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Framing Arab socio-political space: state governmentality, governance and non-institutional protestation

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This article proposes a framework for understanding the reconfiguration of socio-political space in the Arab world in the last 15 years through the interplay between states', civil societies' and contestation movements' actors which correspond respectively to state governmentality, governance and non-institutional protestation. A special focus will be on the emergence of the figure of the expert who will compete with the elected elite. This reconfiguration has occurred in a context of transformation of nation-state sovereignty and citizenship and the emergence of new elites which cohabit and compete with the old ones. Citizenship has taken different forms including the emerging form of flexible citizenship and non-citizenship in the Arab world.

Keywords: Arab world; contestation movements; governmentality; governance; expert; flexible citizenship

Since their independence, Arab states have been governed by different forms of politics and policies. There is a diversity of political spaces, some of which are dominated by states of emergency and exception, and a multiplicity of actors intervening in the political and public spheres. State formation in this region has witnessed a production of different forms of citizenship, statelessness and *refugeeness*.

Cases of severe poverty are coupled with recurring outbursts of state repression, conflict and displacement (as in Iraq, the south of Sudan and Darfour), states of military occupation (as in the Palestinian territory and in Iraq), and spaces of exception (Bab al-Tabana in Tripoli and Palestinian refugee camps in Lebanon, Imbaba in Cairo), as well as military global and local insurgencies and resistance. Despite their substantial differences, they exhibit different points along a continuum from the rule of law to the 'law of rules' and the passage from a unified regime to what Camau and Massardier (2009) called 'partial regimes'.

This article will propose a framework for understanding the reconfiguration of socio-political space in the Arab World in the last fifteen years through the interplay between the actors of states, civil societies and opposition movements which correspond, respectively, to state governmentality, governance and non-institutional protestation. It discusses the extent to which the state provides employment, public and social goods, and cultural orientation for the society, and the roles relegated to the other civil society actors, either voluntarily or by force. However, this reconfiguration has transpired in a context of transformation of nation-state sovereignty and citizenship and the emergence of new elites which cohabit and compete with the old ones.

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Citizenship has taken different forms including the emerging form of flexible citizenship and non-citizenship in the Arab World.

New forms of sovereignty and citizenship

Sovereignty

In the last three decades, many scholars have written about the erosion, even the collapse, of nation-state sovereignty. Yet, is sovereignty really eroded, or is it just reshaped? Two factors influence sovereignty: from without and within the nation-state. From the outside, globalization, the international human rights regime, and international humanitarian laws have undermined state sovereignty. For instance, political regimes – broadly speaking – cannot use national sovereignty as an excuse to carry out internal repression on a large scale. However, the capacity of the international community to impose democratization in the Arab region was not achieved, sometimes because democratization is viewed as a synonym for imposing a specific polyarchic pro-Western power, and at other times because of the resistance of the authoritarian regimes. Arab regimes have not witnessed any serious democratic transition (Albrecht and Schlumberger 2004).

In the past, they have successfully adapted to external pressures and even consolidated authoritarian rule (Camau and Geisser 2003, cited by Kohstall 2004). However, the donors' interventions have brought about two trends. For the Palestinian Territory and Lebanon, where the state is already very weak, the way civil society has been empowered and developed has undermined the state and disempowered it (Hanafi and Tabar 2005). In the remaining Arab countries, donors have reinforced civil society, but have not weakened the state.

From inside, ethnic groups are worldwide undermining state sovereignty. One finds that clearly in Algeria, Iraq, Somalia, and Sudan. However, some proxy-state actors have the ability to protect state sovereignty and defy it at the same time. In Lebanon and the Palestinian territory, Hezbollah and Hamas (until 2006) were acting as a state-within-the-state and assuming the role of government in the provision of infrastructure and social services (schools, relief, clinics).

In spite of these two factors, in the context of the intense mobility and networked exchanges that have been fostered by both globalization and war, the Arab states have not lost control. Rather, as Sassen (1999) argues, it has merely refashioned sovereignty in order to meet the challenges of globalization – challenges such as the movement of people and capital, and the proliferation of supranational organizations. And it does not imply, for instance, that the nation-state is weaker because it allows capital mobility. Rather, 'the existence of a final, highest, or supreme power over a set of people, things, or places' (Sassen 1999, p. 34) remains central to one's understanding of the shifting relations between the state, the market, and society – relations that have not ended, but have been reshaped by relentless currents of globalization and the fragmentation of the political sphere. When the state is no longer the main service and job provider, as will be shown below, but rather United Nations (UN) agencies, international organizations, and local non-governmental organizations (NGOs), sovereignty does not cover the whole nation-state nor the whole population.

