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## THE LEGACY OF STATEHOOD AND ITS LOOMING CHALLENGES IN THE MIDDLE EAST AND NORTH AFRICA

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The Arab uprisings (aka the “Arab Spring”) have led to a new political landscape in the Middle East and North Africa (MENA) that challenges a variety of notions about this region which has long adhered to a deep-rooted status quo and history of social and political quiescence. Put differently, recent political and social transformations in the region have thrown our conventional concepts into disarray, leaving us with no choice but to reconsider our approach to the notion of stateness in the region.

In terms of the consequences of these transformations, contrary to their expectations, neither the uprisings in Egypt, Tunisia, nor in Syria, Yemen, nor in Libya have brought about a constructive image of the future of the region. In the case of Syria, for instance, such changes have even eroded the fundamentals of statehood itself, while questions revolving around the legitimacy of the state and state institutions in Egypt have seen a rapid increase, particularly within the context of representation, rule of law, and so on. Hence, the Arab uprisings have marked a turning point in discussions of the state in the region.

The centrality of the state as a topic of debate in Middle Eastern politics has attracted growing attention, particularly in the face of a widening state capacity gap. While this gap dates back to well before the Arab uprisings, recent regional developments have amplified this trend as crises deepen in such countries as Syria, Libya, and Yemen. It is also a matter of argument to what extent other countries in the region with purportedly consolidated state structures such as Egypt and Tunisia are sheltered from regional turmoil and instability. The transition to democracy is now reminisced upon as a lost hope of the once so-called “Arab Spring”. Survival has become the ultimate goal as the people of the region pine for stability. Even if the ongoing civil conflicts were to be brought to an end, it is certain that the affected countries of the region would come to mirror the characteristics of many post-conflict societies; while the nature of the challenges to be overcome in such a case might be unique, they would be no less complex.

The condition of the state apparatus occupies a central position in the management of ongoing and looming regional challenges. More specifically, to a great extent, dealing with the difficulties facing the region lies in addressing the state capacity gap. The US invasion of Iraq and the subsequent de-Baathification process provided the valuable lesson that the hollowing out of existing state institutions should be avoided at all costs. Now, we are learning the same in the Syrian, Yemeni, and Libyan cases. This piece is not intended to be a eulogy of the MENA state apparatus, the collapse of which has already been long predicated upon the premises of problematical statehood practices. Instead, it actually aims to show the persisting relevance of stateness in the region amid the growing volume of arguments that the concept of the state has become an increasingly irrelevant social phenomenon in the post-Westphalian order of a rapidly globalizing world. Without evaluating the nature of the state in the region, analyses seeking to address the region’s numerous problems and crises would be incomplete.

## The inauspicious legacy of statehood

In the post-colonial period, political structures and regimes had emerged in a variety of forms across the MENA region.<sup>1</sup> While many of the ruling monarchies embedded in these countries during the colonial era lost power in time, for the most part, governments across the region have since been characterized by the domination of single sources of power. The state-building processes in the region were generally undertaken by these monolithic political structures.

However, weakly institutionalized state mechanisms of European origin have since come to develop their own particular historical and cultural traits. Above all, the lack of nationhood within the artificially drawn borders of the countries that now constitute the MENA have greatly contributed to the failures of state-building processes across this region. In the most successful cases around the world, processes of state-building and nation-building were concomitant terms which went in hand with one another. However, the notion of the nation-state was externally transferred to the MENA region as well as to its indigenous masses which were not yet ready to internalize it. The region severely lacked the bottom-up dynamics necessary for nation/state-building, and in fact, these processes developed as a result of colonial imperative, the legacy of which is still seen today.<sup>2</sup> Over the course of time, the dearth of successful examples of nation-building across the region has become more apparent. While the regional regimes embarked on attempts to encourage locals to reimagine themselves in line with new nation-state identities based on citizenship by employing new practices such as the implementation of frontier policies, the issuance of passports, the establishment of systems of law and taxation,<sup>3</sup> and the promotion of national education systems, such efforts were not sufficient enough to unify/nationalize their peoples which still exhibit diverse tribal, religious, and ethnic sub-identities. Furthermore, these efforts have also been undermined by panist movements engulfing the region at different times and to different extents.

