on 02/12/2019 at: https://bit.ly/34ol3lv). In his coronation day speech on 29 July 2017, he criticized the poor outcome of human development and the mismanagement of the public sector, in addition to pointing out the weaknesses in most parties. See: The Kingdom of Morocco, "Naṣṣ al-Khiṭāb as-Sāmī alladhī Wajjahahu Jalālat al-Malik bi-Munāsabat Ḥulūl adh-Dhikrā 18 li-Tarabbuʿ Jalālatihi ʿalā ʿArsh Aslāfihi al-Munʿamīn", http://www.maroc.ma/ (accessed on 2/12/2019 at https://bit.ly/2NvTfF0)

The King's third response was much more dramatic: on 24 October 2017 he dismissed four ministers. See: "Malik al-Maghrib Yuqīl Arbaʿat Wuzarāʾ li-Tàakhkhur Mashārīʿ al-Ḥusayma", https://www.aljazeera.net, 24/10/2017 (accessed on 02/12/2019 at: https://bit.ly/2PDDFtz)

87   Michel Dobry, "Les Causalités de l'Improbable et du probable: Notes à propos des manifestations de 1989 en Europe centrale et orientale", *Cultures & Conflits*, no. 17 (Spring 1995) (accessed on 13/02/2018 at: https://bit.ly/2NuneNc)

88   Dubet, p.6.

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

account for all types of movements – including those with explicit ideological and political aspects like the 20 February Movement. Its most important contribution was to reformulate the fundamental question to analysis of social movements: no longer "Why do certain groups mobilize, as in the model of collective behavior?", but rather "How is mobilization launched and how does it develop?", then "How does it succeed or fail?"[89]

In addition, by classifying types of support, it provides an unprecedented answer to the 'Olson paradox' referred to above. It introduces the concept of 'adherents', meaning people who support the goals of the movement as distinct from 'constituents' (active members) who give the movement their time, money, and all forms of material support. Moreover, we can place the 'active members' in two categories: one for 'potential beneficiaries' who can gain some personal benefit from the movement's success; and another for 'ascetic militants' who support the movement without making any significant material profit. These 'ascetic militants' pumping their energies or money into a cause offers an unrivalled empirical solution to the

Olson paradox: these external resources reduce the cost of collective action for potential beneficiaries and increase the cost-effectiveness of participation.[90] This paper's analysis of the 20 February Movement and the Rif Movement in Morocco confirms this. In both cases, the study showed that we are faced with a special type of 'ascetic militants' who make enormous sacrifices for a cause without any benefit in return.

This leads us, briefly, to cognitive rationality, which aims to explain the reasons why people adopt ideological or magic beliefs or moral values and which is mainly attributable to the German School of Sociology. By distinguishing between instrumental rationality and axiological rationality Max Weber is able to argue that rationality *per se* should not be conflated with its instrumental form. The concept of axiological rationality may sometimes be somewhat ambiguous, especially for those who cannot conceive of a non-instrumental rationality because they conflate the two. But it becomes much clearer if we see it as an application of cognitive rationality to normative issues.[91]

Conclusion

We can conclude that rational choice theory in its instrumentalist iteration does not constitute a general framework capable of explaining most social phenomena. Fieldwork with a group of social movements in Morocco shows that Olson's instrumental rationality can account for only a few events – those concerning social movements interested exclusively in limited sectional economic interests. Social movements with political or ideological concerns remain impossible for him to understand.

It is well known that economics and the economic model have affected all other social sciences to varying degrees. Within economics, which presents itself as a neoclassical discipline, the only legitimate epistemological underpinnings are microeconomic – that is, everything proceeds from the axiom that

social actors as rational agents care only about their own interests. This axiom, which lies at the heart of methodological individualism and rational choice theory, is also operative in other social science disciplines.

To transcend this narrow economicist viewpoint, the scope of rationality must be expanded to include cognition. This might help us avoid the trap of choosing between an excessively rational economic being and an irrational sociological being presented by deterministic sociology as an automaton driven by social forces. Most actions of interest to sociologists exist in a middle category: neither the actions of a calculating, fully informed economic actor nor the actions of a sociological self driven unwittingly by imperatives far bigger than it.[92]

---

89   Olivier Fillieule, "Requiem pour un concept. Vie et mort de la Notion destructure des opportunités politiques," in: Gilles Dorronsoro (dir.), *La Turquie conteste: Mobilisations sociales et régime sécuritaire* (Paris: Presses du CNRS, 2005), p. 202.

90   Neveu, p. 52.

91   Boudon, *Raison*, p. 51.

92   Boudon & Fillieule, p. 4.

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

We thus need a greater openness to an axiological rationality taking into account a set of values, or what Raymond Boudon dubs the rationality of 'good reasons' (*bonnes raisons*). We desperately need a general sociology based on principles other than the theory of rational choice and the economic model – a general social science that is not utilitarian.[93] We must also move beyond the bivalent Aristotelian logic diagram to trivalent dialectical logic. Neither the 'methodological individualism' adopted by the theory of rational choice nor 'methodological holism' is capable alone of explaining all social phenomena. This is the overall trend in social sciences today, as it seeks to transcend this methodological duality as part of an approach towards integration.

---

93   Alain Caillé & Stéphane Dufoix, "La Globalisation des sciences sociales," *Sciences humaines*, vol. 3, no. 290 (2017), p. 14, at: https://bit.ly/2Y8X488

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

References

Arabic

20 Fibrāyir wa-Maàālāt at-Taḥawwul ad-Dimuqrāṭiyy fī'l-Maghrib, Democratic Transition Series. Doha/ Beirut: Arab Center for Research and Policy Studies, 2018.

Kingdom of Morocco, High Commission for Planning, *an-Natāʾij ar-Raìīsiyya li-Kharīṭat al-Fuqr Mutaʿaddid al-Abʿād li-Sanat 2014: al-Mashhad at-Turābiyy wa'd-Dīnāmiyya.*

Omar Iharchane. "Ḥirāk ar-Rīf: as-Siyāq wa't-Tafāʿul wa'l-Khaṣāʾiṣ." *Siyasat Arabiya*, Issue 31 (March 2018).

Coleman, James. *Foundations of Social Theory*. Cambridge/ London/ Massachusetts: Harvard University Press, 1990.

Craib, Ian. *Modern Social Theory: From Parsons to Habermas*. London: Harvester Wheatsheaf, 1992.

Davies, James C. "Toward A Theory of Revolution." *American Sociological Review*. no. 27 (1962).

English

Coleman, James. *Foundations of Social Theory*. Cambridge/ London/ Massachusetts: Harvard University Press, 1990.

Craib, Ian. *Modern Social Theory: From Parsons to Habermas*. London: Harvester Wheatsheaf, 1992.

Davies, James C. "Toward A Theory of Revolution." *American Sociological Review*. no. 27 (1962).

Hardin, Russel. *One for All: The Logic of Group Conflict*. Princeton: Princeton University Press, 1995.

Ilahiane, Hsain. *Historical Dictionary of the Berbers Imazighen*. USA: Scarecrow Press, 2006.

Kuran, Timur, *Private Truths, Public Lies. The Social Consequences of Preference Falsification*. Cambridge: Harvard University Press, 1995.

Mancur, Olson. *The Logic of Collective Action: Public Goods and the Theory of Groups*. USA: Harvard University Press, 1965.

McCarthy, John D. & Mayer Zald. *The trend of Social Movement in America: Professionalization and Resource Mobilization*. Morristown (N.J.): General Learning Corporation, 1973.

Montgomery Hart, David. *The Aith Waryaghar of the Moroccan Rif*. Tucson: Arizona, 1976.

Oberschall, Anthony. *Social conflict and Social Movements*. Englewood Cliffs: Prentice-Hall, 1973.

Sarantakos, Sotirios. *Social Research*. London: Macmillan, 1998.

Ted Gurr, Robert. *Why Men Rebel*. Princeton: Princeton University Press, 1970.

Tilly, Charles & Sidney Tarrow. *Contentious Politics*, 2nd ed. New York: OUP, 2015.

French

Ben Néfissa, Sara & Blandine Destremau "Protestations sociales, révolutions civiles: Transformations du politique dans la Méditerranée arabe." Revue Tiers Monde, numéro Hors série, 2011.

Benadada, Assia & Latifa El Bouhsini (dir.). "Le Mouvement des droits humains des femmes au Maroc: Approche historique et archivistique." Étude réalisée par Le Centre d'histoire du temps présent. Faculté des Lettres et des Sciences Humaines-Rabat/ Université Mohammed V de Rabat, 2014.

Bennani-Chraïbi, Mounia & Mohamed Jeghllaly. "La Dynamique protestataire du Mouvement du 20 février à Casablanca." *Revue française de science politique*. vol. 62. no. 5 (2012).

Bennani-Chraïbi, Mounia & Olivier Fillieule (dir.). *Résistance et protestations dans les Sociétés musulmanes*. Paris: Presses de Sciences-Po, 2003.

Boudon, Raymond & Renaud Fillieule. *Les Méthodes en sociologie*. Collection Que sais-je? Paris: PUF, 1969.

———. "Théorie du choix rationnel ou individualisme méthodologique?" *Sociologie et sociétés*. vol. 34. no.1 (2002).

———. *Raison, bonnes raisons*. Paris: PUF, 2003.

Bourdieu, Pierre. *Esquisse d'une théorie de la Pratique. Précédé de "Trois études d'ethnologie kabyle"*. Paris: Librairie Droz, 1972.

The Limits of Rational Choice in the Sociology of Social Movements:
The 20 February Movement and the Rif Movement in Morocco

Articles

Caillé, Alain & Stéphane Dufoix. "La Globalisation des sciences sociales." *Sciences humaines*. vol. 3. no. 290 (2017).

Dobry, Michel. "Les Causalités de l'Improbable et du probable: Notes à propos des manifestations de 1989 en Europe centrale et orientale." *Cultures & Conflits*. no. 17 (Printemps 1995). at: https://bit.ly/2NuneNc

Dorronsoro, Gilles (dir.). *La Turquie conteste. Mobilisations sociales et régime sécuritaire*. Paris: Presses du CNRS, 2005.