Flexible citizenship and non-citizenship

The reconfiguration of sovereignty and the way the Arab nation-states conceive the relationship between state and nation has produced flexible citizenship, but also

stateless people. Neoliberal market-driven societies exclude populations and places from neoliberal calculations and choices. They can both preserve welfare benefits for citizens and exclude non-citizens from the benefits of capitalist development (Ong 2006).

This flexibility produced under the effect of globalization

has induced a situation of graduated sovereignty, whereby even as the state maintains control over its territory, it is also willing in some cases to let corporate entities set terms for constituting and regulating some domains while weaker and less desirable groups are given over to the regulation of supranational entities. What results is a system of variegated citizenship in which populations subjected to different regimes of value enjoy different kinds of rights, discipline, caring, and security. (Ong 1999, p. 215)

To this effect of globalization, one should add the will of the state to exercise the state of exception in order to create different categories of populations corresponding to different grades of sovereignty. The citizenship relationship becomes an exclusionary force that embodies the techniques and processes by which states secure their legitimacy in the eyes of the people they govern. Citizenship becomes the heart of state legitimization strategies, including the formation and transformation of political identities and communities; the distribution and redistribution of rights, responsibilities, and resources; and negotiations over representation and participation (Nanes 2008).

In this context, Arab citizenship is tremendously transformed and become sometimes flexible. Flexible citizenship refers to the cultural logics of capitalist accumulation, travel, and displacement that induce subjects to respond fluidly and opportunistically to changing political and economic conditions (Ong 1999, p. 19). Meanwhile, however, the state seeks to preserve its inflexible sovereignty. Thus, flexible citizenship is constituted within mutually reinforcing dynamics of discipline and escape. However, what kind of model of flexibility does citizenship in the Arab World have?

Two factors have a compelling impact on citizenship formation: on the one hand, historic state formation, including colonialism and current foreign interventions, and on the other hand, the presence of migrants and refugees in the region.

While many scholars are used to dealing with identity/citizenship in the strict terms of its juridical–legal sense, the disciplinary norms of colonialism, capitalism, and culture should also be seen as constraining and shaping strategies for this identity and for flexible subject-making. Although the construction of national identity began during the struggle against the colonial powers, the crystallization of this identity – which occurred within a multilayered context of space and time – is a relatively recent phenomenon. Because of the relative tenuousness of this process of crystallization, the state in the Arab World became a nationalizing state (*etat nationalisant*), i.e. ‘after making Syria, Lebanon, and Jordan, ... it must make the Syrians, the Lebanese, the Jordanians ...’ (Kodmani 1997, p. 217).

The process of importation of state-formation (Badie 2000) had a tremendous impact on identity formation. While the international community pursues its interest in the process of economic liberalization and democratization, it is often predisposed to overlook the importance of nation construction, though it fosters minority rights as a means of creating pluralism, seen as a forerunner to democracy. While Western societies accepted the emergence of a collective identity during their historical development, to the extent that wars were waged in defense of these national identities, it was forbidden for Arabs to create a national ‘we’. Instead, identity politics was

encouraged, enforcing affiliation with their religious sect (e.g. Iraq) or with their ethnic minority group (e.g. Algeria).

The position of the Arab nation-state has been generally reactionary through repressing minority visibility or minority rights and conceiving a very hard model of the nation-state in which rights are conferred only to those who declare uni-allegiance to the state and in which the state is identified with a nation or with a religion. 'Israel is a Jewish State' and 'Jordan First' have raised the problem, in that critical segments of the population, through (forced or voluntary) migration, acquire another nationality, another allegiance, and another 'homeland'. The way the nation-state is defined becomes an exclusionary setting to those segments of the population. In this model, there are also no rights for migrants/refugees. This leads to the second factor: the effect of migration.

The Arab countries are a particularly conflict-ridden region and witness relentless population movements (particularly in Sudan, Palestine, Lebanon, Iraq, Somalia, Libya and the Gulf monarchies). Thus, they are both host and receiving countries. While migrants (whether refugees or not) are used to adopting flexible (sometimes survival) strategies in both their host countries and the place of return, the Arab states do not facilitate such flexibility. Political environments are hostile to the transnational practices of refugees/transmigrants, or at least, do not facilitate these practices, with some exceptions. First, North African countries are developing legislation to attract the investment and remittances of transmigrants without requesting full involvement in the place of origin. Second, exception is more historical where some Mashreq (Arab Eastern) countries had granted citizenship to Palestinian refugees on an individual basis, including Lebanon (for a period) and some Gulf countries. Jordan was the only country to grant citizenship to Palestinians as a group. However, even these exceptions have limits. For instance, it is strictly prohibited in Jordan to raise any national flag in a demonstration, except the Jordanian one. This fact explains the manner in which some Palestinians are assimilated into their host societies, while others retain a sense of unstated double identity, with less of a feeling of alienation. The newly established national identities raise many complex questions about state formation and the ability of the Arab sovereigns to challenge the classic pattern of citizenship and nation-states.

