ASFARI INSTITUTE FOR
CIVIL SOCIETY & CITIZENSHIP
معهد الأصفري للمجتمع المدني والمواطنة
AMERICAN UNIVERSITY OF BEIRUT

CITIZENSHIP IN THE ARAB REGION:
BETWEEN CONSTITUTIONAL PROMISES AND LIVED REALITIES

May 2026



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Authors

TABLE OF CONTENTS

1. INTRODUCTION **2**

2. THEORETICAL AND CONCEPTUAL FRAMEWORK: REIMAGINING CITIZENSHIP **5**

2.1. Methodology 6

2.2. Citizenship as Legal Status vs. Political Practice 6

2.3. Constitutionalism in the Arab World 8

2.4. Feminist constitutionalism and citizenship beyond nationals 8

3. REGIONAL OVERVIEW: CONSTITUTIONAL TRENDS IN THE POST-2011 ARAB WORLD **10**

3.1. The Constitutional Wave After 2011 11

3.2. Patterns Across the Region 12

3.3. Persistent Structural Constraints 12

4. CASE STUDIES AND COMPARATIVE ANALYSIS **14**

4.1. Lebanon: Constitutional Justice Within a Sectarian Order 15

4.2. Tunisia: From Revolutionary Promise to Democratic Decline 17

4.3. Egypt: Constitutional Expansion of Rights Amid Authoritarian Order 19

5. CONCLUSION **22**

6. POLICY RECOMMENDATIONS **24**

6.1. From Symbolic Rights to Enforceable Constitutionalism 25

6.2. Advancing Gender-Sensitive Constitutional Reform 26

6.3. Expanding Constitutional Protection Beyond Formal Citizens 26

6.4. Safeguarding Civic Space and Feminist Participation 27

7. REFERENCES **29**

1. INTRODUCTION

The concept of citizenship has always been connected and rooted in constitutions and legal texts, which establish who belongs to the political community and what rights and responsibilities they have. Constitutions, in particular, institutionalize citizenship by defining the legal requirements for membership and creating the connection between individuals and the state. Constitutions are essential in state-building and governance, especially in post-conflict situations, since they construct the legal and social framework that connects the state to its people. A constitution's primary duty is to act as a milestone in the process of restoring governance and reconstructing the state. Its functions include grounding the state in democracy: Constitutions lay the groundwork for democratic ideas and institutions. They define and allocate state authority and power to various actors and branches of government. A generally adopted constitution provides support to the legitimacy of the state, even before the state is fully capable of providing public goods or services.

It represents a renewal in government and legally binds peace treaties. Constitutions also have the role of consolidating peace, beyond the written content, as the process of creating a constitution helps maintain stability by fostering reconciliation and accommodation among competing factions. It serves as a reasonable compromise for how power is distributed. Finally, constitutions influence political incentives. A constitution's "institutional architecture" determines whether political actors choose to promote the interests of their constituents or exploit divides for autonomy (Brinkerhoff et al., 2009). The relationship between a constitution and citizenship is defined by the concept of a "societal pact" – a fundamental agreement framing the interaction between the state and its people (Brinkerhoff et al., 2009).

The Arab Uprisings of 2010 - 2011 fundamentally challenged these arrangements. Across the region, demonstrators called not only for regime change but also for dignity, accountability, social justice, and inclusive political participation (Salih, 2013). In doing so, they implicitly reframed citizenship as a claim to substantive equality rather than mere legal status. As governments collapsed or faced extraordinary pressure to reform, the concept of citizenship emerged as a major contested territory where issues of democracy, human rights, inclusion, and social justice intersected. Gender equality and women's rights became critical dimensions of citizenship during these debates, as advocates recognized that meaningful democratic transformation necessitated the dismantling of patriarchal legal structures and ensuring women's full political, economic, and social participation in the political system (Salih, 2013).

The political upheavals triggered constitutional moments in several countries, leading to comprehensive constitutional reforms or the drafting of entirely new constitutions. These events created opportunities for reform and unprecedented opportunities to reshape the legal and political frameworks governing citizenship (Roy, 2022; Ginsburg et al., 2009).

In the aftermath of these uprisings, several states embarked on constitutional reforms. Tunisia adopted a new constitution in 2014, widely regarded at the time as one of the most progressive in the region in its articulation of rights and gender equality. Egypt promulgated a new constitution in 2014 following a turbulent transitional period, which was later modified in 2019, embedding extensive rights provisions alongside strengthened executive powers. Lebanon, while not adopting a new constitution, witnessed renewed debates over constitutional reform within its entrenched sectarian framework (Charrad & Zarrugh, 2014; Fakhoury, 2021; Lombardi, 2014).