Nonetheless, regional particularities are not the only reason behind weak institutionalization of stateness in the region. The way that state-building was undertaken also significantly accounted for the less-than-satisfactory results. Because of the fact that the state institutions exported to the Arabs were generally formalistic and instrumentalist,<sup>4</sup> state-building was subordinated to certain political aims. Rulers generally employed their respective state apparatuses as a means of consolidating their own power, which was not internalized by all members of the citizenry but only by a few ruling elites, royal families, military establishments, and various privileged groups. Depending on their religion, sect, tribe, economic status, and allegiance to the regime itself, different segments of the society, to varying degrees, have been exposed to the regimes' authoritarian, top-down, naturalizing, exclusive, and discriminatory policies. Citizenship, for instance, as a basic notion of stateness, in the MENA context "is a scarce public good that is distributed by the state, a source of collective identity and an instrument of political control."<sup>5</sup>

<sup>1</sup> R. Owen, *State, Power and Politics in the Making of the Modern Middle East*, (London and New York: Routledge, 2000); N. Ayubi, *Over-stating the Arab state: Politics and Society in the Middle East* (London: IB Tauris, 1996).

<sup>2</sup> It should be noted that the colonial legacies were in turn shaped by the different styles of authoritarianism over the last sixty years.

<sup>3</sup> Owen, p. 4.

<sup>4</sup> Ayubi, p. 9.

<sup>5</sup> N.A. Butenschøn, "State, Power, and Citizenship in the Middle East: A Theoretical Introduction", in N.A. Butenschøn, U. Davis and M. Hassassian (eds.), *Citizenship and the State in the Middle East* (New York: Syracuse University Press, 2000), p. 5

In the face of limited social acceptance and a lack of legitimacy,<sup>6</sup> the ruling state apparatus has been confronted with varied ontological challenges from certain tribal, ethnic, religious, and social groups which have resisted, and at times clashed with state rule. In this context, ruling elites have resorted to certain ‘carrot and stick’ policies in order to consolidate state rule over the society. As one such policy, co-optation has aimed to enhance the state’s legitimacy by incorporating critical groups and figures into the political structure, thereby attempting to widen its social base. Alternately, a specific method of keeping the state apparatus stable despite its exclusive nature has often taken the form of rentierism in which citizens cede certain social and political rights, notably the right to participate in politics, in exchange for welfare provisions and exemption from taxation. Moreover, the state’s instruments of outright coercion have frequently been employed to ensure the maintenance of the state apparatus.<sup>7</sup> Here, by limiting political mobilization, such instruments have suppressed various civil society movements and democratic political initiatives, which have mainly appeared in the form of Islamist movements.

In one sense, it could be argued that the various ruling strategies, including rentierism, patrimonialism, and coercive authoritarianism have rendered state structures relatively stable under the shadow of oil money, military establishments, and pro-regime judiciaries. However, these ways of ensuring state authority have in fact come at the expense of the social establishment of the state given that state-building is essentially a social experiment and that sound state-mechanisms require a broad social base on which they can survive and flourish. Due to the above-mentioned reasons, state-society relations in the region have never followed a normal path, as loyalty to state has either been coercively forced or bought. Despite the seemingly established and strong facade of the state apparatus, it could be said that the Arab state has never been a product of natural growth based on “its own socio-economic history” or “cultural and intellectual tradition”.<sup>8</sup> Instead, it can be considered a ‘fierce state’ which has often employed coercive power to preserve itself, but not in the sense of a ‘strong state’ which is equipped neither with “infrastructural power” enabling it to penetrate society via such effective mechanisms as taxation, nor “ideological hegemony” ensuring social legitimacy.<sup>9</sup>

Countries in the region have always exhibited a condition of tension between state institutions and the people that is caused by the challenge of incorporating different ethnic, sectarian, economic, religious, and political groups into the reigning political and economic system. This fundamental tension has maintained its salience in the politics of the region throughout history. This has been firmly demonstrated during and after the Arab uprisings. Here, the new phase the region is currently experiencing is important in the sense that it offers us the opportunity to explicitly observe the weak relations between the region’s state structures and their respective populations, which in turn offers us a glimpse of a reality that lays bare the weakness of these structures themselves.