The classic notion of nation-state has developed rights for citizens, but not for human beings. Hannah Arendt (1986) extraordinarily noted as early as the beginning of the 1950s that there is no place for the human being outside the nation-state. There are *citizens'* rights but not *human* rights. To have rights, you must be a citizen. The refugee and the stateless person do not have *rights to have a right*, to paraphrase Arendt, but their ontological status and benefits are dependent on the disciplinary apparatuses of the police and security forces. This issue is not confined to the Middle East. More and more refugees are excluded from legal protections in European countries, but are still subject to their bureaucratic power. There, refugees retain the vulnerability of their status even after acquiring nationality. Any criminal or other questionable activity puts them at risk of denaturalization and/or deportation.

Broadly, there appears to be two asynchronous dynamics at work: one that accelerates the presence of transnational actors in the Arab countries, and another that is bound up with the mono-identity paradigm and increasing of control over the nation-state borders. The tension between these two is quite natural. The twentieth century was the century of the emergence of supra-national entities and the possibility of multiple citizenships, but above all, the idea of differentiated grades of citizenship (Ong 1999). These are double processes: the state tailors citizenship according to the

utility of the migrants/subjects for the ruling classes, and the transmigrants develop a flexible notion of citizenship in order to accumulate capital and power. Differentiated grades of citizenship may be less than citizenship, and this makes it completely different from multicultural identities promoted in Canada and Australia (Kymlicka 1995, p. 174) where there is common citizenship and then differentiated rights.

The difference between Will Kymlicka's and Aihwa Ong's notions of citizenship is that the latter has eliminated the legal dimension of citizenship ('bundle of rights – a legal condition') and substituted it with a sort of sociological definition: citizenship as a 'social process of mediated production of values concerning freedom, autonomy, and security' (Ong 2003, p. xvii). Indeed this sort of social citizenship has meaning only as a form of resistance that people develop in the absence of some social and civil rights. A rights-based approach is still very important for protecting social citizenship.

Within this context that the Arab socio-political space will be transformed.

New framework

There are three levels of analysing political actions: state governmentality, governance and non-institutional protestation. State governmentality refers to all the mechanisms and techniques that are used by the state to exercise 'government', i.e. to discipline and to exercise surveillance over the population for their 'well-being', through institutions, bureaucracies, technologies and knowledge (Foucault 1994). Governance refers to how state policies interact with and share power with civil society and the private sector. Non-institutional protestation refers to how society resists both levels, using structures like mosques, churches, illegal political groups and the media.

This analysis does not start from the premise that there are two types of regimes – authoritarian and democratic – because these two idea-types preclude considering a range of regimes that have both democratic and authoritarian practices. All opposition should hence not be seen as dichotomous but as tensional. A democratic country can exhibit dictatorial behaviours against certain groups of the population; or in the words of Alessandro Petti, the mechanisms of control become increasingly 'democratic' (Petti 2010). Government like Israel will juxtapose freedom and domination, access and separation, liberalism and occupation. Giorgio Agamben made a strong case when he noted that both the Italian Fascist and Nazi regimes operated without cancelling their respective constitutions in a paradigm that has been defined as a 'dual state' whereby a further structure that was not legally formalized was added to the constitutional foundation by virtue of a state of exception (Agamben 2005). Historically, the 'dual state' can be seen in the French Revolution of the eighteenth century and in the War on Terror today.

The objective is thus temporarily to liberate the analysis from the weight of the normative discourse and to conduct an analysis which considers state governmentality, governance and non-institutional protestation not as 'culture' or 'structure', but as mobile calculative techniques of governing that can be influenced by history, culture, and globalization and the international community, through aid, human rights and humanitarian interventions. Indeed, governing is not anymore an invention of the nation-state, but is rather heavily influenced by regional and global forces. Nation-states are constantly attempting to decouple the technology of power from their original sources and recontextualize them in constellations of mutually constitutive and contingent relationships. However, one has to admit that in the end of the analysis one should qualify the regime by an adjective that is related to the idea-types, but in

a more sophisticated way based on categories such as democratic yet repressive, repressive with some notions of democracy, authoritarian welfare, new authoritarian, oligarchic, polyarchic, leading party regime, authoritarian, totalitarian, etc.

