Basic Equality as a Post-Revolutionary Requisite: The Circumstances that are to be Taken into Consideration in the Wake of the Arab Spring

ABSTRACT: The task to reshape governments in the countries confronted with the Arab Spring prompts the question whether there are necessary conditions to realize a stable society that simultaneously seeks to eliminate the elements that have led to the uprisings. Acknowledging some constitutional rights seems indispensable in such a process. I argue that such a state of affairs is indeed the case, at least now that the ‘old’ justifications to differentiate between people do not suffice anymore. That is not to say that the countries involved will have identical laws in each respect, but merely that a common basis has to be realized, manifested in political and legal equality, so this given does not derogate from the fact that each country’s specific legislation needs to be shaped in the light of its own history. Such a basis has no ‘moral’ character, but is a necessary condition to prevent sedition.

Introduction

Now that the consequences of the movement that has come to be known as the Arab Spring are becoming apparent, a general scheme on the basis of which stable developments can take place while incorporating the demands of those whose protest has led to some important initial changes is wanting. I aspire to provide such a scheme here. Its ambitions are confined by the realization that the differences between the relevant countries should not be overlooked and cannot fully be taken into account in a single outlook of the sort I will present and the fact that the developments are quite recent. An overview is, then, hard to provide, especially at present. Still, taking these limitations into account, the presence of important characteristics in each of these countries’ communities provides a sufficient reason to be confident that a model can be presented that they must all acknowledge, at least if a democratic rule is to be the norm.

This paper consists of four sections. Section one points out to the causes behind the events, without pretending to be comprehensive. Not every possible cause is necessarily identified, but those that are recognized are sufficient to make my point. Section 2 presents a way to accommodate those who demand changes; this is realized by means of the notion of ‘basic equality’, as I shall call it. Some remaining issues are discussed in section 3. That the solution proposed here is not an encompassing one, in the sense that several issues remain unresolved if it is introduced, must be taken into consideration; this challenge will be met in section 4, where the relevance of the consequences of the differences between individual countries is considered.
1. Background

The Arab Spring has resulted in the overthrow of the governments of Egypt, Libya, Tunisia and Yemen, and has led to the implementation of important reforms both there and elsewhere. The question ensues along what lines further changes should be implemented. It must be remarked at the outset that a single alternative would do no justice to the complexities of the proceedings. First of all, it would be amiss to say that the Arab Spring is a single event¹ and ‘Arab Spring’ may accordingly be deemed a misnomer. (Since the term is widely used, however, I will pragmatically use it throughout this paper.) Second, and more importantly, although the countries in which the protests erupted share a number of significant characteristics in common, they all have an individual history determined by particular circumstances. Expecting one outcome would be unrealistic, although this should not be taken to mean that strong similarities may not come to the fore, which is indeed likely to occur if countries take notice of their respective developments, and this may even lead to a (mutual) political cross-pollination.

With these observations in mind, working towards solutions is of course only possible if one clearly identifies the problems. The uprisings’ causes are multifaceted (which once again illustrates the illusion of a simple solution), varying from political factors such as oppression² and corruption³ and the lack of legitimacy and accountability⁴ to economic determinants,⁵ specifically unemployment,⁶ and even the presence of natural resources plays a role here.⁷ A final element that may be mentioned here is the political participation of those who are relatively highly educated.⁸ (Incidentally, political participation seems less important to most people than the rights and opportunities democracy offers,⁹ but the latter observation is based on inquiries made in countries that were already democratic.)