However, the enthusiasm that accompanied these reforms has been tempered by political developments over the next decade. Democratic regression, executive concentration of power, and declining civic space have curtailed constitutional guarantees' revolutionary influence. The contrast between constitutional promise and resistance determines the trend after 2011. While legislation professes equality, structural obstacles such as personal status regimes, nationality laws, limited judicial independence, and restrictive civil society frameworks continue to result in differentiated citizenship. The situation of marginalized groups further complicates this landscape. Youth, persons

with disabilities, and economically marginalized communities remain underrepresented in political institutions despite expanded formal rights. Refugees and stateless persons, particularly in high-host states such as Lebanon, expose the limitations of constitutional citizenship frameworks that remain tightly bound to nationality (Shaw, 2020). These dynamics underscore a core paradox: the post-2011 period witnessed an expansion of constitutional rights discourse without a corresponding transformation of power relations.

This report situates itself within these debates by examining how constitutional reforms have reshaped, and failed to reshape, the meaning and practice of citizenship in the Arab region.

It addresses four research questions:

- How have constitutional amendments reshaped citizenship in the Arab region?
- How do constitutional texts address marginalized groups (women, youth, stateless persons, and those with disabilities)?
- What explains the gap between constitutional safeguards and implementation?
- What challenges do civil society actors face in influencing constitutional reform?

The current study adopts a regional perspective focused on the Middle East and North Africa, while relying on illustrative case studies to identify broader trends, namely Lebanon, Tunisia, and Egypt, to address the research questions. These cases were selected because they represent distinct constitutional and political trajectories. Tunisia embodies post-revolution constitutional experimentation, marked by an initially progressive constitutional framework followed by significant democratic backsliding. Egypt reflects counter-revolutionary constitutional restructuring, where expanded rights language coexists with authoritarian consolidation. Lebanon represents a different model altogether: a consociational system in which constitutional equality operates within a deeply entrenched sectarian order.

The study combines comparative constitutional analysis with legal theory. It draws on primary sources, including constitutional texts, legislation, judicial rulings, and legal instruments governing constitution-making, as well as secondary academic literature. This dual approach allows for both theoretical analysis and critical evaluation of how constitutional rules interact with political realities. The paper will begin with a literature review of the Theoretical and Conceptual Framework onReimagining Citizenship. It will then present a regional overview of the constitutional trends in the Arab World (particularly post 2010). Chapter 4 will provide an analysis and comparisons of the case studies; Chapter 5 will conclude the report and Chapter 6 will present the policy recommendations.

2. THEORETICAL AND CONCEPTUAL FRAMEWORK:
REIMAGINING CITIZENSHIP

The following chapter will present the methodology of the research, review the existing literature on constitutions and citizenship, and build the theoretical stage that subsequent chapters will rely on.

2.1. Methodology

This study takes on a qualitative, literature-based approach to analyse the constitutional amendments' reshaping of citizenship in the Arab region, the addressing of marginalized groups (women, youth, stateless persons, and persons with disabilities), the implementation gap, and the challenges in influencing and applying constitutional reform.

The analysis carried out in this chapter is based on information gathered through secondary qualitative data collected from primary and secondary sources: books, journals, articles, research, as well as legal documents (constitutions, laws...). This two-pronged methodology facilitates both theoretical examination and a critical appraisal of the nexus between constitutional principles and political realities. The comparative analysis, through case studies, further illustrates changes and gaps between constitutional amendments and their application. The case studies of Lebanon, Tunisia, and Egypt were chosen, as previously mentioned, based on the diverse political paths and transitions, the extent of gender equality debates, and the lived realities of their citizens. The events of the Arab Spring marked a time when critical constitutional debates on citizenship, rights, and political inclusion triggered uprisings, representing a pivotal moment in Arab constitutionalism. This comparison aims not to generate universal conclusions but to identify patterns, differences, and insights across contexts that share structural similarities but differ politically.

There are several limitations to consider in this research. First, its reliance on secondary sources might obscure nuances in the Arab context and be more Western-focused. Second, the difficulty of assessing the practical implementation of constitutional provisions in contexts where judicial independence is threatened complicates the analysis. The definition of citizenship in nations such as Lebanon, Tunisia, and Egypt may not be derived only from constitutions and their modifications. A more comprehensive analysis of the entire governmental structure may be necessary to fully grasp the concept of citizenship. These findings contributed to exploring further the practical state of constitutional administration and the implementation gap.