Dubet, François. "Frustration relative et individualisation des inégalités." *Revue de l'OFCE*. no. 150 (Février 2017).

Fillieule, Olivier. "Propositions pour une analyse processuelle de l'engagement individuel. Post scriptum." *Revue française de science politique*. vol. 51. no. (2001).

Gaxie, Daniel. "Rétributions du militantisme et paradoxes de l'Action collective." *Swiss Political Science Review*. vol. 11. no. 1 (2005).

Granci, Jacopo. "Le Mouvement amazigh au Maroc: De la Revendication culturelle et linguistique à la Revendication sociale et politique." Thèse en science politique. Montpellier 1, 2012.

Haut-Commisariat au Plan. *Enquête Nationale sur les Jeunes*. Royaume du Maroc, 2012.

Le Bon, Gustave. *Psychologie des foules*, 9th éd. Paris: Édition Félix Alcan, 1905. (éd. Orig. 1895).

Le Bon, Gustave. *Psychologie des foules*. 4th éd. Paris: PUF, 1991.

Le Saout, Didier & Marguerite Rollinde. *Émeutes et mouvements sociaux au Maghreb*: Perspective comparée. Paris: Karthala, 1999.

Le Saout, Didier. "Les Théories des mouvements sociaux. Structures, actions et organisations: Les Analyses de la Protestation en perspective." *Insaniyat*. no. 8 (1999).

Lehtinen, Tehri. "Nation à la Marge de l'État, la Construction identitaire du Mouvement Culturel Amazigh dans l'Espace national marocain et au-delà des frontières étatiques." Thèse de doctorat d'État en anthropologie sociale et ethnologie. École des Hautes Études en Sciences Sociales. Paris, 2003.

Lilian, Mathieu. *Comment Lutter? Sociologie et mouvements sociaux*. Paris: Textuel, 2004.

———. "L'Espace des mouvements sociaux." *Politix*. no. 77 (2007).

———. *L'Espace des mouvements sociaux*. Paris: Edition du Croquant, 2012.

Montserrat Emperador, Badimon. "Les Mobilisations des diplômés chômeurs au Maroc: Usages et avatars d'une protestation pragmatique." Thèse de doctorat en Science politique. à Aix-Marseille 3. École Doctorale Sciences Juridiques et Politiques (Aix-en-Provence). 2011.

Neveu, Erik. *Sociologie des mouvements sociaux*. 5th. ed. Paris: La Découverte, 2011.

Rollinde, Margueritte. Le Mouvement marocain des droits de l'Homme. Paris: Karthala, 2002.

Touraine, Alain. *La Voix et le Regard*. Paris: Les Éditions du Seuil, 1978.

Prosopography:
An Approach to Studying Elites and Social Groups[1]

Rajae Ankoud[2]

This study presents *prosopography*, or collective bibliography, as an auxiliary approach to historical study. Prosopography focuses on researching the common characteristics of historical actors belonging to a specific group, as well as studying their external characteristics, similar and different, and the trajectories of their lives, gathering data from phenomena touching any individual's life to common aspects of the lives of these individuals. Social historians have adopted prosopography, an approach once geared to the study of ancient history, to studying social groups in eras of medieval, modern, and contemporary history. This has resulted in the emergence of new findings that are distinct from those derived from other studies, especially when data are scarce and written sources are unavailable, or the archive is sparse or missing.

Prosopography   Collective Biography   History of Social Structures   Elite History

History of Social Groups   History of Political Groups

Prosopography is considered one of the least used methods used in writing political-social (and religious) history in the Arab world, as in Arab libraries it is rare to find studies devoted to specific social groups – whether elite or commoner – in any historical epoch, although this does not mean their complete absence from the realm of research.[3]

Prosopography combines the history of an individual with the history of structures, viewing the individual as an actor in history only as one of a group of other actors. This study suggests that prosopography can set off new lines of research in biographical histories of individuals and groups, to derive new and possibly different conclusions from those we have grown accustomed to.

This paper offers a definition of prosopography, followed by an overview of its evolution and importance in the conduct of historical research and a perspective on how to work with its tools, and the difficulties that arise with it.

Prosopography, the Concept

Prosopography is a Greek compound of *prosopon* (person) and gráphein (description),[4] hence "describing a person". It is also defined as "description of external features, the face and behaviour of human beings and animals".[5]

---

2   Rajae Ankoud is a Moroccan historian preparing a doctoral thesis in modern history, titled "The Institution of the Sultan in Morocco and the Ottoman State during the Modern Period: A Comparative Prosopographic Study."

3   A number of research papers have been published in Tunisia in recent years on Tunisian elites during the modern era, including: Salwa Huwaidi, *Aᶜwān ad-Dawla fī'l-ʿIyāla at-Tūnisiyya* (1735-1814), (Tunisia: Publications of the Laboratory of the History of the Mediterranean Economy and its Societies, Faculty of Humanities and Social Sciences, 2014); al-Mahdi Jarād, *ʿĀ'ilāt al-Makhzan bi'l-ʿIyāla at-Tūnisiyya Khilāl al-ᶜAhd al-Husayniyy 1705-1881* (Tunis: Publications of the Laboratory of History of the Mediterranean Economy and its Communities, College of Humanities and Social Sciences and the Tunisian National Archive, 2011); al-Mahdi Jarād, *Tujjār al-Bilāt bi-ʿIyālāt Tūnis*, Tunis: Dār al-Ittihād, 2017). Among Moroccan publications we may mention here: Muhammad al-Mubakkir, *al-Masīhīyya wa't-Tarawmun fi Shamāl Afriqīya al-Qadīm 284 AD -299 AD*, (Rabat: Dār Abi Raqrāq, 2004); Hamid al-Fatihi, *Dirāsa hawl al-Fuqahā' fī'l-Maghrib al-Marīniyy,* (Rabat: Time Publications, Sharafāt Series, 2018).

4   Caroline Sappia, "Introduction: La Prosopographie: Quelques clés sur une méthode," *CLIO* (Revue de l'Association des historiens et du département d'histoire de l'UCL), no. 126 (janvier- juin 2007), pp. 8-9.

5   Charles Pietri, "Introduction," *MEFRM*, vol. 100, no. 1 (1988), p. 7.

Dictionary definitions of the concept and the term's usage have changed throughout history. According to Verboven et al, in nineteenth-century dictionaries, definitions of prosopography intended the formal description of animals and individuals. By the second half of the same century, they came to signify listings of individuals and summary information about them.[6] Researchers agree that conceptually, as a historical method, prosopography focuses on the similar and differing external characteristics of a group of individuals belonging to a specific group, as well as the course of their lives, by collecting data on phenomena going beyond individual lives, to the common features in each of their lives.

Thus, prosopography studies common features of a group of historical actors by studying their lives and their external and impersonal characteristics, as a collective. Consequently, prosopography also has been defined as "collective biographies that describe external characteristics of a group of individuals including some common denominator [...] and that describe the distinguishing material or physical characteristics of a more or less homogeneous group of individuals, by collecting as many of the material elements as possible that can enable us to describe the individual, spiritual elements that bring us from the person to the personality."[7]

Prosopography and biography are similar, "but prosopography goes far beyond biography's accumulation of individual events to undertake research into the constants and variables of individual destinies and their relationship to other fates in the same milieu. Prosopography aims to focus on the retention of important points in an individual's linkages to society (the individual as such is not the focus), to gain knowledge of relationships of lineage, kinship, alliances, origins, or of the size of the individual's inherited and personal wealth, the nature of professional activities, practice of their

agency and authority and occupations in the army. For a general definition it can be said that prosopography is research into the "commonalities and differences presented by specific private biographies."[8] Where biography provides descriptive studies of individuals, prosopography incorporates these individual biographies with others with whom commonly shared characteristics can be demonstrated via quantitative and statistical studies, using a grid of questions or surveys. For the historian, it is a matter of "practicing the collective biography of a number of individuals, based on obvious shared outstanding features such as education and profession [...] whereas biography includes other elements such as psychology."[9] Prosopography focuses analysis on the individual but with reference the collective or social group to which they belong, and biographical data that can also serve to describe outward features of a specific group whose members share one or more such features according to their position (profession, social and/or geographic origins, and education) can be collected to highlight a specific group's common characteristics as actors at a specific stage, based on biographical data.[10]

Researchers disagree about whether Prosopography constitutes a historical research *methodology*, or merely "a research method, clearly less than a *methodology*, and less stringent than a *school*."[11] There are those who define it as "a model inductive method," departing from concrete data extracted from primary sources relating to individuals' behaviours and goals, to understand a general phenomenon.[12]

Most researchers agree to withhold description of prosopography as a methodology for various reasons, for "despite the extensive use of the term prosopographic methodology, prosopography is not a real methodology, because it does not present anything new in terms of research methods, data collection, investigation of sources, and review of findings. It is more precisely a specific means of

---

6   Koenraad Verboven, Myriam Carlier & Jan Dumolyn, "A Short Manual to the Art of Prosopography," in: Keats-Rohan K. S. B. (ed.), *Prosopography Approaches and Applications* (Oxford: Oxford University, 2007), p. 41.

7   Ibid., p. 39.

8   Jean Maurin, "La Prosopographie Romaine: Pertes et profits," *Annales, Economies, Société, Civilisations*, vol. 37, no. 5-6 (1982), p. 825.

9   Jean-Philippe Genet, "Introduction," in: Françoise Autrand, *Prosopographie et genése de l'État moderne*, no. 30 (Paris : Collection de l'École normale supérieure de jeunes filles, 1986), p. 9.