<sup>6</sup> M. Hudson, *Arab Politics: The Search for Legitimacy*, (New Haven and London: Yale University Press, 1977).

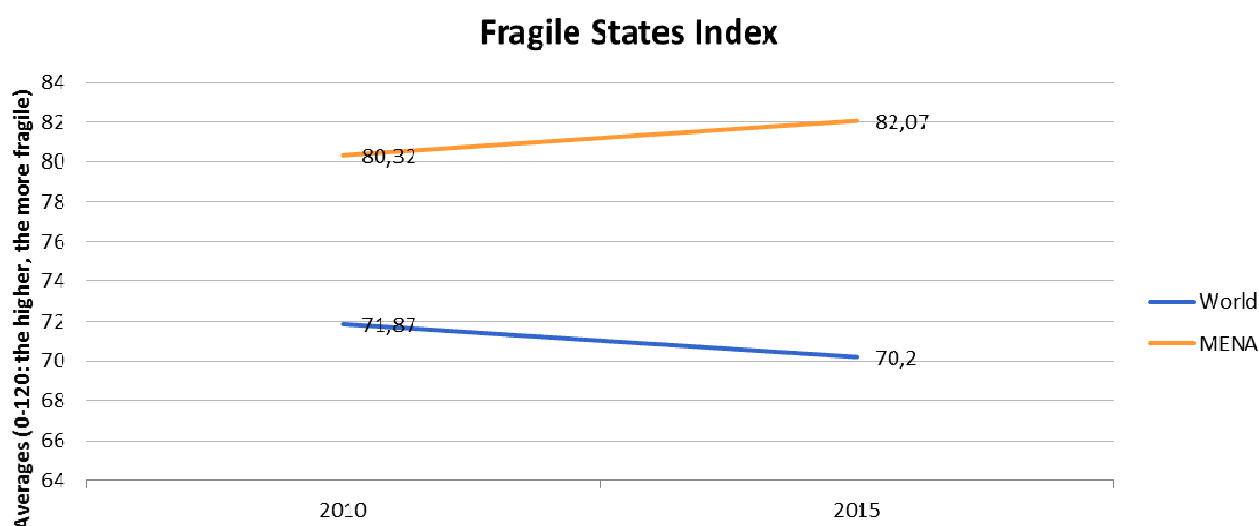
<sup>7</sup> E. Bellin (2004), “The robustness of authoritarianism in the Middle East: Exceptionalism in comparative perspective.” *Comparative politics*, 36(2): 139–157.

<sup>8</sup> Ayubi, p. 3.