2. Basic equality as a necessary condition after the regime change

With the disappearance of the old regimes, or at least the diminution of the dictatorial elements hitherto intertwined with them, an alternative must be put forward lest the danger of relapsing into the familiar structures remain ever present. As Pillar puts it: “[…] there is no assurance that most of the revolts will lead to more democracy.”¹⁰ The most viable approach introduces a stable platform that serves as a background for

² Saim Kayadibi and Mehmet Birekul, “Turkish Democracy: A Model for the Arab World”, Journal of Islam in Asia, Special Issue no. 3 (2011), 271
³ Kayadibi and Birekul (note 2), 271; Pillar, “Alienation and Rebellion in the Arab World”, Mediterranean Quarterly 22 (2011), 9
⁴ Magen (note 1), 14, 17
⁵ Pillar (note 3), 8
⁶ Kayadibi and Birekul (note 2), 271; Pillar (note 3), 10
⁷ Larry Diamond, “Why are there no Arab Democracies?” Journal of Democracy 21 (2010), 98; Magen (note 1), 14
¹⁰ Pillar (note 3), 15
the implementation of the changes. In this way, a frame of reference is available while the specific circumstances in each situation can be taken into account in creating new policies: the best of both worlds. This means that the frame of reference is not the be-all and end-all element but rather a vital starting point. I consider this frame of reference to be basic equality. By basic equality I refer to the relevant (approximately) factual equality in citizens that serves as the basis for prescriptive equality. I cannot elaborate this theory here in detail, but will limit myself to presenting the outline.

Reason is the crucial element for human societies to remain in existence once a situation such as the Arab Spring has emerged; that is why basic equality can here be taken to mean basic rationality. I do not deny that it is possible for a society to persist while withholding equal rights from some citizens on the basis of a trivial characteristic (trivial in the sense that it has nothing to do with the question who is capable of using such rights); such characteristics are defended on the basis of, e.g., tradition or physical strength. The importance that is attributed to them can be observed and criticized (which is relatively easy in retrospect, of course, although there have been important early champions of equal treatment) in Western countries in the priority – manifested in various aspects – of white, Christian men towards women, non-Christians and people of non-Caucasian races; discrimination has abated there but is still a tenacious problem elsewhere.

As long as those who are discriminated against do not (structurally) oppose this treatment, no issues arise with regard to the country’s internal stability but once they do, they must be taken seriously lest – in the most extreme case – a civil war arise. This is a crucial reason for those already in power to treat each citizen equally (which means, in practice, that minorities and women are given the same rights males of certain denominations already have); this may be called prescriptive equality. Mill’s observation is apt: “The entire history of social improvement has been a series of transitions, by which one custom or institution after another, from being a supposed primary necessity of social existence, has passed into the rank of an universally stigmatized injustice and tyranny. So it has been with the distinctions of slaves and freemen, nobles and serfs, patricians and plebeians; and so it will be, and in part already is, with the aristocracies of colour, race, and sex.”

It is clear how basic equality (a factual state of affairs) and prescriptive equality interlock: prescriptive equality consists in the corollary of basic equality, namely in the fact that those who are basically equal should be treated equally. Incidentally, I consider the fact that these two levels interlock a strength rather than a shortcoming of the theory, *inter alia* (so not *exclusively* for this reason) as it provides the opportunity to apply the theoretical observations without having to introduce additional concepts, which might complicate matters. To illustrate, women and minorities should (‘should’ points to the prescriptive element) be treated equally with (the dominant) males because they are (‘are’ points to the factual element), at least in the relevant aspects, equal, being able to reason and act upon it. There are ethical theories that abhor such an approach, notably that of Kant, but whether an ethical theory can convincingly separate the descriptive and prescriptive domains (the famous ‘is-ought’ issue) – ‘prescriptive’ having a ‘moral’ connotation in such a discussion – remains a controversial matter, and besides, I have not adopted a ‘moral’ outlook, so that any criticism on the basis of such a stance – assuming, *arguendo*, that it would be correct – need not bother me.

11 John Stuart Mill, *Utilitarianism* (1969 [1861]), Ch. 5 (259)
12 Immanuel Kant, *Grundlegung zur Metaphysik der Sitten* (1903 [1785]), 444
A ‘moral’ outlook cannot be accommodated within the carefully constructed confines of my theory for reasons that need not be discussed here.