10   Sappia, p. 8.

11   Claire Lemercier & Emmanuelle Picard, "Quelle approche prosopographique ?" *HAL*, 3/5/2011, pp. 1-2, accessed on 1/9/2019, at: http://bit.ly/2HDeRgy

12   Verboven, Carlier & Dumolyn, p. 67.

study and a new approach to studying a specific era."[13] This approach is based on collecting data and biographical information for a group of individuals in a systematic and formal manner that allows organizing unusual or rarely considered information in a way that provides it with additional importance,

through revealing connections and patterns affecting historical processes.[14]

Overall, "it is necessary to distinguish between two primary uses of the word prosopography: in its narrow sense, as simply a listing of biographies; and in a broader sense which incorporates analytical work on the collected materials."[15]

The Development of Prosopography

Prosopography emerged as an instrument in political history, aimed at gathering disparate and unusual data in ancient history and other scarcely documented eras (and specific periods) of non-existent archives or written sources – the importance of which becomes clear when a coherent narrative of the chain of events of the period is absent despite inscriptions being abundant.[16] It has been used notably by social historians, given the urgent need for new methods of research into social history to explain transformations in specific societies during certain lengthy periods. From here it began to allow research into the nature of social groupings and their evolution and dynamism in the concerned society, and to illuminate possible new historical conclusions: "historians of ancient history in particular uphold the importance of the prosopographic approach to the subject of social history; they were the first to accurately perceive the value of the *prosopon* (πρόσωπον - face, persona) and look for ways to collect relevant documentation."[17]

The emergence of the term prosopography dates to earlier periods, when it was used to refer to the lists of individuals belonging to a certain group or exercising specific functions. "It is not, therefore, a new thing at least in terms of the name, as since the sixteenth century the term appeared in titles Some published in Latin in Germanic countries, and later in French. However, the term preserved its original

meaning related to depicting ancient ancestors, so that prosopography concerned itself with the celebrations of famous men and genealogies of nobility, and is largely included in listings of works of ancient writers."[18] The emergence of the discipline is linked to intellectual, technological, and political developments in Europe during the Renaissance, since "For most social groups in most areas prosopography cannot usefully be employed before the explosion of record materials in the sixteenth century, caused by the invention of the printing press, the spread of literacy and the growth of the bureaucratic, record-keeping nation-state."[19]

Prosopography in historical research began at the end of the nineteenth century as a result of developments during this century in historical science and research methods, and it commenced with the collection of biographies, initially simply a 'Who's Who' of individuals who mostly figured in the available resources as nobility.[20] During this period, historians attempted to find a new approach to the study of political and social history, given the scarcity of known sources (in particular for the history of the Roman Empire); prosopography was devised as a method used first by ancient (and subsequently modern) historians as a new approach to political history.[21]

---

13   Maurin, p. 824.

14   Verboven, Carlier & Dumolyn, p. 37.

15   Mohamed al-Mubakkir, "al-Burūsbūgharāfīyya fi-l-Dirasat al-Tarikhīyya*," Majallat 'Amal: al-Tarīkh - al-Thaq*ā*fa - al-Mujtama*ᶜ, Year Five, No. 15, 1998, p. 12.

16   Maurin, p. 826.

17   Michel Christol & Ségoléne Demougin, "Le Choix d'une prosopographie provincial: l'Exemple de la Narbonnaise," *MEFRM*, vol. 100, no. 1 (1988), p. 11.

18   al-Mubakkir, pp 9-10.

19   Lawrence Stone, "Prosopography," *Daedalus*, vol. 100, no. 1 (Winter 1971), p. 58.

20   Maurin, p. 824.

21   Verboven, Carlier & Dumolyn, pp. 41-42.

The first studies related to imperial and republican Roman history, with Theodor Mommsen figuring among the prominent pioneers of prosopography with his 1897-1898 study *Prosopographia Imperii Romani*. Then Matthias Gelzer affirmed the importance of the prosopography in studying the institutions of the Republic through an analytical study of the higher political positions that were monopolized by small and closed family groups.[22] Then, research efforts gradually began to start adopting prosopography to other historical eras and disciplines, for example, in the late nineteenth and early twentieth century, to the history of English political elites.[23]

Interest in prosopography continued into the early twentieth century, as a group of historians shifted their focus from political history and theory to studying political actors, and before and after the First World War when some young historians, searching for new and more effective methods of understanding the work of political institutions, moved from the textual study of documents of political and constitutional theory or elucidations of bureaucratic apparatuses, to studying actual involved individuals and the experiences to which they have been exposed.[24] In this context, we can cite the book of the American historian Charles Beard (1874-1948) on the founding fathers of the American constitute, *The Economic Interpretation of the Constitution of the United States* (1913), the work of English historian Lewis Namier (1888-1960) in his book on British parliamentarians, *The Structure of Politics at the Accession of George III*, Macmillan and Company (1929), and German historian Gerd Tellenbach (1903- 1999) in his book on the aristocracy of the German monarchies in the High Middle Ages during the Reich, *Königtum und Stamme in der Werdezeit des Deutsches Reiches* (1939).

With the second half of the twentieth century, Anglo-Saxon historians in Britain and the United States of America were particularly interested in analysing the behaviour of political ruling groups, thereby providing impetus for the expansion of prosopography. Thus,

"From the Second World War and for twenty years, prosopography was a specialty of British and transatlantic scholars."[25] Later, European historians noted the importance prosopography was acquiring in historical studies, given the results shown by Anglo-Saxon research, which focused less on political choices, and more "on indicators of the development of a position and its specifications, its status at a given level, and its role in the social promotion of this or that family."[26] Development of the field continued during the seventies, expanding "to include broader fields of time, spatial and objective, so that it has become a kind of an academic 'fad', "practiced by researchers in almost all historical disciplines."[27] In this context, the Institute of Modern and Contemporary History, since its foundation in France in 1978, has chosen elite prosopography as one of the most prominent research domains in recent periods with studies of prominent social groups aimed at enriching biographical or statistical knowledge meant to present individual biographies within their family and social affiliations. These studies were all undertaken in a specific period or successive periods, aimed at rebuilding their life histories and respecting professional movement. The aim of this work was to create a working biographical dictionary as an instrument to test theories of the composition and renewal of political, economic, and cultural elites in France over time.[28]

The development of prosopography differs with time and place, given the nature of historical research pursued in universities and political decisions of the concerned states. In the United States prosopography spread with the influence of sociology and political science, and with advances in the use of computers, while the British state supported prosopographic research projects where biographical data was collected and classified as studies, and not as statistics. French historians developed interest in prosopography somewhat later, through involvement in the large project of the Annales school using then modern computer technology, with the support of

---

22   Ibid.

23   Stone, p. 68.

24   Ibid., p. 52.

25   Maurin, p. 828.

26   Ibid.

27   al-Mubakkir, pp 7.

28   Denis Woronoff, "Les Principaux hommes d'affaires en France sous le second empire," *MEFRM*, vol. 100, no. 1 (1988), p. 147.

the École Practique des Hautes Etudes in Paris, established for decades as the centre of quantitative historical investigation in France.[29]

On both sides of the Atlantic, methodological and technical factors contributed to the development of prosopography. In terms of methodology, prosopography allows a doctoral level research student to view a large number of sources and reflect on resolving the contradictions that might be encountered in these sources, allowing the arrangement of information in a systematic way to control the subject and size of the studied group. Technically, a computerized capacity to process data collected through prosopography contributed to the emergence of new historical questions.[30]

Scholars affirm the existence of two "schools": elite prosopography and prosopography of other social groups. The two schools differ in terms of subjects of study, hypotheses, methods and conclusions, but are united by mutual interest in *groups* rather than individuals or specific institutions."[31]

The *elitist* school surfaced in Germany and the United States, and developed further in England, which saw some of the best historical works, but these were surpassed in quantity and quality by American historians.[32] This school focused on studying the economic and political origins of elites, and their interests and relationships. These include a study by Christine Favre-Lejeune and Jean-François Solnon of the judiciary, and a study by Daniel Dessert and Françoise Bayard on finance experts.[33]

The *mass* school (be it a group of federations, masses, alliances, or blocs), relied more on statistics, drawing inspiration from the social sciences. "This school has a sense that history is determined by the movements of popular opinion rather than by the decisions of so-called "great men," or by elites, and they have been aware that human needs cannot usefully be defined exclusively in terms of power and wealth. They have necessarily been more concerned with social history than political history, and have therefore tried to ask a wider, if inevitably more superficial, set of questions than those usually posed by the members of the elitist school…and have tried to describe the past by the construction of Weberian ideal-types than by presenting a series of concrete examples."[34] Italian historian Giovanni Levi used this approach to study the inhabitants of the village of Santana at the end of the seventeenth century.[35]

Scholars have combined prosopography with other auxiliary disciplines to produce works of high-quality that make it possible to better understand a person's career and life path.[36] At the forefront of this biographical science researching the history of the private and minute particulars of lives of individuals is onomastics or onomatology for studying etymological history, and use of proper nouns and research in the meaning of the names and titles of individuals indicating profession, origins or social status; *genealogy* for the evolution of individuals' various social backgrounds; *sociography* to understand how individuals are distributed and their work in different social circle, all comparing different groups and uncovering possible relationships and overlaps between them.[37]

Prosopography in Historical Research

The importance of the prosopography in historical research lies in providing scope for new *précises* or

nutshell summarizations different from those derived from other studies, as may be necessary especially

---

29   Stone, pp. 70-71.

30   Ibid., pp. 71-72.

31   Ibid., p. 48.

32   Ibid., p. 70.

33   Sébastien Didier, "La Prosopographie, une méthode historique multiscalaire entre individuel et collectif," *Cahiers d'histoire*, vol. 35, no. 1 (2017), p. 70.