State governmentality level: bio-power and exception

By unpacking the relationship between power, sovereignty and control, the study of certain mechanisms of power deployed by the sovereigns, namely bio-politics and states of exception, is privileged. There are indeed other mechanisms of power like violence, war and surveillance, but they are often consequences of other mechanisms. The extensive employment of these mechanisms has led to the exclusion of groups and populations from the domains of legality and citizenship – a process which entails a multifaceted intervention designed to expel, screen, scrutinize and discipline those perceived as constituting ‘risk populations’ and sets in motion a complex machinery of risk management strategies. Rethinking political theory in terms of bio-politics and states of exception can help to overcome some of the binary thinking and pre-construct dichotomies in political thought that keep one from seeing the built-in tensions in a given political order.

Bio-politics

While classical political theory considers notions of sovereignty, contract, rights, and duty to be the foundation of any possible reflection on the idea of government, Michel Foucault shakes these foundations with the notions of discipline and control. Foucault contested the traditional approaches to the problem of power, which had been exclusively based on juridical models (What legitimizes power?) or institutional models (What is the state?). The juridical power of sovereigns is concerned with the practice of power on the individual and his body (the techniques of government). Foucault stressed the passage from the ‘territorial state’ to a ‘state of its population’ and the resultant increase in the importance of the nation’s health and biological life as a concern of sovereign power (Foucault 1994). Drawing on Foucault’s analysis, one cannot apprehend Arab politics by solely referring to the legal system in the Arab countries that highlights a type of political regime, but rather one must examine the practices of the apparatus of rule, and how the bureaucracy uses governmentality tools to divide population into categories in order to manage them.

Bio-politics is concerned with population as a political and scientific (statistics, epidemiology, etc.) problem, as a biological issue of the exercise of government. But bio-power does not act in the individual a posteriori, as a subject of discipline in the diverse forms of rehabilitation and institutionalization. Rather, it acts on the population in a preventative fashion. Because insurgency/criminality must be prevented, the population needs to be surveilled, and some of them may be punished for preventive reasons. It is a state of executive power or policing, monitoring, or recording that constitutes the excess which is the reality of the norm. Some populations and categories in the Arab World thus become an objective matter to be administered, rather than potential subjects of historical or social action. This does not mean that subjects cannot emerge and resist this sovereignty, but these subjects will enter into tension with the sovereign who would seek to reduce the subjective trajectories of individuals to bodies.

Based on Foucault, Agamben develops further his understanding of the sovereign power who according to him routinely seeks to distinguish between those who are to be admitted to 'political life' and those who are to be excluded as the mute bearers of 'bare life' (slum area dwellers, refugees, and stateless people). Some are reduced to 'bare life', which refers to a body's mere vegetative being, separated from the particular qualities and the social, political and historical attributes that constitute individual subjectivity (Agamben 1998). However, the 'bare life' bearers resist through different mechanism of power, including using one's body (Jayyusi forthcoming) that will be referred to below.

State of exception

How will sovereign be able to create this dualism 'political life' versus 'bare life'? Agamben (1998) states that it is through the state of exception. Developing both the concepts of 'bio-power' and 'bare-life', he shows how sovereignty carries with it a 'power over life' by the rule of the exception, being both above the law as its constituting force, but also safeguarding its application. The state of exception has thus become the rule and is a threshold between democracy and absolutism. It not only appears increasingly as a technique of government rather than an exceptional measure, but it also lets its own nature as the constitutive paradigm of the juridical order come to light.

The sovereign, according to philosopher Carl Schmitt, is the one who may proclaim the state of exception. He is not characterized by the order that he institutes through the constitution, but by the suspension of this order:

It is not the exception that gets subtracted from the rule, but the rule that, suspending itself, gives rise to the exception and only in this way can constitute itself as rule, by constantly maintaining a relation to it. [...] The situation that is created by exception can neither be defined as a factual situation, nor as a situation of right, but institutes between the two paradoxical threshold of indifference. (Agamben 1998, p. 26)

The law thus has a function of *interplay between exclusion and inclusion*, as sovereignty does not work merely according to the logic of one-way exclusion. Inside and outside do not exclude each other, but rather blur into each other.

The problem is defining what precisely is a threshold, or a zone of indistinction and indifference (Agamben 1998, p. 23). This process becomes possible as the exercise of sovereign power (as an actuality but also as a potentiality) creates not only zones of indistinction between the inside and outside (of the nation, town, or home), but also penetrates the entire political/social field, transforming it into a dislocated bio-political space in which modern political categories (e.g. Islamist/nationalist, right/left, private/public, dictatorial/democratic) enter into a post-political zone of dissolution (Agamben 1998, p. 4).