The fact that reason is the characteristic that decides whether beings should be treated equally with one another is not to be taken to mean that people are all equally intelligent, or always act equally reasonably; it would not be hard to disprove such a stance. It means, rather, that people are intelligent or reasonable enough to claim rights in an organized way, resorting to drastic means such as strikes or even riots if necessary, which is sufficient to necessitate taking them seriously. ‘Taking them seriously’ does not refer to any ‘moral’ claim – by appealing to a notion such as ‘human dignity’ – but merely to their – organized – power (which sets them apart from animals, many of whom live in communities, with some species even in an organized manner, but still differently, in important aspects, from humans). That is why I did not refer above to the predicaments those who are discriminated against face as long as they are not willing or able to stand up for themselves. The alleviation of their burden (or indeed oppression) may be a plight to those able to do so even before they become a force to be reckoned with, but that would be a ‘moral’ appeal, which, as I indicated, is no factor of importance here.

What is the relevance of ‘basic equality’? Basic equality serves as the touchstone against which the relevant domain of subjects is gauged. It is, in other words, the descriptive domain that justifies the contents of prescriptive equality. As for the application of prescriptive equality: prescriptive equality is concretized by equating it with formal equality. So the dictate of formal equality simply amounts to treating equally those who are basically equal. What ‘formal equality’ means may perhaps be clear in general terms, but that does not suffice here: this concept must be carefully delineated. Formal equality includes: (1) political equality, and (2) legal equality. Political equality is manifested in political liberties, such as the right to vote and the freedom of speech. The right to vote is of course a necessary element in a representative democracy. The freedom of speech may, incidentally, be curbed, but this would require a justification (e.g., the prevention of strife); those in charge may not randomly interdict expressions they consider incompatible with their views. The precise extent to which this freedom may be restricted cannot be determined a priori but will depend on specific circumstances.

Legal equality (which is the same as equality before the law) amounts to the right to equal treatment. Note that ‘equal treatment’ features here, while it was also used above to characterize formal equality. This does not evidence a petitio principii, since legal equality is no explanation of formal equality but rather a specification of it. (In fact, it would be strange if the demand of equal treatment would not be a decisive characteristic here since what is said of the species must of course also apply to the subspecies.) It is yet incumbent on me to specify ‘equal treatment’ in the case of legal equality. This is the treatment that leads to equality of opportunity. For example, any selection between prospective employees should be made with the criterion basic equality provides in mind, so a selection an employer makes on the basis of, e.g., gender or race should be deemed unacceptable.

The realization of formal equality in the guise of political and legal equality is an important first step. Its reach is not to be overrated, however. This is no false modesty on my part but rather an anticipation of the consequences that will emerge from the considerations in the following sections.
3. Complications

Formal equality is realized and continually fortified through a democratic framework. Yet the actual realization of this elegant approach is more difficult than might at first sight appear. First of all, one must be careful not to confuse an important corollary of formal equality, namely, democracy, and free elections, since the existence of the latter is not a sufficient condition for the former to ensue.13 The matter runs even deeper than this, though. The very notion of ‘democracy’ is hard to pin down, having different meanings for different people,14 a difficulty which is especially apparent in the present context.15 This may be remedied by forgoing a substantial conception and instead focusing on procedural criteria,16 starting from the principle “[…] that all the members are to be treated (under the constitution) as if they were equally qualified to participate in the process of making decisions about the policies the association will pursue.”17

From my basic equality perspective I concur with such a position. Significantly, Dahl uses the phrase ‘as if’ here. Indeed, I would add that not every citizen is factually equally qualified to participate, but this fiction must be used to prevent exclusions which may lead to destabilizing effects such as those discussed above. Additionally, a comprehensive theory increases the fictitious aspect, encapsulating children and cognitively impaired persons in the realm of those (potentially) having a claim to legal and political rights. In the present discussion, however, this is a minor detail so that it needs no further treatment here.