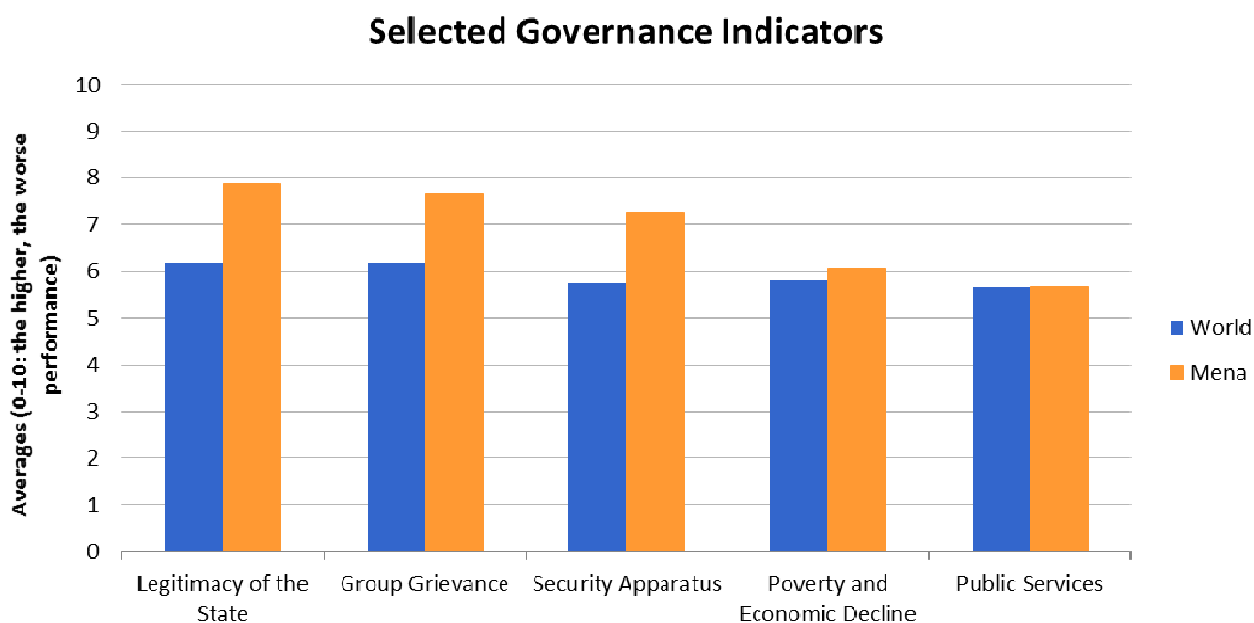
<sup>9</sup> *Ibid.*, p. 3. For “infrastructural power” see: M. Mann, ‘The Autonomous Power of the State: Its Origins, Mechanisms and Results’, in John A. Hall, ed., *States in History*, (Oxford and New York: Basil Blackwell, 1986).

## Dissolution of the state in the aftermath of the arab uprisings

Questions of state capacity and legitimacy - as two fundamental aspects of modern-state making - have become more pronounced following the Arab uprisings as many countries in the region began to experience increased social and political mobilization as well as the increased effectiveness of non-state actors, particularly radical terrorist organizations which existing states have found exceedingly difficult to handle. For Joel Migdal, states are supposed to embody two primary characteristics, the first of which is related to the 'monopoly on the use of force' or ability to control territory, and the second concerns 'soft power, such as representation, loyalty and mobilization'. From this perspective, it seems that some states in the region fail to provide security for their populations, especially in certain parts of their territories, while also having lost their legitimacy as a result of their inability to properly represent the people and provide them with necessary services. The consequence of such circumstances is fragmented loyalties among the population as well as the ossification of such loyalties to subnational identities instead of the state. In the face of the state's deteriorating ability of providing public goods, which is associated with and also evidence of a lack of state governance, non-state actors that provide basic services to the people exploit this environment. Hence, when compared to the past, the region currently hosts a higher number of failed states, and if they are not failed per se, many of their functions have at least succumbed to a process of fragilization (see the table and graphs below).



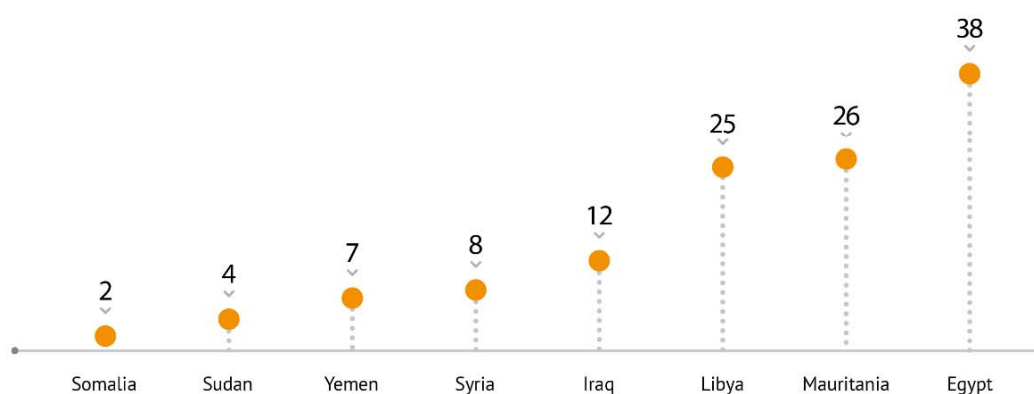
*Source: Authors' own compilation, The Fund for Peace, 2015*