State of exception as one of the power mechanisms thus is a complex process and can be deployed through different repertoires in the Arab region. There are four.

The first repertoire, the most obvious and classic, is the *state of emergency*. Countries like Syria (al-Said 2010), Jordan, Tunisia and Egypt have for a long time been hampered by state-of-emergency rulings. Through the emergency rule, people are treated in different ways according to their allegiance to the elite in power.

The second repertoire is exercised when the sovereign not only suspends rules and laws, but also constantly *creates new categories* to exempt the government from some

obligations and duties and/or subtract the undesirable categories from some rights. Schmitt's vision of sovereignty is based on the strategic and situational exercise of power that responds to crises and challenges by invoking exceptions to political normativity. All law is situational law (Ong 2006, p. 23). In Egypt and Jordan, among other countries, electoral law is often modified after each election in order to undermine certain political and social forces' access to power and enable others' access to power.

The third repertoire of the state of exception occurs when issued law carries along with it *the rule of suspension of this law without specifying a context*. The suspension of the norm does not mean its abolition, and the zone of ambiguity that it establishes is not (or at least claims not to be) unrelated to the juridical order.

The final repertoire of exception is when the society is governed much less by order and the laws and more *through administration and management*. Police and bureaucrats would play a major role in the process of categorizing people and bodies in order to manage, control and surveillance them. This point will be returned to when the level of governance is discussed.

Governance level: emerging of the figure of the expert

While bio-politics and the state of exception put emphasis on the omnipresence of the state apparatus of control and surveillance, the domain of the political has other mechanisms of power. As Desai *et al.* (2007) point out, dictatorships do not survive by repression alone. Rather, dictatorial rule is often explained as an 'authoritarian bargain'¹ by which citizens relinquish political rights for economic security. However, citizens do not relinquish all their political rights, and the regime is often obliged to cede to some external and internal pressure. The work of Camau and Massardier (2009) is indeed seminal in understanding what they call the 'fragmentation of power' and the limits of the influence of the principle of election (being governed by elected representatives) in terms of access to government and forms of collective decision-making. Governing covers a series of local accommodations – the 'partial regimes' of regulation – which juxtapose competition and the right to vote with elitist decision-making. Democracy is not one regime, but a set of partial regimes covering fragmented sites of negotiation and conflict resolution amongst groups of interests. Since the early 1990s, the states of the Arab World, operating under structural adjustment policies conveyed/imposed by the International Monetary Fund (IMF) and The World Bank, no longer have a monopoly on providing social goods, and consequently a monopoly on the use of legitimate violence.

Camau and Massardier (2009, p. 8) point out the changing patterns of production and distribution of public goods (i.e. policies); the diversification of actors and places of public policy-making; the decentralization and regionalization of public action; and the multiple geographical scales, ranging from decisions made on the international level to the 'micro-territory' (municipal) level. In the era of globalization, the universalization of the procedures of representative democracy is consistent with a general trend towards the fragmentation of areas of competition and legitimation. For these two authors, participatory democracy, community participation mobilization of new social movements, and the conversion of the cultural capital of the expert (scientific qualifications and knowledge) into social and symbolic capitals (power) reconfigure political spaces toward rendering the election of political leaders less important.

There are two types of transformation of political actions: first, transformation of the *politics*, i.e. competition for exercising or influencing power brought about a decentralized and polycentric evolution of political actions; and second, transformation of *policies* (modes of production of public goods), i.e., the diversification of actors, experts, the public, and political spaces (networks, coalitions).

All these transformations are connected. Sometimes the state is the leading agent, especially when it is rentier and patrimonial (e.g. Gulf monarchies), and therefore essentially a welfare state. At other times, as the economy is embedded in the social structure (Granovetter 1985) and a field of political regulation, economic elites play a major role in policies and politics (three-quarters of the Egyptian MPs are business people). Corporate social responsibility becomes a key phrase in the discourse of the World Bank and government, and business people intervene in the field of environment and human rights, but also subsidize political groups, resistance, and insurgencies. Neo-patrimonial regimes create clientelistic networks in order to keep these people in close relationship with their elected government and their bureaucracy (Bahout 1992). One never knows how much society, polity and the market interplay, and the current financial economic crisis demonstrates particularly this connection. These transformations shift the line between authoritarian and democratic regimes.