34   Stone, p. 48.

35   Didier, p. 71.

36   Verboven, Carlier & Dumolyn, p. 40.

37   Ibid., pp. 37-38.

when data is scarce, written sources are not available, and content of archives or ancient epochs is missing. Use of these approaches creates an ability to precisely analyse scattered archives, develop comparisons, and aggregate scattered elements to allow tracking the activities of the administrative, public, or private category under study, and its influence over the long term.[38] For medieval, modern, and even contemporary historical periods as well, prosopography is an appropriate method, facilitated by the availability of source material. Prosopography also facilitates "the construction of broad, rich and more ramified research material for testing anthropological hypotheses on family relationships and connections, or relating to family strategies of transferring property rights, particularly of families that are not royal (who are always better known), for whom the stakes are not one on the transfer of property but on political authority."[39]

To understand the above phenomena, prosopography (in one way or another) examines a large group of individuals based on one or more major criteria, and then analyses its characteristics.[40] It focuses on the motivations of individuals, and on the direct drivers of key life cycles (educational, professional, and social achievement). It excludes often structural non-individual and impersonal aspects.[41] By doing this, "prosopography establishes horizontal or vertical sections within chronological sequences - in a medium determined by the job or the professional ranks of individuals who were caught in most cases at a certain stage of their career. Importantly, this becomes clearer when looking at these sections in the context of social and family relations and their temporal development: grandparents, grandchildren, fathers, and other relationships in comparison with the professional paths of other parties."[42]

Prosopography is concerned with studying the social individuals and their relationships, which represent the defining element of the group under study. Furthermore, relationships between members of an organization cannot be summed up with simple reference to the political function of their institution, but rather require the careful study of their social and regional origins, family and professional relations, and the cultural configurations that allow the discovery of the entirety of these relationships, from which the group's work can be explained in a logical manner.[43] Prosopography thus highlights the formal and informal relationships of the members of the studied group, which helps in understanding how and when these relationships came to be formed in a particular social milieu.

Prosopography provides material for the humanities in offering a basis that is sometimes essential for sociography by demonstrating the social dynamics of a particular society.[44] It is considered to be "ideally fitted to reveal the web of sociopsychological ties that bind a group."[45] Hence its importance lies in its use as an instrument for the study of political and social groups in a given society. It helps with in-depth exploration of the discourse of political groups, analysis of the social and economic affiliations of its individual members, and presentation of the workings of the political structure and of the individuals forming its leadership.[46] Thus, prosopography allows for interpretation of political and institutional change through uncovering the underlying interests of the people under study, their motivations in work (legal and/or economic benefits, personal or family, alliance or customer relations).[47]

To study social structures and movements, prosopography allows an analysis of changes that occurred in group and its changing status over time

---

38   Isabelle Parizet, "Méthodes de la Prosopographie de l'Époque contemporaine," in: *Livret- Annuaire 20, 2004-2005* (Paris: École pratique des hautes études: section des sciences historiques et philologiques, 2006), p. 313.

39   Mireille Corbier, "Pour une pluralité des approches prosopographiques," *MEFRM*, vol. 100, no. 1 (1988), p. 195.

40   Verboven, Carlier & Dumolyn, p. 66.

41   Ibid., p. 67.

42   Corbier, p. 188.

43   Genet, p. 10.

44   Verboven, Carlier & Dumolyn, p. 60.

45   Stone, p. 66.

46   Ibid., p. 46.

47   Maurin, p. 827.

(through remaining always part of the elite), along with the titles and positions held by its members and their economic interests, by determining the degree of social mobility of the groups studied at certain stages by studying the family, social, and geographic origins, their professional-vocational situation and utilization of their political situation and professional status.[48] Thus, the prosopography interprets and accords meaning to political action and helps to explain ideological and cultural transformations to better recognize social truth and to precisely describe and analyse the structures of society and the degree and nature of the movements within it.[49]

Additionally, prosopography clarifies the representational attributes of an individual and enables comparison of his own life with the typical life lived by the rest of the group to which he belongs. It clarifies the extent to which the course of this individual's life was either typical or exceptional while also examining the relationship of individuals with the world and the surroundings within and outside the family (job, marriage, kinship...), and the influence of laws, friends, work colleagues, and so forth.[50] Such factors help explain individual life experiences and what goes into stimulating and enabling their actions[51] Finally, prosopography describes "the correlation of intellectual or religious movements with social, geographical, occupational, or other factors."[52]

Prosopography can be applied to almost all fields of historical research, including religious history, studying clergy listings, and political and institutional history, one of the first research fields of prosopography (with multiple studies as examples) devoted to the analysis of personal relationships and milieu and seeking a comprehensive view of the relevant behind-the-scenes individuals, networks, loyalty systems and protection mechanisms. Prosopography targets are often groups of diplomats, advisers, Parliament and government representatives,

or even municipal officials at the local level, to shed light on institutional workings by asking about the background of affiliated individuals.[53] But this implies that "the initial thinking about the nature of any institution must inform construction of the prosopographic approach itself."[54] Prosopography is unique "as a means to bind together constitutional and institutional history on the one hand and personal biography on the other, which are the two oldest and best developed of the historian's crafts, but which have hitherto run along more or less parallel lines."[55]

In political history, prosopography enables study of the fluctuations of authorities in a given field, the role of the elite in the process, as well as the history of opposition and revolutions, with special attention focused upon leaders: their origins, upbringing and formation, social milieu and ideology. In administrative history, prosopography studies charts of the various members of administrative departments. As for social history and the history of mentalities, it takes up the relationships, bonds, and structures of a group whether elite or commoner: dependencies, patronages, social network structures, social identities, and social mobility. Private social groupings can also be studied, such as associations of professors and students, trade cooperatives and merchant guilds. Furthermore, prosopography is extremely well suited to studying philosophical and scientific ideas and ideologies and the emergence and accomplishment of most intellectual and cultural movements, such as humanism and the enlightenment. In economic and financial history, while there are few prosopographic studies in this field, a prominent exception is M. Boone's study of collectors of indirect tax in Ghent in the Middle Ages.[56] Such studies always aim to "illuminate the complexity of a particular milieu at a particular time, its origins and internal hierarchy, by means of a system of collective biographies, in order to better understand the macro-economic history of

---

48   Stone, p. 46.

49   Ibid., p. 47.

50   Verboven, Carlier & Dumolyn, p. 40.

51   Ibid., p. 41.

52   Stone, p. 47.

53   Verboven, Carlier & Dumolyn, pp. 48-49.

54   Jacques Verger, "Peut-on faire une prosopographie des professeurs des universités françaises à la fin du moyen âge?" *MEFRM*, vol. 100, no. 1 (1988), p. 62.

55   Stone, p. 73

56   Verboven, Carlier & Dumolyn, pp. 49-50.

production and exchange, and to try to align with the elites who were in effect the supreme state organs at that time."[57] As with other fields, prosopography makes the "important contribution of allowing daily events and phenomena to be placed in a meaningful context and to distinguish what is isolated, what is exceptional and what is shared."[58]

For Stone, prosopography "could form the missing connection between political history and social history, which at present are all too often treated in largely watertight compartments, either in different monographs or in different chapters of a single volume. It could help reconcile history to sociology and psychology. And it could form one string among many to tie the exciting developments in intellectual and cultural history down to the social, economic, and political bedrock. Whether or not prosopography will seize all or any of these opportunities will depend on the expertise, sophistication, modesty, and common sense of the next generation of historians."[59]

Prosopography can be considered "a fruitful medium that gives insight into individuals' life trajectories and interactions in all their complexities, and allows experimenting with hypotheses, and answering the questions 'why' and 'how' which we may pose regarding any given group, by commenting on its general tendencies, social standards, and the exceptional nature of some paths."[60] Because of the multiplicity of historical domains that it takes up, prosopography "changes the nature of the questions asked and the value of the expected results as well."[61]

In addition, it combines multiple disciplines, in which history overlaps with other sciences, and the study of a group of individuals becomes part of a special context in which the traditional boundaries of various historical disciplines (history of law, history of institutions, church history, and economic history) disappear and evoke examples and expressions in other humanities and social sciences (sociology, anthropology, psychology, and political science).[62] Prosopography can also use other tools such as sociology and "combine the humane skill in historical reconstruction through meticulous concentration on the significant detail and the particular example, with the statistical and theoretical preoccupations of the social scientists."[63]

Notwithstanding the importance of prosopography in historical research, it may not be appropriate for all types of research and all research topics; its usefulness remains linked to the research aims and techniques. This is particularly the case if the available source material is insufficient or if the institutional, political, or economic framework is not understood, or the selected target group is too small or too large.[64] Hence, prosopography is best viewed as an auxiliary historical research technique that engages in systematic analysis of biographical data of a specific category of actors in history: the effectiveness of prosopography is related to the general objectives of the research and the roster of specific questions on the one hand, and the sources and literature available on the other hand.[65]

Operating Method

Before beginning any research, one must pause to consider the subject of the research itself and hypotheses concerning it, as choice of methodology depends on these two points. On this basis, the choice

of a prosopographic approach is linked to the nature of the social group studied, the problem it raises (its "problematic"), the hypotheses about it, the kinds of information and/or data that is sought, as well as the

---

57   Woronoff, p. 148.

58   Verboven, Carlier & Dumolyn, p. 41.

59   Stone, p. 73.

60   Lemercier & Picard, p. 2.

61   Maurin, p. 831.

62   Verboven, Carlier & Dumolyn, p. 60.

63   Stone, p. 73.

64   Verboven, Carlier & Dumolyn, p. 69.

65   Ibid.

sources used to study it. The prosopographic method works best when applied to a specific, easily defined and small group within a limited time period (about a century), when the sources of information and data are rich, varied, broadly ranging, and complementing each other, and when the study is focused on a specific problematic."[66] Choice of subject, survey method and sampling must then adapt to the research problem at hand, more than to the available sources,[67] in addition to determining the points of comparison: descriptions and statistics are meaningless without our saying "this is a lot, or a few," and determining if it is "normal, or exceptional." Comparison and categorization of different individuals is the easiest method of undertaking descriptions and gathering statistics.[68] The general stages of prosopographic research are usefully summarized by Verboven, Carlier, and Dumolyn as follow:

- Determine the general research objective and formulate general working hypotheses

- Survey the source material and the general historical and theoretical literature

- Decide how you want to work (for example, whether or not to use a computer, and if so, what sort of software is appropriate to what you want to do; study a complete population, or work with a sample population only; use a qualitative or quantitative or mixed approach)

IF we choose prosopography as a research method, then the following steps apply:

- Determine and define the target population (homogeneous if possible, although heterogeneous groups may offer interesting comparative perspectives) and the geographic, chronological, and thematic boundaries

- Formulate specific working hypotheses and specific historical questions concerning the target group, to translate the general research objective into a specific questionnaire

- Build a systematic and uniform prosopographical database, using primary sources and literature.