Source: Authors' own compilation, *The Fund for Peace, 2015*

### Worldwide Rankings of the 8 Most Fragile States in the MENA

Most 8 \*



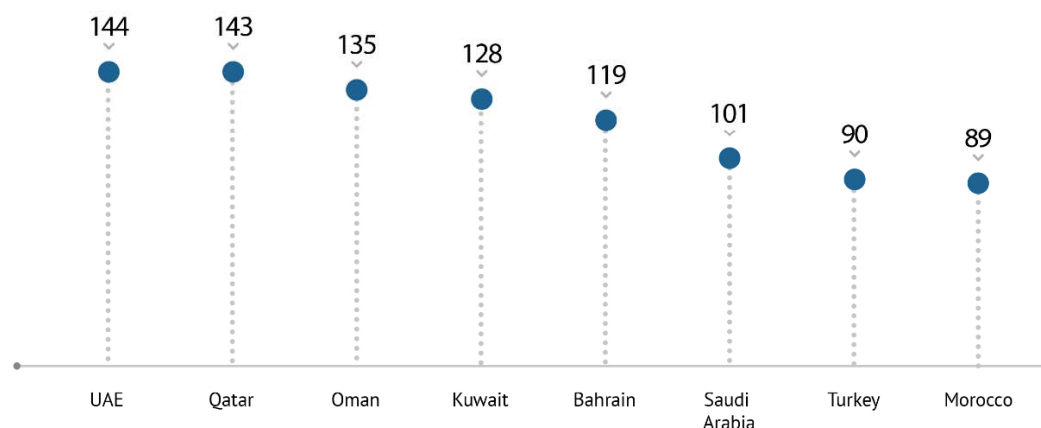
\* from most to least fragile out of a total of 178 countries

Source: *The Fund for Peace, 2015*



## Worldwide Rankings of the 8 Least Fragile States in the MENA

Least 8 \*



\* from least to most fragile out of a total of 178 countries

Source: *The Fund for Peace, 2015*

Having said this, it should also be noted that the inability to tackle widening security-gaps and increased instances of social and political mobilization applies to different countries in varying degrees and configurations. In certain cases, two specific variables have in large part led to state collapse: the merging/fusion of the regime and the state apparatus, and the existence of social fault lines, particularly sectarianism/ethnic divisions, which create inherent instability for the state apparatus. Iraq, Syria, Yemen, and Libya could all be cited within this framework. While these countries, with the exception of Libya, are highly replete with sectarian tension, almost all of them had a state apparatus in which the state, regime, and government were closely identified with one another.<sup>10</sup> For instance, in the case of Syria, “the identity of the regime was [...] closely tied to that of the state” and the “relatively strong military and civilian administration was a reflection and extension of the regime and its ambitions”, and for this reason efforts to dislodge the regime translated into the larger fall of the state to a great degree.<sup>11</sup> On the other hand, in cases like Egypt and Tunisia, in which the state succeeded in maintaining a certain amount of autonomy from the regime and in which sectarian tensions were absent, the outcome of the uprisings were different. For instance, in Egypt, a country in which “affiliation to the state is widespread and clear cut, discarding the regime was relatively unthreatening” as people did not think that “their rights to live in their country would be challenged should the president resign and the constitution be rewritten”, thus similar efforts to dislodge the regime did not necessarily translate into the fall of the state, even though state rule was undoubtedly diminished.<sup>12</sup>

<sup>10</sup> See: Owen, p. 3.

<sup>11</sup> Anderson, *The Egyptian Uprising*, p. 30–1.

<sup>12</sup> *Ibid.*, p. 26.