The role of international organizations since the post-Washington Consensus² in the early 1990s is to influence politics by diversifying spaces of policies. The World Bank has acknowledged that coordination between government, society and the market is needed to promote an overall delivery of public goods (Stiglitz 1998). Funding is often oriented towards the NGOs that appear to be gaining ground at the expense of political parties, unions, and grassroots social movements. But does NGO-ization systematically entail depoliticization or demobilization? Not necessarily. Some NGOs are constructively addressing the unprecedented spread of activity and civic organization among women, youth, human rights activists, ecologists, and communal and ethnic movements. These are at the heart of policies and politics-making. But as Alain Touraine points out (Touraine 1984), the struggle is no longer guided mainly by the class struggle, where the antagonists are clearly on different sides, but also by civil society organizations, even when they are business-oriented, non-engaged, and non-representative entities. As they adopt rather the voice of reform than the subversion, they become valid interlocutors with government and multilateral institutions. The civil society thus is not by definition opposed to the state but in cooperation with it as Gramsci suggested (Buttigieg 1995).

Developing countries have entered into multilevel governance which has led to new elite formation. Two forms of elites have emerged. First is the localized expert empowered by legitimate knowledge (specialization, PhD, etc.), who actively participates in the decision-making through committees and as a techno-bureaucrat. The second form is what is called the globalized expert (Hanafi and Tabar 2005) who has access to the international arena (sector-related UN conferences, international networks, etc.) and who intervenes in governance through international organizations and NGOs. Both experts are often used in NGO advocacy campaigns that tend to devote much effort to intellectual persuasion. They are mediators and translators, as they negotiate through local, national, and global discourses (Merry 2006, p. 39).

While the expert carries out policies and techno-politics (Mitchell 2002), he procures new legitimacy and competes with the elected representatives of people. What will be the implication of such competition? If the elected leaders have access

to power because of a ‘staged’ election in some Arab countries, this new legitimacy could be a step forward in the democratization process, as it allows the group in power to enlarge and prevents oligarchy and even polyarchy. But then there is the risk that politics and policies will be oriented by social engineering and technicist trends, as demonstrated in the author’s 1990s study on engineers in Syria and Egypt (Hanafi 1997). This trend is not the only one.

In the pre-1990s developmental state – whether socialist, state bourgeoisie (Waterbury 1991) or state capitalist – engineers were the main experts (Longuenesse 2007). These days it is rather those who have different specializations (always the engineers, but also economists, social scientists, lawyers, medical doctors, etc.). However, their weight compared with the elected people is problematic. More specialized information does not always lead to better political analysis, as depth may be lost at the expense of scope. Only a close supervision of the elected representatives can prevent the excess of technocracy. The risk is often that there is a role distribution in order to manipulate the public, as the following example reveals.

In a discussion in a workshop on the legacy of wars in Lebanon in which government officers, NGO leaders, and lawyers participated, an expert on international humanitarian law presented an overview of a confidential report ordered by the Parliament concerning the 2006 war on Lebanon and whether the Lebanese government should sue Israel for the destruction of its infrastructure and residential buildings. Surprisingly, he argued against the case as it would entail a *de facto* recognition of Israel. When some attendants complained about his conclusion, he repeatedly replied, ‘I am a neutral expert, talking in the name of law’. He indeed reminded us of the legitimacy that he has, established in the name of neutrality, law, and science. When someone requested the report, he evaded by saying ‘You as a citizen should request it from your MP’. One of the attendees explained what is indeed the real *political* reason behind the absence of the case – that Hezbollah does not want it, as there is a risk of a backfire against its leaders that would be brought up in court, and the fact that the Lebanese government does not want to upset the United States.

In brief, there is neither evidence that the flourishing of civil society institutions and actors can lead to the democratization of the society (Geisser *et al.* 2006, p. 195) nor that economic liberalism can lead to political one (Kienle 2001, Catusse 2006). The emergence of these new mediators is diversifying the actors of governance, but has not necessarily undermined the hegemony of the state governmentality actors. Challenging the status quo will come from more informal actors, as will be shown below.

Non-institutional protestation: an emerging power

The Arab World has been recently witnessing numerous protestation movements brought about by unstructured political mobilization on the street: the Lebanese mass mobilization after the assassination of former Lebanese Prime Minister Rafiq Hariri; the Egyptian Kifaya movement requesting electoral law changes and seeking to oust President Husni Mubarak; public expressions of dissents in Syria (Damascus declaration); peaceful demonstrations of solidarity with the Palestinians and Iraqis; numerous sit-ins in Lebanon, Egypt and Algeria; and different forms of urban riots or insurgencies, such as al-Qaeda and Iraqi Islamist groups. In all these movements, university students were the major actors (Geisser *et al.* 2006, p. 202).