- Analyse the data from the database

- Synthesize the results; not just by separately analysing the answers in the questionnaire, but by combining and interpreting these data, analysing sources and literature, sketching the wider historical context, and offering explanations.

- Present the research results (sometimes only by publishing the complete database, sometimes only by publishing the synthesis).[69]

1- Defining the Group Studied

The researcher must first determine the group to be studied, its nature and the extent of its homogeneity, because the homogeneity of the studied group is certainly necessary because the goal in the end is to spotlight a functional model to define existing social behaviour, in one way or another, within specified limits. Mostly, if not in all cases, a harmonious representation cannot be established until after confronting the documentation and coming to command its content as much as possible, which would seem in a way to contradict this project.[70] Note that the "studied group" does not imply a social group in the sociological sense, but is rather a category created by the researcher for his or her own analysis, such as elites wielding power, marginalized people, immigrants, and others.

Three essential elements must be defined to precisely define the studied category: the characteristic (or characteristics) common to members of the category, the period, and the geographical domain.

The element of common characteristics is strictly required to determine target group members. If this common characteristic is not clearly identifiable from the sources, it becomes difficult to define the selection criterion and the category becomes too large, with the consequent difficulty in determining who does and who does not belong to it. Therefore,

---

66   Stone, p. 69.

67   Lemercier & Picard, p. 19.

68   Ibid., p. 14.

69   Verboven, Carlier & Dumolyn, pp. 47-48.

70   François Gasnault, "Le Milieu universitaire à Bologne au XIX siécle: Les Aléas de l'Enquête documentaire prosopographique," *MEFRM*, vol. 100, no. 1 (1988), p. 159.

the researcher must define the category studied with precision and declare the common characteristics on the basis of which individuals have been included or excluded because each category or classification (whether thematic, geographic, or chronological) has implications for the data analysis.[71] The simplest and most effective method is to define a property or a small group of properties that will constitute a criterion for inclusion or exclusion, and the domain of the main common features of all members of the category/classification.[72] The period considered must also be defined precisely to enable consideration of demographic and economic cycles. Some subjects require defining the geographic domain to identify origins, especially if the questions target the ancestors of the group under study.[73]

It seems best to work on a limited group with constant and continuous components, and to multiply the comparators. Information is an important aid, as once information is gathered, individuals can be sorted by personal name, family name, profession, and origin, allowing for multiple comparisons.[74]

2- Defining the Source Material

The source material used in the research must be determined *after* defining the group to be studied, for the researcher to fill the questions grid for the analysis and interpretation of the research results. These sources assist the researcher in completing the questionnaire and must be diversified to avoid false conclusions. Initially, before beginning the actual research, it is best to conduct a survey of relevant historical and theoretical sources and literature. The context of the research should be drawn using existing historical literature, and there should be adequate and accessible sources, enough to build a prospective database. It is preferable to use quantitative sources, supplemented with qualitative ones; all types of data sources to provide information on the studied category, be it demographic, economic, financial, administrative, religious, legal and archival, or family.[75] Then, after identifying the sources, they are initially divided into sources *left by* the members of the group in question, if available, then into sources which provide information *about* the members of the group. After that, a special card can be filled out for each individual person with information expanding as the work progresses.[76] The source material used by prosopographers can be divided into three types: "bare lists of names of holders of certain offices or titles, or professional or educational qualifications; family genealogies; and full biographical dictionaries, which are usually built up in part from the first two categories and in part from an infinitely wider range of sources."[77]

To all these, sources of a different type can also be added such as tax records, public and private administrative records, and basic information about the family and relationships such as marriages.[78] Another type of document that can be used in prosopographic research is the type that can be collected from the work of demographers and social historians. These documents can create a data bank for prosopographers, and take on additional value in having been subjected to an initial preparation with statistical studies undertaken that can supply a general background necessary to understand the situations encountered by narrowly defined social groups such as those studied by the prosopographer.[79]

The sources used in the research must be read critically, assessing the main sources from which the information was drawn about the members of the group under study, and then the context in which this information was gathered and recorded. Such critical reading also helps the analysis of diverse aspects within the studied group, and it should not be limited to one approach, or one type or another of documents. It must also be adapted to avoid simply

---

71   Verboven, Carlier & Dumolyn, pp. 51-53.

72   Lemercier & Picard, p. 20.

73   Verboven, Carlier & Dumolyn, p. 52.

74   Lucie Fossier, "L'Artisanat parisien à la fin du XIII siécle d'après les rôles de taille: Critique d'une source," *MEFRM*, vol. 100, no. 1 (1988), pp. 130-131.

75   Verboven, Carlier & Dumolyn, pp. 53-54.

76   Héléne Millet, "Notice biographique et enquête prosopographique," *MEFRM*, vol. 100, no. 1 (1988), p. 88.

77   Stone, p. 48.

78   Ibid., p. 59.

79   Christiane Klapish-Zuber, "Histoire quantitative et prosopoghraphie," *MEFRM*, vol. 100, no. 1 (1988), p. 244.

undertaking a simple horizontal prosopography, but rather a vertical one – to better reflect social relations, and to rely as far as possible on documentation that is diversified in nature and in the types of processing that is required.[80]

3- The Questionnaires

After determining and filtering the source material, a set of questions is developed by the researcher in accordance with the problems and hypotheses that the researcher selects to investigate. These "should include multiple-choice or open-ended questions linked to the purpose of the prosopography: Is the goal of these questions prosopographic research or simply the collection of data?"[81]

The question set depends on the information provided by the sources, which influence the nature of the questions asked by the researcher. Hence successive discussions are needed to pinpoint both what is needed to know in order to answer the research questions *and* what the available resources allow us knowledge of, in a reasonable, systematic way.[82] These questions give shape to the forms that must be filled in with the number of individuals according to their cards. It must be borne in mind that questions might be answered non-definitively from the sources.[83]

The question set in prosopographic research differs from in sociology by virtue of the differences in the natures of the individuals being interviewed. Prosopography "interrogates the dead about the level of their studies, their professions, and their social origins. Indeed, in some cases, the written sources may be richer than such interrogation, through recalling a chronological depth that is free of the effects and defects of from memory."[84]

The questions that will be asked should be as well defined as possible, since they determine the size of the group, general specifications, internal classifications, group accord and discord, the origins of individuals, relationships between members, the fate of the chosen career path of group members, and thought about formulation of questions in terms of internal and external comparisons of the group.[85]

The following elements represent the basic components of a questionnaire, the answers to which relate to the quality of information provided in the sources: Private and family lives: names, surnames and basic dates in life: birth, death and marriage [...] Then, geographical givens: place of birth and residence [...] and close family: parents, brothers, sisters [...], extended family, origins, marriage, youth, training, religious affiliation, social milieu, and relationships. Then, career paths: specific preparation for professional life: education, school, university [...] Then, salary, and other forms of grants, awards, and gifts. Then, material and family status: immovable goods: homes, land [...] and movable goods: cash and balances [...] and capital machinery, raw materials [...] and profits or debts. Then, culture: religious and other institutions.[86] The researcher must know everything related to the civil status of the members of the group under study, their relatives and their relationships: "At this point we can hope to place the individual in his family network, and find the key elements in his rise and path. The process may be long, but it does not involve obstacles that cannot be overcome."[87]

The information provided in the other sources remains generally unconfirmed, and accordingly this must be reflected when developing the questions; space must be allocated in the databases for such differences.[88]

4- Data Processing and Analysis

Based on the developed question set, the data processing role takes up establishing a database for each member of the group studied. Data processing can be undertaken either manually or by computer.

---

80   Christol & Demougin, p. 14.

81   Verboven, Carlier & Dumolyn, p. 55.

82   Lemercier & Picard, p. 13.

83   Millet, p. 88.

84   Lemercier & Picard, p. 12.

85   Ibid. p. 20.

86   Verboven, Carlier & Dumolyn, pp. 55- 56.

87   Woronoff, pp. 150-151.

88   Lemercier & Picard, p. 14.

Using the available information is clearly necessary and requires the identification of a logical framework for jointly entering data.[89] At this stage, the researcher enters information collected about the members of the studied category in the database, distinguishing between qualitative and quantitative information; this may require separating them within the database, or else creation of two separate databases. The historian must link the search for biographical information to specific queries serving the purpose of comparison, rather than description.[90]

The process of collecting information requires referencing approved and reliable sources, especially in the event of inconsistencies; distinctions must be made between information drawn from reliable, and less reliable, sources: what data derives from a primary source, and what from secondary literature? This enables any contradictory information to be checked and verified.[91] A distinction should also be made between the information obtained through systematic interrogation of available sources, and that which may be incorporated on a case-by-case basis to enrich this or that biography.[92] The researcher should strive to obtain the greatest possible amount of information about the members of the study group with a concomitant investment of time and energy.[93]

5- Processing the Results

After the researcher has access to the greatest possible amount of information about the members of the studied group, processing the results begins with analysis of the structures and sociological – intellectual composition of the group, identifying commonalities among its members and the extent of group homogeneity. If there is congruence between the elements of the studied group, analysis of one is enough to derive the features of all the others. If the studied group is homogeneous, analysing a small sample is enough to determine the variant model, compared to the mean value. If the studied group is heterogeneous, it is necessary to analyse a very large sample to obtain an accuracy equivalent to that obtained in the first two cases. In all cases, the margin of error can be evaluated by calculating probabilities and expressed as a percentage.[94] Studying samples derives importance by enabling reduction of working time and different comparisons.[95]

The process of analysing the results begins by converting data into tables and charts of statistics. Tables are used to determine the correlations between different factors, while statistics help to determine the characteristics of samples to understand differences within a studied category, and to "identify and understand exceptions as well, and in some way demonstrate the limits of what is possible and not possible within a particular group."[96]

Ultimately, the researcher chooses the method of data and results analysis that best enables answering the historical questions under investigation. It is critically important that the researcher pauses to reflect on the points of comparison, given their importance in the prosopographic process, whether comparing members of the group studied or different professional stages of the career of the individual her/himself, at or through the various social developments that s/he lived through[97]; in this way personal information can be used to present clear case studies and make statistical comparisons, from which conclusions can be drawn.[98]

6- Presenting the Results

The researcher can choose, during the process of presenting the results of his prosopographic research, between providing a synthesis of the interpretations that he came out with, or presenting the prosopographic database that he constructed,

---

89   Millet, p. 91.

90   Lemercier & Picard, p. 3.

91   Verboven, Carlier & Dumolyn, p. 58.

92   Lemercier & Picard, p. 22.

93   Millet, p. 91.

94   Maurin, p. 832.

95   Lemercier & Picard, p. 14.

96   Ibid. p.15.

97   Lemercier & Picard, p. 14.

98   Stone, p. 70.

along with his interpretations.[99] Then, during the data recording process, the researcher must devote his/her attention to what s/he will write,[100] reflecting a number of intellectual operations – definition, description, classification, and model-building – all linked to the history of the group studied and interpretation of the data obtained during the research process.