A final complication that cannot remain unaddressed is the role of religion. Can democracy be realized at all in countries with a predominantly Muslim population? Recent data show that (on the whole) people in Islamic societies, while more religious, support democracy to the same degree as Westerners.18 Importantly, “[…] when the concept of religiosity is further divided into “personal religiosity” and “political religiosity” at the individual-level, political religiosity, not personal religiosity, is the factor correlated with a nondemocratic orientation.”19 Democracy is preferred to other forms of government in the Arab countries.20 A nuance may be made when it comes to race and gender, in which respect there are modest differences between secular democrats and those who support Islam democracy.21 In any event, the challenges these considerations bring to the fore must be mentioned.

16 Dahl (note 14), 37, 38
17 Dahl (note 14), 37
18 Huang (note 15), 110; Mark Tessler, “Islam and Democracy in the Middle East: The Impact of Religious Orientations on Attitudes toward Democracy in Four Arab Countries”, Comparative Politics 34 (2002), 348–350
19 Huang (note 15), 110, 111; cf. 115.
21 Diamond (note 7), 96
4. The road ahead

The previous section makes it clear that implementing a policy that incorporates basic equality is a viable option in the countries under discussion. Still, as I stated in the beginning, one single approach will not suffice. In this section, I will indicate what the concrete realization of what has been presented above in general means.

Equal treatment of women and minorities is necessary under a democratic regime. Now that the hierarchy hitherto taken for granted (or at least accepted) has in some cases been removed and in others lost the authority to dictate rules, the legitimacy of a foundation characterized by anything else than reason (i.e., what all citizens have in common – again, taking into account that they are not equally intelligent) would be difficult to defend since – to continue the train of thought sketched in section 2 – such a foundation would now be recognized to be a random one. It is as if one should live in a state ruled by a priest-king the legitimacy of whose regime would appear difficult to maintain if its citizens should become atheists. No special quality would be attributed to him in such a case, his claim to be the proper ruler now being considered a random one in that someone without any religious affiliation would (ceteris paribus) be just as suited to govern.

A similar process can be found in the development towards governments in Europe that did not appeal to a divinely-ordained reign on the basis of considerations as those refuted by Locke.22 A ‘social contract’ model was alternatively promulgated by many (including Locke himself23). The actual demise of such a regal basis is a gradual one and connected with, inter alia, that of the diminution of the power of the pope, who, for a significant period, appointed emperors and whose influence on king’s actions was – in varying degrees – significant during the Middle Ages.

The example of religious denominations is actually a salient one since it would seem to present a complication in implementing basic equality with one another. After all, if the majority of a population adheres to some religion (i.e., Islam) and discriminates infidels, might they not simply continue to do so? In such a situation, part of the structure that has led to the insurrections would be left intact, so that this situation may repeat itself, albeit perhaps on a smaller scale than in this case. If non-Muslims are indeed discriminated against, they may be sufficiently motivated to rebel; I say ‘may’ since whether this will be the case will depend on the degree of discrimination and the likelihood that resisting it will have the desired effect. I concur, then, with the observation that “The political transition to democracy cannot succeed without first recognising minorities as full and equal citizens of the state.”24

What I have left open is the extension of ‘basic equality’. I do not refer with ‘extension’ to the domain of people who are to be considered equal, for that should be clear by now, namely, each citizen; gender, religion, race or social standing should not be decisive in granting legal and political rights. I mean, rather, that it has not been clarified to what extent citizens should be treated equally. I have defended the need for formal equality, but have not indicated whether another sort of equality should in addition be realized, namely, material equality (also known as equality of outcome),

22 John Locke, Two Treatises of Government. The first Treatise (1689), § 42 (242, 243), §§ 95–98 (284–287), § 103 (289, 290), § 105 (291, 292), § 119 (302, 303), §§ 125, 126 (306–308), § 164 (334, 335)
23 Locke (note 22), The second Treatise, § 15 (347), § 89 (389), §§ 95–97 (394, 395)
24 Fatima el-Issawi, “The Arab Spring and the Challenge of Minority Rights: Will the Arab Revolutions Overcome the Legacy of the Past?”, European View 10 (2011), 252
which is focused, in many variants, on (re)distributing resources (some positions argue an alternative intervention by the government; Sen, for example, propagates ‘basic capability equality’. Incidentally, material equality is not to be taken literally, unless one envisions an extreme (re)distribution such as the one aspired by communists. In most cases, material equality simply means that the outcome that would be the result of completely free market enterprise is mitigated.