## Challenges facing statehood

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Two fundamental characteristics of the state, civic stability, and security can be considered as under direct threat, namely, (i) the lacking state capacity to deal with increased social and political mobilization and the legitimacy underpinned by representation and inclusion and (ii) the monopoly over the use of violence and territorial control. The first characteristic is related to the existing state mechanisms' capacity to control social and political mobilization. On the other hand, the second characteristic refers to the increasing effectiveness of terrorist organizations which undermine the rule of existing state structures. Adding to the complexity of the dynamics at play in the region is the fact that these two aspects are highly intertwined. That is, each problem of governance which is not resolved through civic mechanisms renders pseudo-state structures like ISIS a more viable option, thus facilitating the turn of local people to these groups in their quest for basic state services and protection. While both of these characteristics apply to almost all of the MENA countries to varying degrees, the abovementioned cases seem epitomize the respective aspects.

### *i) The Civic Challenge: An Account of Democratic Instability*

The challenge of civic legitimacy holds most true for Egypt and Tunisia, where security challenges and the lack of the state's territorial control are less severe while issues particularly pertaining to representative political systems and inclusive social mechanisms remain the fundamental tasks to be tackled. Given the social upheavals, erosion of the rule of law, and the high level of political polarization in their societies, these states seem to have been dragged into a state of "democratic instability". That is, when the social and political dynamics of these countries - once preserved under authoritarian regimes - were unleashed by way of revolutions, the state apparatuses had difficulty in governing over-passionate political participation and maximalist claims by different factions. The resulting unsystematic and non-institutional turbulence in these countries' political systems has culminated in the formation of chaotic environments characterized by unstable politics and the endurance of a democratic spirit. The challenge here is that many of these countries lack strong state institutions that can regulate both increased participation in the political landscape and claims to rule the country. Given this new environment that emerged after the popular uprisings in the region, the efficient regulation of a more diverse and discordant political landscape has been a significant challenge to statehood in the region.

For instance, it seems that the Egyptian uprisings have put opposing organizations and movements to the test in terms of their ideologies, politics, and mass movements in the period after Mubarak. In a way, the political behavior that these organizations adopted revealed what kind of weaknesses they would exhibit the new term. To illustrate, it is still noticed that some prominent actors on the Egyptian political stage do not differentiate between the properties of political mass behaviors and a number of qualifications that governing the state requires concerning rhetoric and practice. Such a handicap was demonstrated during the rise of the Muslim Brotherhood, as the group rose to power without any considerable sense of statecraft to cultivate and imagine any form of coexistence between its preceding social enclave that pushed it to power and other political actors. There is much anecdotal evidence that many Egyptian actors with Islamist tendencies were discontent with some practices of the Brotherhood. Thus, in

the post-Mubarak era, it had come to be expected that political and ideological platforms would witness many revisions, greater interaction, and even collision within both organizational and party institutions or with outside factions. In this sense, the coup d'état which took place on July 3, 2013, can be regarded as the military reaction to the widening gap between increasingly conflictual societal mobilization and the state's incapacity to manage it.

## *ii) The Security Challenge: A Growing Number of Non-State Actors with Coercive Power*

In the face of the political vacuum left by the recession of state authority, more and more non-state actors, particularly radical terrorist organizations, staked claims to national territory, which was something new when considering the previous typologies of terrorist organizations like al-Qaeda. In the post-uprising period it is easy to witness an erosion of Weber's classic definition of the state as the sole body which possess the ability to exercise the legitimate use of physical force, seeing that an increasing number of organizations like Northern Syria's Democratic Union Party (PYD) and ISIS employ coercion not only in the classical sense of terrorist activities, but also in the name of conquering physical territory. To take it one step further, such groups also distribute certain 'state' services to the residents of the territories they occupy. The region's political landscape has come to be overwhelmed by the increasing number of actors (including various Shite militia groups) claiming the right to use violence, though this right has been predicated upon controversial causes such as international recognition, divine rule, the right to self-defense, or the fight against radicalism in the name of humanity, to name a few. As mentioned above, it has not been uncommon in the past for state systems to be undermined by certain regional phenomena such as pan-Arabism or Islamist movements. However, what makes the current juncture different from the past is the fact that non-state actors with coercive capacities now seem to have begun to maintain their existence and control, complete with their all atrocities.