As for form, the researcher must choose between submitting the completed questionnaire with references/referrals or writing up traditional abstracts from the individual bio-cards.[101] In the case of choosing the easiest first method, the researcher will have to leave aside any unused information in the cards, but if he chooses the second method, s/he will be launching into work that will facilitate setting specific criteria and standards in a well-defined manner.[102] At the end of the day, "the study of social groups emerges as a data set with commentaries, but the historian must provide evidence to back up her/his assertions and must mention those sources. Contrary to the case of a sociologist, the historian need not keep the study's informants hidden away in secret, since the study can be supplied with a biographical index.[103]

Constraints, Challenges, and Problems

Prosopography, like other methods and approaches, can suffer at times from problems related to work methods, source materials, or to the group under study. With a cascading succession of studies and research projects, "Sufficient experience has now accumulated to make it possible to appreciate both the potentialities and the limitations of prosopographical studies. Some of the errors and deficiencies are inevitable consequences of pioneering in a new method and can be avoided in the future by learning from the mistakes of the past. Others, however, go deeper, and arise from some political and psychological presuppositions which are embedded in the foundations upon which prosopography rests. [104]

At the forefront of the problems faced is the variation in the amount of information about the individuals that make up the group under study. Information can be abundant about some members of the group while rare or entirely absent about others, and some individuals can be are absent from one team, and others from another. If the unknown information is incomplete and represents a large majority, then any generalization based on statistical averages becomes shaky, if not impossible.[105]

Additionally, we must also not forget the occasional overlap of this information and the changes that take place in it, over time and historical events. One of the problems that a researcher faces when collecting data on individuals of a particular group is the similarity of personal and sometimes family names in one and the same region and historical period, or in different areas and periods where people may be associated by either family affinity or similarity in the names. Name similarities constitute the big - sometimes insoluble - problem of interpreting names when collecting prosopographic data, which is how names are interpreted. Often only these names can help determine family relationships, but obviously in some cases two or more different people can have the same family name without necessarily being related to one another.[106]

With regard to source material, "the foremost dangerous limitation lies in the distribution of our sources along two lines: first, randomly, then in a way that is inversely proportional to the actual numerical

---

99   Verboven, Carlier & Dumolyn, p. 59.

100   Lemercier & Picard, pp. 22-23.

101   Millet, p. 88.

102   Ibid., p. 89.

103   Ibid., p. 88.

104   Stone, p. 57.

105   Ibid., p. 58.

106   Verboven, Carlier & Dumolyn, p. 68.

weight of the concerned social groups."[107] The limitations of the source material may also relate to the nature of the group studied and its social affiliation: "lower one goes in the social system the poorer becomes the documentation. As a result, most studies that have already been made or are in progress today have been devoted to elites. The most popular subject for prosopography has been and still is political elites, but other groups which lend themselves most readily to such treatment are members of certain high status categories, such as civil servants, army officers, and upper clergy."[108] For the lower classes, prosopography is often pointless, unless as part of a much larger and methodologically different research project. The problem is acute for the Ancient World and the Early Middle Ages, but is relevant for all periods, including the twentieth century. The poorest and most marginal groups in society are hardly ever well documented. [109]

In addition, the nature of the available source material raises other problems such as an over-abundance of one type of source, and scarcity of another. Private correspondence is rarely included in historical documents because it is not preserved by (or obtained from) the family, in contrast to commercial and legal records and genealogies: If present, clarifying explanations are rarely given because individuals refrain from speaking of their personal convictions on paper, or even with friends.[110] Then there is the problem of the topics dealt with in these documents, which may be richly informative about the material conditions and family and social relationships of individuals, while their spiritual and intellectual interests rarely emerge from viewing them.

Consequently, focusing on what is well documented and neglecting poorly documented aspects may have an adverse effect on prosopographic research. The issues of relative scarcity or abundance of sources

and access to them pose methodological problems for the historian in distinguishing what elements are special, ordinary or exemplary in a particular class, given scarcity. An abundance of sources, on the other hand, compels the researcher to choose among them judiciously and accurately, and to exercise caution when adopting a critical approach based on that choice. Access to sources depends to some extent on legal and administrative factors, such as the laws pertaining to privacy, working hours of archives, and document inventory as well as the researcher's personal qualifications, such as knowledge of languages.[111] This scarcity or abundance of resources relates as well to the periods that are studied. Contemporary and modern history, rich in source abundance, can be contrasted with the sources of ancient history, a period that is relatively miserly in terms of biographical sources.[112]

There is another problem related to the *classification* of the members of the group studied and the bases of this classification, because "meaningful classification is essential to the success of any study,."[113] This problem makes classification of individuals' social, professional, political, material, and even cultural affiliations difficult, as classification can be based on wealth, profession, or political or religious affiliation.

There is also the problem of error in the interpretation of data, which requires extra attention not to reach wrong conclusions as a result of random samples, notwithstanding a sound classification; generalizing for all of the group studied on the basis of information from a known sample may distort the reality.[114] Narrative explanations of prosopography become unclear, because they are not visible in charts.[115] Good collection of biographical data from sources and references and its presentation in tables does not imply the ability to analyse and interpret it, because data analysis requires additional skills to

---

107   Maurin, p. 832.

108   Stone, pp. 58-59.

109   Verboven, Carlier & Dumolyn, p. 61.

110   Stone, p. 63.

111   Verboven, Carlier & Dumolyn, p. 53.

112   Lemercier & Picard, p. 6.

113   Stone, p. 60.

114   Ibid., p. 61.

115   Verboven, Carlier & Dumolyn, p. 63.

those required in the information-gathering phase of the research.[116] Added to this is the problem of neglecting the relationship between the part and the whole and assuming that a majority of the members of the group studied represents the group.[117]

The most recent problems arising in prosopographic work relate to the use of computer technologies in storing information in the database, where the availability of computers has led some historians to focus excessively on issues that can be quantified. Still other researchers' ignorance of modern technologies can lead them to see it as an obstacle to research, and some of them "come to regard the computer as a threat to their intellectual predominance."[118]

Conclusion

Prosopography is especially important in the study of social groups, both elite and marginal, for whom there is a paucity of data available. For this reason, it takes on importance for the study of social groups in Arab, Islamic and African history that remain unknown to date for various reasons: jurists, scholars, *zawāyā* sheikhs, politicians, artisans, and army, party and union leaders as well. Researching the history of these groups can make it possible to shed new light on the political, social, and cultural history of the region, via a new approach that allows to construct a different picture of the historical progression.

---

116   Ibid., p. 65.

117   Stone, p. 62.

118   Ibid., p. 73.

References

Arabic

Jarād. Mahdi. *ᶜĀ'ilāt al-Makhzan bi'l-ʿIyāla at-Tūnisīyya Khilāl al-ᶜAhd al-Ḥusayniyy, 1705-1881*, Tunis: Laboratory of History of the Mediterranean Economy and its Societies, Faculty of Humanities and Social Sciences, and the Tunisian National Archives, 2011.

Jarād. Mahdi. *Tujjār al-Bilāṭ bi-ʿIyālat Tūnis*, Tunis: Dār al-Ittiḥād, 2017.

al-Fātihi, Hamīd. *Dirāsa Ḥawl al-Fuqāhāʾ fī'l-Maghrib al-Marīniyy,* Rabat: Time Publications, Sharafāt Series, 2018.

al-Mubakkir, Muhammad, "al-Burūsbūghrāfīyya fi'd-Dirāsāt at-Tārikhīyya*," Majallat Amal*: at-Tārīkh -- ath-Thaqāfa -- al-Mujtamaᶜ, Year Five, Number 15, 1998.

al-Mubakkir, Muhammad, *al-Masīḥīyya wa't-Tarawmun fī Shamāl Afriqīya al-Qadīm (284 AD -299 AD)*, Rabat: dār abī raqrāq, 2004

Huwaidi, Salwa, *Aᶜwān ad-Dawla fī'l-ʿIyāla at-Tunisīyya (1735-1814)*, Tunis: Laboratory of the History of the Mediterranean Economy and its Societies, Faculty of Humanities and Social Sciences, 2014.

English

K. S. B., Keats-Rohan (ed.). Prosopography Approaches and Applications, A. Handbook. Oxford: University of Oxford, 2007.

Pietri, Charles. "Introduction." MEFRM. vol. 100. no. 1 (1988).

Stone, Lawrence. "Prosopography." Daedalus. vol. 100. no. 1(Winter 1971).

French

Autrand, Françoise. (dir.). *Prosopographie et genése de l'État moderne*. no. 30. Paris: Collection de l'École normale supérieure de jeunes filles, 1986.

Christol, Michel & Ségoléne Demougin. "Le Choix d'une prosopographie provincial: l'Exemple de la Narbonnaise." *MEFRM*. vol. 100. no. 1 (1988).

Corbier, Mireille. "Pour une pluralité des approches prosopographiques." *MEFRM*. vol. 100. no. 1 (1988).

Didier, Sébastien. "La Prosopographie, une méthode historique multiscalaire entre individuel et collectif." *Cahiers d'histoire*. vol. 35. no. 1 (2017).

Fossier, Lucie. "L'Artisanat parisien à la fin du XIII siécle d'après les rôles de taille: Critique d'une source." *MEFRM*. vol. 100. no. 1 (1988).