That means that in the U.S.A., e. g., although this country is considered by some to be one in which ‘laissez faire’ policies have been and are continued to be implemented, material equality exists, at least if one considers this concept to be one operating on a curve rather than an absolute one. After all, even the presence of a minimal social security scheme interferes with the idea that the government should be involved in no other aspects than those that are needed to ensure the continuity of society in the present form (the so-called minimal state) (forgoing here the position that additional measures should be implemented to that very end, e. g., provide social security in order to keep those unable to acquire an income from rioting and/or stealing).

To deal with the issue at hand, I do not oppose material equality (or resist it, for that matter). Material equality is simply not what this paper is about. In my view, many outlooks on material equality are compatible with formal equality, but the same applies to many that oppose it. The question what economic policy should be implemented lies beyond the scope of my inquiry, precisely for the reason I have put forward above: it is only formal equality that is the object of inquiry here. Such matters, just as the question whether material equality may for some people, in some circumstances, be more important than formal equality, can accordingly be left unaddressed here.

Accordingly, the desire to carry through changes such as “[…] drafting a modern labour law and regulating relations between employers and trade unions (including rules for strikes and collective bargaining after the legalisation of free trade unions and industrial action); anti-trust legislation and rules for transparency and responsibility in business; and not least the establishment of effective social-insurance systems.” would be far too ambitious. Apart from the fact that this would mean making choices for the people instead of providing them with the opportunity (through free elections, of course) to do so themselves (thus – ironically – treating them in a similar way as those who have been expelled did, even if this should be argued – patronizingly – to be ‘for their own good’), this presupposes that one clear-cut view on what the ‘right’ outcome should be here is available. A slight comparison of the legislation of, e. g., the U.S.A. and Sweden in the domain of labor law and social security would show the futility of such an enterprise.

That does not derogate from the fact that the domain of formal equality can have material consequences: “Political participation is not the only concern regarding gender discrimination. Socioeconomic inequalities, i. e. in labour rights, […] are also in the list of issues that should be addressed in the transition.” Formal equality is concerned with producing the conditions for the equality of opportunity. ‘Equality of opportunity’ simply means that the characteristics deemed irrelevant are not to be decisive for the outcome of a process between individuals who are basically equal. For example, prospective employees should be selected on the basis of criteria relevant for fulfilling a job, criteria

26 Volker Perthes, “Europe and the Arab Spring”, Survival 53 (2011), 76
such as gender and race not meeting this standard, except in special situations (e. g., if a role requires a male, Caucasian actor). The conditions just mentioned, i. e., those that are necessary to ensure the equality of opportunity, must be the focus of reforms.

The new situation is, then, characterized by a two-layer structure, viz., an a priori basis of basic equality – with the nuance mentioned above in mind, regarding the limitations of the freedom of speech – and specific a posteriori superstructures for each individual country, a posteriori meaning that, in contradistinction to what is the case with the basis (basic equality), no single solution is proposed, as this would, as I said, do no justice to the differences between the various countries. A corollary of this given is that it would be unrealistic to expect the reforms (apart from those aimed at realizing basic equality) to be carried through at a single pace. Incidentally, the analyses of the authors just mentioned are in a way more cautious than mine is: they argue that the realization of democracy itself (which is part of basic equality as I have defined it) requires a steady process. Perhaps they are right. In that case, however, the only element that would need to be changed in the analysis is the fact that basic equality cannot be introduced overnight; this does not detract from the fact that it is a necessary condition to realize a stable political situation (if one dismisses the alternative of a new totalitarian government).