While the matter does not yet goes as far as to entail the creation of new states from the territories of these beleaguered countries, it should be considered that these terrorist organizations do in fact benefit from state-like privileges as a result of the lacunae of statehood in the areas in which they are operating. In this context, the case of ISIS is particularly telling. By providing security, running public hospitals, and maintaining municipality services, the organization actually seems to be responding to the deepening state capacity gap seeing that these services are no longer being provided in the peripheries of various conflict-ridden countries. While attempting to fill the gap, they are exploiting the political vacuum to their benefit in terms of increasing their sphere of influence by way of propaganda and taking deeper root in the local communities that host them. In the Iraqi and Syrian cases, this process is significantly dominated by a sectarian tone. The Yemeni case, similarly, illustrates how an elected government and president could be forced from their capital by a sectarian group (the Houthis), subsequently having to rule the country not from inside but from outside it; while Libya, on the other hand, is caught between two rival governments propped up by diverse sets of groups characterized not by their sectarian disparities, but their religious and tribal ones.

The unique nature of conflict in the region is further complicated by external penetration through which various regional actors try to secure their interests via sectarian proxy wars. Though the conflicts of the region host a plethora of other actors, Saudi Arabia and Iran are particularly active, acting at opposite ends of the spectrum, radicalizing portions of the region, and contributing to the snowballing trend of the regional armament. While waging these proxy wars, the two do not avoid reaching out to non-state elements, thus adding to the shift of coercive power away from state.

## The quest for inclusive social contracts and concluding remarks

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It should be reiterated that ethnic diversities, religious/sectarian divisions, tribes, informal networks like kinship, the colonial legacy which led to unconsolidated and unsettled nation and state-building processes, and long-standing authoritarian regimes present the region as one of the most complex as well as intriguing cases within the study of stateness. Within the context of the dominant theme addressed throughout this paper, policy-makers of this region should not miss the points that state-making is a social experiment and that a state can survive when it has a broad social base, which can only be achieved through inclusive state-building projects. In this regard, rather than consolidating the state machinery itself through the sustainment of large military establishments, massive and awkward bureaucratic structures, and patrimonial public employment policies, which is a strategy that has proved to be ineffective and no longer sustainable given the political economic constraints, new state-building initiatives in the region should be undertaken in a way that generates inclusive social contracts aimed at rectifying the longstanding chasms in state-society relations.

This could be facilitated with the help of certain institutional frameworks which should attempt to establish representative political institutions and fairer political economic mechanisms of distribution. Also, the new inclusive social contracts should enable the state apparatuses to administer public goods which are expected from the state such as those that provide for “safety and security”, “participation” and “the respect for human rights”, “sustainable economic opportunity”, and “human development”.<sup>13</sup> For sure, the sound provision of public goods is a challenge even for highly developed countries. But it is a matter of fact that certain institutional mechanisms could promote the creation and reinforcement of healthy attributes of state governance in the region such as accountability, rule of law, and transparency. In the absence of strong state-building traditions, inclusive institutional frameworks remain the only remedy to manage the ethnic, religious, and other social diversities which have been distributed across the region as a result of artificially drawn state borders that do not correspond with unitary social bases.

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<sup>13</sup> For a debate on fragile state see Robert Rotberg's piece entitled “The Weak State Problem in the Middle East”.

Furthermore, any state project in the region should be subject to delicate consideration and public debate, particularly in terms of constitution-making, defining citizenship, and determining checks and balances. Given the diversity of the region, parliamentarism, as opposed to presidentialism, remains a more appropriate option to setting the political contours of the state. Moreover, good constitution-writing is central. As opposed to the unsuccessful constitution-writing attempts in Egypt under both Morsi and Sisi, in which either unilateralism prevailed or the pre-established state mechanisms defined the constitution<sup>14</sup> even though it should be the other way around, the region is recently actually home to a relatively successful constitution-writing process: in Tunisia, many aspects of state governance ranging from social and political rights to the power balance between legislative and executive bodies have been debated and given place within the country's constitution on a consensual basis. Emulating regional success stories, however limited they may be, can facilitate the rectification of political identities within the prospective state-building projects. As for the need to redefine citizenship, as the fundamental social unit of a state apparatus, for instance, if there is a future considered for Syria, it is certain that any prospective state design should give equal voice to every single ethnic and sectarian community.