The actors of these protest movements operate outside the register of formal institutions and what was often called civil society (Ibrahim 2010). While the politics of civil society indeed marginalizes the politics of disadvantaged people, protest movements offer up what Partha Chatterjee called the ‘political society’ as a framework for understanding the popular politics of marginalized groups (Chatterjee 2006, p. 36). In doing so, Chatterjee draws heavily upon the Foucauldian tradition of governmentality studies to argue that there is a gap ‘between the lofty political imaginary of popular sovereignty and the mundane administrative reality of governmentality’. They are at times visible and at times invisible, taking the forms of silent or day-to-day resistance, bypassing authority, and evading practices of power. They are mediated less by the experts or the globalized elite and more by sectarian, tribal, local, and religious leaders and preachers. They often operate with the help of the experts, but they still control the space of protestation. It is worth noting that tribal networks are also using the legitimacy of the expert. In Jordan, clans make sure they elect an educated candidate before nominating him/her to be the official candidate of the clan. In Tunisia, Bouazizi (2010) argues, the youth protestations take the form of the indifference and silence expressions.

New media are opening paths for protesters. The Internet, blogs (Abaza 2010), and the mushrooming of channels outside state authority enable these non-institutional actors to challenge the authority of the state and its control and surveillance technology of power. Illegal or not, banned or not, Iranian groups close to the reformists turned to the Web to organize protests and voice their concern over the elections of 2009.³ The social networking websites such as Facebook and Twitter, and the micro-blogging websites (as well as YouTube and Flickr) are all used to make sure that they can continue to communicate and to get the news of what is happening inside Iran out to the rest of the world. These new media become very important technology of counter media hegemony. In many marginal spaces and spaces of exception (refugee camps and slums), the near-absence of conventional governance, alternative mentalities of governance, or ‘governmentalities’ (Foucault 1991, Dean 1999), have emerged among populations which, to a remarkable degree, have succeeded in regulating the behaviour of these spaces’ residents. I contend that these governmentalities have helped ensure the daily functioning of the spaces, have contributed to the rise and spread of different sorts of Islamism, and have inhibited the establishment of formal and necessary structures of governance.

My recent work on the different Palestinian refugee camps in Lebanon (Hanafi and Long, forthcoming 2010), shows that specific interpretations of Islam – not just *shari’a* but also *akhlaq* – appear to have begun to function as ‘mentalities of governance’, or governmentalities, for camp residents. Anthropologist Michael Jensen (2009), in conducting fieldwork with a Hamas soccer team in Gaza, observed how ‘the creation of sound Muslims at the individual level’ was accomplished through the physical conditioning of one’s body through sport; it was the physical alteration of one’s body through the ‘care of the self’ that marked one out as Islamist. The soccer players Jensen interacted with also adopted new styles of dress and new ways of talking about themselves as distinct, in a moral sense, from other Palestinians in Gaza (passim). It is, as Nikolas Rose (1990, p. 10) reminds us, ‘through self-reformation, therapy, techniques of body alteration, and the calculated reshaping of speech and emotion, we adjust ourselves by means of the techniques propounded by experts of the soul’. Islamism, as articulated by Hamas, literally as a science of the soul, has transformed the way many Palestinians, especially young men, construct their sense

of self. It has brought to the forefront the idea that an ‘economy of morals’ can order societies in the absence of traditional hierarchies. The accumulation of moral capital thus becomes a way of standing out, of setting oneself apart from one’s peers, and ultimately even a way of commanding respect and authority in the camp.

Many scholars write about these non-institutional actors often as anti-modern elements that resist rationalization and globalization. They were not able to analyse the dynamism of Islamist movements, as they were focusing on Islam as their only determinant factor and thereby falling into the trap of the common stereotypes in research on political Islamism. They are indeed often at the heart of globalization and have a project of modernizing society, which is at times allied with the state and civil society, and at times against some of their politics. The boundaries between these three forms of political actions can be blurred easily, and the intervention of the state and the international community to pressure and outlaw the third level is very recurrent and varies from one state to another.

Conclusion: power and intersections

Critical political theory does not sufficiently acknowledge the intersection between the three levels of the political – state governmentality, governance and non-institutional protestations. The importance of the last two levels is in resisting the state’s biopolitics and the sovereignty’s state of exception. With these different levels of the politics, the author is not suggesting praising a piecemeal neo-liberal reform or poverty alleviation that may sustain and legitimize the prevailing system in order to create development, but rather to shed light onto small/local/sectoral initiatives directed toward social and economic development. Again, one should not be satisfied by the relief and aid system, but rather by the social protection system.