Illustrating the foregoing by means of a particular country, it may be pointed out that the challenges to realize democracy in Tunisia would be met if the proposed solution should be adopted. Specifically, “To be meaningful, basic rights and liberties must be articulated clearly in a constitution that is truly foundational.” Furthermore, “[…] democracy will only succeed if there is a constitutional order that lays out the basic parameters within which all citizens, including government officials, must play the game.” Other important elements are the fight against corruption and the predicament of the role of Islam in public life. Although my proposition presents a blueprint to tackle these problems, one must not overlook what was remarked in general above, namely, the fact that “It would take a long time to make these changes in Tunisia.”

In addition, it must be remarked that the lofty ideals and their actual realization may be separated by a chasm that is to be bridged by a process of patience and piecemeal progress: “Women’s legal status in the first Arab country where popular uprisings overthrew the dictatorial government, Tunisia, is considered to be a model in the Arab world. Equality of all citizens before the law is guaranteed by its Constitution. In practice, though, patriarchal attitudes and deep-rooted stereotypes persist, as well as high rates of violence against women and domestic abuse. They also suffer from socioeconomic inequality and are underrepresented in public life.”

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29 Christopher Alexander, Tunisia. Stability and Reform in the Modern Maghreb (2010), 119
30 Alexander (note 29), 119
31 Alexander (note 29), 120, 121
32 Alexander (note 29), 121
33 Fernández and Ortega (note 27), 6
34 Fernández and Ortega (note 27), 11
control of democratically elected officials, democratic political institutions are unlikely to develop or endure.35 This remains an important issue in Egypt and Syria, for instance.

It may be objected that my analysis and proposed solution testify to a Western mind-set, and that the problems must be addressed from a completely different outlook. To such an objection I would respond that, although I would, while able to be critical of the views that have (at least in part) shaped my intellectual development, not know how to shed them completely and reach a state of suspension of judgment with regard to these matters, the fact that policies of the sort I have proposed have proven viable in Western countries does not necessarily point to the presence of a certain outlook (irrespective of the question of whether this could warrantably be characterized as Western or not) that would be guiding in dealing with these issues. As appears from the manner in which the solution is drafted, mine is a mere pragmatic stance. Should this or another matter, such as the view on how to deal with religion, still be taken to be a Western way to approach these matters, I would invite the objector to present an alternative and indicate what would make it superior to my proposal.

Conclusion

No simple answers suffice to resolve the challenges the Arab Spring has brought. One thing seems clear in any case: if the states are to be democratic — meaning that the criteria for a democratic procedure are met — no way back is possible. A democracy that does not take into consideration basic equality, and thus does not treat every citizen (formally) equally, will face a reversion to the structure that has led to the uprisings in the first place (although the domain of citizens who will be discriminated need not have precisely the same extension in the new state of affairs), and is confronted with the additional difficulty that those discriminated under a new regime may be sufficiently motivated to rebel against it.

The incidence of a movement like this (or movements like these) is, then, irreversible in a way. I say ‘in a way’ and do not mean to claim that the course of history has necessarily developed as it has (the promulgation of which is usually supported with a lot of metaphysics, of which I have managed to steer clear), or that these countries will be democratic in the short-term. In fact, it is not unimaginable that reversions to (variants of) the old regimes will take place. Still, with this number of people able and willing to revolt, such a situation is not likely to be manageable for an extended period of time.

So even irrespective of the desirability of introducing policies that acknowledge basic equality, it would be unwise for those who seek to govern without acknowledging it to dismiss it altogether (and thus fail to incorporate it into policies on at least pragmatic grounds), since this would leave them vulnerable to precisely the difficulties the causes of which their predecessors failed to neutralize.

Literature


35 Dahl (note 14), 148
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