In the case that inclusive mechanisms of governance are not adopted and the state fails to provide welfare, protection, and social and political rights, more people will turn to non-state actors in their quest for the public goods which are canon for statehood. The search for alternative statehoods has already begun to be practiced in the region, particularly in the case of Iraq. Feeding on Sunni resentments and feelings of exclusion, ISIS and like-minded groups have swallowed the pseudo or failed states of the region, establishing their own systems of social assistance and taking root in their respective societies and eventually coming to recruit the youth.

It is for sure that the previous exclusive authoritarian state structures have already run their courses. Thus, reverting to them will only delay the inevitable day of reckoning during which time the social failings of earlier state-building processes have to be reconciled with inclusive institutional bases. The policy-makers in the region should work on new models for social contracts which ensure that social attachment to state can be generated in its own due course through the expansion of social, cultural, and political rights as well as improvement of state services. These social contracts should not enshrine the old methods in which social and political rights are bought and sold or restricted under the shadow of cooptation and oppression. Instead, any prospective state project should attempt to create popular demand by incorporating local elements and adopting a society generated approach. Given the fragmented nature of the diverse local base, strengthening local governance could be a helpful institutional approach to state-building in the sense of promoting social internalization and the appeasement of anti-state coalitions. Such an approach is the only way to dismantle the top-down state-building legacy while also allowing for the process to trickle down to the society's broader factions. In the same regard, particular policies such as broadening the taxed social base are not only necessary to institutionalize a healthy political economy of the state, but

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<sup>14</sup> For a debate on state and constitution see M. Hecan, "Interview with Nathan Brown", *Analist*, September 2014, p. 30–31 (In Turkish)

also to allow the state apparatus to penetrate society and enhance state-society relations particularly through the instatement of accountability.

Perhaps, special consideration should also be directed towards external actors and their much needed assistance in propping up state system in the region. While Western actors have played crucial roles in ensuring transition processes and the re-institutionalization of state mechanisms in Eastern Europe after the Cold War, similar help was not granted to the MENA region after the Arab uprisings. Given the existing metamorphosis of radical organizations into ever increasingly dangerous and mobile entities in the extra-regional sphere, as well as the migratory pressures resulting from the deepening conflict zones in the region, many international actors are vulnerable to the negative consequences of the collapse of the entire state system in the region. This calls for international cooperation in endorsing state-building processes and in promoting a sense of a “Middle Eastern Westphalia”. It should also be noted that this would require the establishment of certain mechanisms of intra-regional dialogue seeing that regional actors like Iran and Saudi Arabia actually undermine state systems in the region by engaging in proxy wars beyond their borders.

Last but not the least, if there is a one fundamental point that this paper intends to raise, it is the fact that while addressing the changing social, political, and economic dynamics of the region, be it from the inside or outside, the existing state institutions should be preserved in order to prevent the region from being shattered into a host of conflict zones battling with the cold realities of state collapse. In itself, this point implicitly suggests that specific insights may be drawn from discussions on the endurance/viability of certain state mechanisms. Above all, any attempt to lead such a discussion is a challenging task in its own right given that once seemingly “established states” like Egypt faced dramatic challenges of governance, not during times in which the status quo was in full-swing, but when matters of social and political transition were brought to the table. With this in mind, the relatively greater stability exhibited by many Gulf countries (refer to the illustrations above) should not be misinterpreted as an indication of sound governance, which is mostly existent thanks to the financial relief provided by oil anyway. Given the unsettled nature of state-society relations in the region and the awaiting societal ruptures on the horizon, particular emphasis should be placed on transition and the state mechanisms that can govern it. In this context, state structures that incorporate a hybrid of political components, as in Morocco, merit consideration seeing that they have promoted gradualism and allowed for a relatively greater amount of flexibility in accommodating societal change without paving the way for the collapse of state institutions.

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