The typology of social and political actors and actions does not thus have as its objective calling in researchers to study all types and to consider them all with the same importance, but to suggest the importance of keeping an eye open to all these levels and to see how an actor can become salient in a certain time–space frame. A political action can be enacted in complementary ways on two or even three levels, but it often involves one actor from one level who challenges actors from the other levels. The two frameworks suggested in this paper can encourage one to go beyond notions of regime crisis and democratic transit towards in-depth empirical studies of the actors in conflict in a specific time–space frame.

The intervention of civil society, including grassroots organizations, student mobilization and religious leaders, has constituted small quantitative sectoral (single-issue) changes which sooner or later will be transformed into qualitative social change. Some Western scholars have not been able to see the importance of the non-institutional actors either because of their invisibility (they are often in the periphery outside capitals and big cities) or because, being movements framed in an Islamic lexicon, they were stigmatized as ‘ugly movements’ (Tarrow 1998) to the point that they are seen as outside the social change project.

There are tremendous social, cultural, economic, and political transformations in the Arab World which vary from country to country. In some countries, the legitimacy of the repressive president is eroded thanks to the protest movements (on Egypt, see Abaza 2010). In others, the polity is not only fragmented, but there is a risk of the collapse of the state (Palestine, Iraq, Somalia). Finally, other regimes become more repressive to their civil society organizations and protest leaders.

Having said that, researchers may not be able to understand these multi-directional transformations without conducting empirical studies of the three levels of the political. The lack of such studies led to sweeping generalizations. For instance, the relentless growth of the NGO sector in the Arab World has been seen as a symptom of the ‘awakening of civil society’, which in its turn is seen as a sign, a factor, and a condition for democratization (Qandil 1995, Ben Néfissa 2005). Some researchers have often requested that the civil society weaken the state. They do not see the possibility that civil society organizations (CSOs) are complementary to the state and cooperate with its institutions in terms of service delivery, development projects, and awareness and advocacy programmes, while at the same time offering alternatives to some state orientations including the possibility of being agents of contestation of the system. The fragmentation of the political space indeed enables a subtle game for CSOs and non-institutional actors to challenge some of the state politics and policies and to become vehicles of social change. Again research ought not to reify the CSOs or the state, but to note the dialectical relationship between them. As Catusse (2009, p. 2) eloquently points out:

the state is not an omnipotent Big Brother and autonomous vis-à-vis its society, but rather as a social and historical institution, driven by social interests and participating in return, by means more or less coercive, in the making of social interests. Through the reforms, the States are changing, and their representation as well.

However, there are often many predicaments. CSOs are always at risk of instrumentalization and being co-opted by the state, especially when the state wants to turn its back on its social responsibility in delivering public goods. CSOs should not fill in the gaps left by global neo-liberalism. The state allows some change to take place and in the process leaves the deep structures untouched and even invisible. It is the role of the CSOs to be strategic and to develop alternatives at all levels and not to act as a filler or systemic shock absorber, keeping us focused on symptoms while root causes go unaddressed, deflecting the power that we need to get at the heart of the matter. Sometimes in the Arab World NGOs are not only instrumentalized by the state that seeks out and even promotes ‘safe’ NGO participation and pseudo-consultation, a sort of feel-good politics. Some governments and corporations are creating their own NGOs (GONGOs and civil companies, respectively) so as to influence the course of the debate and political action locally and globally. While doing soft politics, CSOs need to be careful to maintain a focus on the structural context, i.e. unjust systems of production and distribution that perpetuates social inequities. These are often the encumbering and most pressing issues.

CSOs sometimes defensively retreat into localism, or exclusively into globalism at the expense of the national level. Some of the global linkages come at the expense of national linkages, and this deflects the pace and possibility of national social change. When the NGO leaders become globalized, there is a great risk of disconnection with its society and constituency.

Notes

1. ‘Bargain’ is defined by the authors as a simple, repeated game between a representative citizen and an autocrat who faces the threat of insurrection, and where economic benefits and political rights are simultaneously determined according to the opportunity costs the regime faces in providing these ‘goods’.

2. The post-Washington consensus differs fundamentally from the Washington consensus. While the latter made economic growth the main goal of development, the new consensus moves away from the classical neo-liberal, market-friendly approach and places sustainable and democratic development at the heart of the agenda. The post-Washington consensus admits to market imperfections and supports social safety nets, social capital and institution building to stabilize imperfections. Yet, many of these revisions remain within the sphere of the liberalization paradigm, insofar as they represent different ways to extend a model consisting of a reduced role for the state and the expansion of markets as a mechanism for distributing and allocating goods.
3. Supporters of Mir Hussein Moussavi, the presidential challenger whom President Ahmedinejad claims to have defeated with 63.4% of the vote.

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