Gasnault, François. "Le Milieu universitaire à Bologne au XIX siécle: Les Aléas de l'Enquête documentaire prosopographique." *MEFRM*. vol. 100. no. 1 (1988).

Klapish-Zuber, Christiane. "Histoire quantitative et prosopoghraphie." *MEFRM*. vol. 100. no. 1 (1988).

Lemercier, Claire & Emmanuelle Picard. "Quelle approche prosopographique?" *HAL*. 3/5/2011. at: http://bit.ly/2HDeRgy

Livret- Annuaire 20, 2004-2005. Paris: École pratique des hautes études: Section des sciences historiques et philologiques, 2006.

Maurin, Jean. "La Prosopographie romaine: Pertes et profits." *Annales, Economies, Société, Civilisations*. vol. 37. no. 5-6 (1982).

Millet, Héléne. "Notice biographique et enquête prosopographique." *MEFRM*. vol. 100. no. 1 (1988).

Sappia, Caroline. "Introduction: La Prosopographie: Quelques clés sur une méthode." *CLIO* (Revue de l'Association des historiens et du Département d'histoire de l'UCL). no. 126 (janvier- juin 2007).

Verger, Jacques. "Peut-on faire une prosopographie des professeurs des universités françaises à la fin du moyen âge?" *MEFRM*. vol. 100. no. 1 (1988).

Woronoff, Denis. "Les Principaux hommes d'affaires en France sous le second empire." *MEFRM*. vol. 100. no. 1 (1988).

ANALYSIS FROM THE ARAB OPINION INDEX

US Policy in Arab Gulf Opinion: Data from Saudi Arabia and Kuwait[1]

Dana El Kurd[2]

This study aims to present the results of the Saudi and Kuwaiti opinion poll on US policy in the Arab region. The study attempts to analyze how Gulf Arab citizens view US policy since President Donald Trump took office Kuwaiti respondents have more condemned US policies in the last five years than the Saudis. The study draws on data provided by the Arab Opinion Index, which has been published by the Arab Center for Research and Policy Studies every year since 2011.

Saudi Arabia   Kuwait   US Policy   Arab Opinion

With the ascent of the Trump administration, it seemed as if the Saudi and Emirati regimes became closer than ever to US decision-makers. The relationship between Mohammad Bin Salman and Jared Kushner, for example, became widely known, and used as an indication of the closeness between the two countries. Similarly, the Emirati ambassador was very popular in Washington DC circles, and known for his connections to the most important foreign policy experts and decision-makers. Overall, following the end of the Obama administration, both countries in the Gulf developed much better ties with the US and pursued their foreign policy based on these connections. It was on this basis that the Saudi-Emirati axis pursued the blockade against Qatar, increased aggression in Yemen, and so on.

But does this official policy reflect broader public opinion? How do Gulf citizens view the United States in the era of Trump? The Arab Public Opinion Index has conducted surveys in two different Gulf countries: Kuwait and Saudi Arabia. Given political constraints, it was not possible to conduct surveys elsewhere. But, these two countries provide an interesting contrast; Kuwait is more politically open, whereas Saudi Arabia is increasingly more restrictive of political expression and activism. Kuwait also has a less antagonistic relationship with Iran compared to Saudi Arabia. For these reasons, it is useful to employ both these cases in the analysis of public opinion towards the US, because it provides us a look at public opinion across the political spectrum of the Gulf.

Views of the US

To begin with the most basic question regarding respondent views of the US. In the latest 2017/2018 iteration of the Arab public opinion index, we find that Kuwaitis are much more critical than Saudis on average. 88% of Kuwaitis reported that they had a negative or somewhat negative view of the United States, compared to 26% of Saudis. However, in Saudi Arabia, there was a large rate of non-response. A full 48% - close to half – of the respondents refused to answer this question. This is not the norm for

previous surveys conducted. In fact, in 2016, the non-response rate on this question in Saudi Arabia was only 2%. That is a significant jump between 2016 and 2017/2018.

It is unclear as to why exactly this is the case, but we can make some educated guesses. Given that the Saudi regime has touted its alliance with Trump versus its negative relationship with Obama, and the fact that the Saudi regime views its relationship with the US as key to resolving some of their existential

---

issues in the region, it seems the Saudi public has gotten the impression that expressing negative views of the US would be unacceptable. So, from 2016 to 2017/2018, Saudi public opinion went from 63% negative towards the US, to 26% negative, with high rates of non-response.

A similar jump in public opinion occurred between 2014 and 2015: from 20% disapproval of the US in 2014 to 51% in 2015. Again, we cannot be fully sure what caused this shift, but we can conjecture

that conclusion of the Iranian nuclear deal in 2015 – widely criticized in Saudi Arabia for its problematic omissions – may have had an impact. However, the key difference between the two shifts is the non-response rate. We can be sure that the shift in 2014 – 2015 was as a result of a real change in opinion, because the non-response rate for both years does not exceed 10%. This does not compare in magnitude, of course, to the non-response rate of 48% in 2017/2018, which also weakens our understanding of precise public sentiment.

Views of the biggest threat according to Kuwait and Saudi Arabian respondents

Despite the overall negative view of the US, particularly in Kuwait, respondents from both countries do not see it as the biggest threat to the region. Understandably, the majority of both Kuwaiti and Saudi respondents point to Iran as the biggest threat to their countries (52% and 42% respectively). This makes sense given the actions of the Iranian regime around the Strait of Hormuz, in Iraq, Syria, and Yemen, as well as in supporting operations within Saudi Arabia itself.

The differences between Kuwait and Saudi Arabia lies in the perception of their respondents to Israel and the US. 16% of Kuwaiti respondents pointed to Israel as the biggest threat, and 17% pointed to the US. In comparison, only 2% of Saudis viewed Israel

as the biggest threat, and 3% pointed to the US. This is a stark contrast between the two countries.

Non-response rates on this question continue to be high. A full 37% of Saudi respondents did not specify any country as a threat to Saudi Arabia. We cannot know for certain why this is the case; perhaps Saudi Arabian respondents are under the impression there is no threat their country cannot face adequately, or perhaps they are under the impression they cannot voice such a concern without seeming overly critical. We can only conjecture, given what we know about freedom of expression in Saudi Arabia today. Nevertheless, what this makes clear is that there are underlying factors affecting Saudi public opinion that are not captured by this survey question alone.

Views of the US in comparison to other countries

Finally, using the Arab Opinion Index, we can see how perceptions of the US compare to perceptions of other important countries for the region.

In Kuwait, the highest ranked country is Turkey, with 60% of respondents saying they have a positive or somewhat positive view of the country. China follows at 54%, Russia at 37%, and Iran at 25%.

In comparison, as mentioned above, the US polls at 10% approval.

In Saudi Arabia, perceptions of all these countries are decisively less positive than in Kuwait. China has a 25% approval rating, Turkey is at 24%, Russia is at 10%, and Iran is at 4%. The US, however, is at 25% (notwithstanding the 48% non-response rate).

Conclusion

All in all, it seems that the 2016 election of Trump, and the subsequent reconfiguration of Gulf foreign policy particularly on the part of Saudi Arabia, has

had ramifications at the level of public opinion. Kuwaiti respondents – who enjoy more freedom of expression than their Saudi counterparts – report the

highest level of disapproval of the US in the past 5 years. Saudi Arabian respondents – limited by their ability to express their preferences more freely – have a high rate of non-response, indicating they do not feel comfortable addressing the US given Saudi policy.

It remains to be seen whether the events of the last year, specifically with regards to Iran and its greater level of intervention, will vary the impressions of Gulf respondents in the next iteration of the index.

BOOK REVIEWS

Polarized and Demobilized :
Legacies of Authoritariainsm in Palestine

Anwar Mahajne[1]

Author:	Dana El Kurd
Date of publication:	2020
Publisher:	Hurst/Oxford University Press
No. of pages:	226

The Palestinian Authority (PA) faces unprecedented domestic and international challenges. Since taking office, the Trump administration has taken multiple steps to undermine the Palestinian Authority and its constituents, most recently announcing the unilateral peace plan favouring Israel. This plan followed several other policies and initiatives supporting Israel such as the administration's announcement that the United States no longer considers Israeli settlements in the occupied West Bank and East Jerusalem illegal, which undercut over 50 years of US foreign policy. In 2018, President Trump threatened to cut aid to the Palestinians in a series of Twitter posts, citing their unwillingness "to talk peace." Furthermore, the Trump administration is the first to question the principle of the two-state solution altogether. These steps undermine the authority and legitimacy of the PA. This could result in the marginalization and eventually erosion of its jurisdiction despite the PA cooperation with Israel and the US. Moreover, the PA has been isolated regionally due to the shift in Arab interests towards countering Iran by working with Israel.

Dana El Kurd's new book, Polarized and Demobilized: Legacies of Authoritarianism in Palestine, examines how international involvement of countries such as the United States has had an impact on how the PA functions as well as the PA's relationship to society. The book looks at the effect of repression on demobilization in communities characterized by high levels of international involvement. The book employs laboratory experiments, surveys, qualitative analysis, and statistical methods conducted at Birzeit University. El Kurd collected an original nationally-representative survey of Palestinian public-opinion, over 50 interviews with decision-makers within the Palestinian Authority, activists, and political leadership, lab-in-field experiments assessing polarization and political behaviour, and an original dataset (+50,000 observations) of daily political mobilization across the territories. El Kurd received her PhD in Government from The University of Texas at Austin in June 2017. She currently works as a researcher at the Arab Center for Research and Policy Studies and as an assistant professor at the Doha Institute for Graduate Studies. El Kurd's research examines how authoritarian regimes try to implement policies and how external intervention may affect their success.

El Kurd argues explicitly that international involvement generates a principal-agent problem between regimes and their people. International involvement can result in the divergence between elite and public preferences, as political leadership becomes insulated from public pressure. Such regimes gain their legitimacy from external powers, and their insulation allows them to rely increasingly on authoritarian strategies. The book delves further into explaining how authoritarianism encouraged by international intervention affect collective action in

---

1   Assistant Professor at Stonehill College and a political scientist,

Palestinian society. It presents a two-stage theory arguing that (1) PA authoritarianism generated polarization, and (2) that this polarization has subsequently affected social cohesion and resulted in a weakened capacity for collective action.

Before 1994, many Palestinians organized themselves to provide better services to their communities and effectively pursue their political objectives. These organizations arose organically and functioned democratically. Thus, when the first intifada erupted in the late 1980s, a robust civil society was one of the main reasons that Palestinians were able to withstand the uprising despite the heavy cost of Israeli repression. In the aftermath of the intifada, the PA was founded during the negotiations between the Palestinian Liberation Organization (PLO), the Israeli government, and international entities such as the United States and European countries. The PA was created to transform the occupied Palestinian territories into a viable state within five years. In the early stages of its development, international entities provided aid and training to the PA to strengthen its security forces, start new economic initiatives, and develop its infrastructure. However, these efforts ignored the occupation as a moving force, negatively shaping the lives of Palestinians. The EU, Israel, and the United States utilized this aid and the reliance of the PA on it to leverage their agenda and suppress dissonance through the threat of sanctions and funds withholding. This eventually led the PA to become more authoritarian. The PA hurt civil society because conditional foreign aid served to empower groups supportive of the international agenda represented with the Oslo Accords over groups that took a critical position on the Accords and state-building process.

The situation became more severe after the second intifada, which was launched after the five-year deadline for statehood passed. Compared to the first intifada, this uprising was much less organized, more violent, and achieved few of its political objectives. This is due to the weakness of Palestinian civil society which hindered meaningful coordination on common strategy among the different factions of Palestinian society. The second intifada exposed the weakness of the PA, thus prompting international donors to further "professionalize" the PA to avoid future unrests. Under President Mahmoud Abbas, the PA used repressive tactics to consolidate its control over Palestinian society. The opposition has been mainly silenced, either by cooptation into the PA's patronage networks or through direct repression.

This dynamic is not unique to the PA. Across the Middle East and North Africa, authoritarian regimes supported by international forces have divided the opposition and demobilized their societies. Authoritarianism exacerbates polarization and affects the ability and willingness of different groups to coordinate. El Kurd's argument demonstrates how international involvement, mainly represented by the United States, could worsen conditions conducive to authoritarianism in regions such as the Middle East and North Africa because the outcome of democracy is likely to be opposed to international intervention. In this region, the United States is wary of democracy after bringing Islamists into power following the Arab Spring and because it could empower groups interested in challenging the status quo on Israel's role in the region. For that reason, El Kurd dedicated a chapter in the book to apply her theory to Bahrain and Iraqi Kurdistan. Her analysis found is that the involvement of the United States created authoritarian dynamics and increased polarization.

While the book provides extensive original data and essential contribution to the literature on authoritarianism, the book seems to narrowly define international involvement in terms of actions led by the United States. Addressing the various types of international intervention, including ones directed by international institutions such as the United Nations could shed light on multiple pathways of how international pressure could influence domestic politics. El Kurd ends her book by recommending that the international community should strengthen local civil society organizing and community initiatives to help Palestinians resist Israel's oppressive policies. However, which international entities should do so? How can these entities strengthen local civil society initiatives? A further discussion of the role of Arab countries with strong ties to the United States, such as Saudi Arabia, or of other regional hegemons, such as Iran, in impacting the conflict is needed to expand our understanding of the different stakeholders able to shape domestic politics in Palestine.

Overall, the book is an essential read for anyone who is interested in understanding how authoritarianism in regions such as the Middle East and North Africa persists. It connects local activism with state

institutions and international influence. The book clearly explains how demobilization in Palestinian society is a direct result of the support for the PA's authoritarian institutions in order to maintain the status quo in the Israeli-Palestinian conflict.

ACRPS
CONFERENCES

PAST CONFERENCES

Militias and Armies Conference

Doha, Qatar. 22-24 February, 2020

https://bit.ly/2XJZVFZ

UPCOMING CONFERENCES

Conference for Arab Graduate Students in Western Universities
TBA

https://bit.ly/37kvFVi

The Ninth Annual Democratic Transition Conference: Constitutions and Democratic Transition in the Arab Region
TBA

https://bit.ly/3dXxY3b

The Eighth Social Sciences and Humanities Conference
The Contemporary Arab State: Vision, Emergence, Crisis
Doha, Qatar. 20 March, 2021

https://bit.ly/3cK4xjq

Books

Author's name, Title of the book in italics (Place of Publication: Publisher, Year of Publication), page number. As an example:

Michael Pollan, *The Omnivore's Dilemma: A Natural History of Four Meals* (New York: Penguin, 2006), pp. 99-100.

Successive footnotes would be in the form: Pollan ,p. 3.

If there is more than one reference by the same author, we use a short title: Pollan, *Omnivore's Dilemma*, p. 3.

The corresponding bibliographical entry: Pollan, Michael .*The Omnivore's Dilemma: A Natural History of Four Meals*. New York: Penguin, 2006.

Books written by four or more authors should follow the same rules as above, but only the first author is named, followed by "et al.". As an example: Dana Barnes et al .,*Plastics: Essays on American Corporate Ascendance in the 1960s* (Chicago: University of Chicago Press, 1982), p. 142.

In successive footnotes: Barnes et al .,p. 142.

The corresponding bibliographical entry: Barnes, Dana et al .*Plastics: Essays on American Corporate Ascendance in the 1960s,* Chicago: University of Chicago Press, 1982.

Periodicals

Author's name, "Title of the article," Name of Journal in italics, volume number, issue number, page number. As an example:

Robert Springborg, "State-Society Relations in Egypt: The Debate Over Owner-Tenant Relations," *Middle East Journal,* vol. 45, no. 2 (Spring 1991), p. 247.

Corresponding Bibliographical Entry: Springborg, Robert. "State-Society Relations in Egypt: The Debate Over Owner-Tenant Relations," *Middle East Journal,* vol. 45, no. 2 (Spring 1991), pp. 232-249.

Newspaper articles

Newspaper articles should be cited only in the footnotes (not in the Bibliography). As an example:

Ellen Barry, "Insisting on Assad's Exit Will Cost More Lives, Russian Says," The New York Times, 29/12/2012.

Electronic Resources

Author's name (if available), "The electronic resource's title," The website name, Date of publication (if available), accessed on d/m/y, at: shortened URL. As an example:

"Sovereign Wealth Fund Rankings 2015," Sovereign Wealth Fund Institute, accessed on 9/8/2016, at: http://bit.ly/1sQqBfr

Ethical Guidelines for ACRPS Periodicals

AlMuntaqa's editorial board maintains confidentiality and adheres to objectivity in the peer reviewing process. It adopts an anonymous peer review process, where the editorial board selects the appropriate reviewer to assess paper suitability for publication, according to specific criteria. In case of a conflict between the reviewers regarding the publication's assessment, a third reviewer will be selected.

AlMuntaqa relies on a pool of experienced peer reviewers who are up to date with the latest developments in their field.

AlMuntaqa adopts a rigorous internal organization with clear duties and obligations to be fulfilled by the editorial board.

Disclosure: With the exception of the editor in charge (Managing Editor or those standing in for the editor), neither the editors, nor the peer reviewers, are allowed to discuss the manuscript with third parties, including the author. Information or ideas obtained in the course of the reviewing and editing processes must be kept confidential and cannot be used for personal gain.

When needed, based on the reviewer report, the editorial board may offer researchers methodological, technical and other assistance in order to improve the quality of their submissions.

AlMuntaqa's editors commit to informing authors of the acceptance or otherwise of their manuscripts, based on the reviewers' report, or to notify authors in case of rejection, specifying the reasons for rejection.

The journal is committed to providing quality professional copy editing, proof reading and online publishing service.

Fairness: The editors and the reviewers evaluate manuscripts for their intellectual and scientific merit, without regard to race, ethnicity, gender, religious beliefs or political views of the authors.

Conflict of interests: Editors and peer reviewers should not consider manuscripts in which they have conflicts of interests resulting from competitive, collaborative or other relationships or connections with any of the authors, companies, or institutions connected to the papers.

Confidentiality: Unpublished data obtained through peer review must be kept confidential and cannot be used for personal research.

Intellectual property and copyright: The ACRPS retains copyright to all articles published in its peer reviewed journals. The articles may not be published elsewhere fully or partially, in Arabic or in another language, without an explicit written authorization from the ACRPS.

AlMuntaqa's editorial board fully respects intellectual property when translating and publishing an article published in a foreign journal, and will not proceed before obtaining the authorization from the journal in question.

AlMuntaqa does not make payments for manuscripts published in the journal, and all authors and researchers are exempt from publication fees.

The Arab Center for Research and Policy Studies (ACRPS) is an independent research institute for the study of the social sciences and humanities, with particular emphasis on the applied social sciences.

The ACRPS strives to foster communication between Arab intellectuals and specialists in the social sciences and humanities, establish synergies between these two groups, unify their priorities, and build a network of Arab and international research centers.

In its commitment to the Arab world's causes, the ACRPS is based on the premise that progress necessitates the advancement of society and human development and the interaction with other cultures, while respecting historical contexts, culture, and language, and in keeping with Arab culture and identity.

To this end, the Center seeks to examine the key issues afflicting the Arab world, governments, and communities; to analyze social, economic, and cultural policies; and to provide rational political analysis on the region. Key to the Center's concerns are issues of citizenship and identity, fragmentation and unity, sovereignty and dependence, scientific and technological stagnation, community development, and cooperation among Arab countries. The ACRPS also explores the Arab world's political and economic relations with its neighbors in Asia and Africa, and the Arab world's interaction with influential US, European, and Asian policies in all their economic, political, and communication aspects.

The Center's focus on the applied social sciences does not detract from the critical analysis of social theories, political thought, and history; rather, this focus allows an exploration and questioning of how such theories and ideas have directly projected themselves on academic and political discourse and guided the current discourse and focus on the Arab world.

The ACRPS regularly engages in timely research, studies, and reports, and manages several specialized programs, conferences, workshops, training sessions, and seminars that target specialists and the general public. The Center publishes in both Arabic and English, ensuring its work is accessible to both Arab and non-Arab readers.