2.2. Citizenship as Legal Status vs. Political Practice

In his foundational text "Citizenship and Social Class", T.H. Marshall examines the historical evolution of citizenship and its complex relationship with social class (Marshall, 1992). He categorizes the growth of individual rights into three distinct phases: civil rights in the eighteenth century, political rights in the nineteenth, and social rights in the twentieth century. These three strands, while developed in different centuries, collectively form the status of full membership in a community. Civil rights emerged primarily in the 18th century; these are the rights necessary for individual freedom. They include liberty of the person, freedom of speech, thought, and faith, the right to own property, the right to conclude contracts, and the right to justice. The courts of justice are the institutions most directly associated with these rights.

Political and social rights involve the right to participate in the exercise of political power, either as an elector or as a member of a political body and encompass a range of benefits from economic welfare and security to the right to share in the social heritage and live as a "civilised being" according to prevailing standards, respectively. Modern citizenship defines a status of equality that exists alongside the inequalities of the social class system. Its status is universal and connected to community membership (Marshall, 1992; Janoski & Gran, 2002). Marshall (1992) advanced the idea of modern citizenship and the citizen not merely as a worker or a consumer, but as an individual endowed with a status that claims social justice regardless of their economic value. Fundamentally,

all citizenship rights are legal and political since they are legislated by governmental decision-making bodies, promulgated by presidential orders, or implemented and later enforced through court decisions. These legal and political bodies primarily produce 'laws', thus serving as the foundation for many other citizenship rights (Janoski & Gran, 2002).

Additionally, Janoski & Gran (2002) illustrate how different societies balance individual liberties with collective duties. This balance is not static but is a dynamic relationship often viewed as an exchange or a framework of reciprocity. The authors utilize Wesley Hohfeld's typology to clarify how different types of rights impose varying levels of duty on the rest of society (Hohfeld, 1917). The different types of rights are as follows: Liberties (Legal/Civil Rights), viewed as unilateral protections that allow individuals to act as long as they do not harm others. Claims (Social Rights) depend directly on the collective fulfilling a duty. In other words, Social Rights are entitlements that cannot be realized by an individual acting alone, but require organized, interdependent, or state-level actions to provide basic necessities and social security. Specifically, these rights rely on correlative duties from other citizens, such as the obligation to pay taxes to fund these services.

Powers (Political/Participation Rights): These represent cooperative controls where individuals and groups must work together to activate their rights, such as voting or participating in works councils. Immunities (Legal Rights as Exceptions): Exceptions to universal principles, often granted as compensation for past injustices.

Different political traditions prioritize either the individual or the collective, and a significant tension in modern societies is the balance between rights that apply to everyone (universalism) and rights tailored to specific groups (particularism or categorical rights). In the 21st century, this balance is increasingly perceived as a "*complex bricolage*"; a blend of universalistic individual rights and particularistic group rights that must both function within a system of legitimate rights to satisfy both the majority and various minorities (Janoski & Gran, 2002; Isin & Turner, 2002). Beyond rights, citizenship is also a question of belonging and recognition. Drawing on scholars like Nira Yuval-Davis, it explores how national identity, gender, ethnicity, and religion intersect to produce differentiated citizenship regimes, a dynamic particularly relevant to the Arab world (Yuval-Davis, 2011). Moreover, Lister (1997) and Sassen (2002) both contend that formal legal citizenship is insufficient to provide complete membership since it perpetuates gendered and structural exclusions and increasingly fails to protect substantive rights or belonging when state enforcement is limited, unequal, or absent.

Lister critiques the gendered exclusions embedded in formal legal citizenship, arguing that women have historically been incorporated into citizenship frameworks in ways that render their membership partial and conditional (Lister, 1997). Sassen's contribution illustrates how formal legal status increasingly fails to capture the complexity of membership and belonging, particularly for those whose rights depend on enforcement mechanisms that states are unwilling or unable to provide (Sassen, 2002).

Similarly, the distinction between passive citizenship (being subject to the state's legal order) and active citizenship (participating in shaping that order) (Turner, 1990) demonstrates how feminist civil society groups have attempted to move from passive legal subjects to active constitutional actors by highlighting the difference between rights granted by the state and rights won through social struggle. Hence, citizenship is not just a tool for state regulation, but a platform for political participation and articulation of interests.

2.3. Constitutionalism in the Arab World

Within the specific regional landscape of the Middle East and North Africa Region, and more broadly, the Arab Region, the scholarship around Arab constitutionalism lays the groundwork for the following analysis of Lebanon, Tunisia, and Egypt as case studies. Albert Hourani's *Arabic Thought in the Liberal Age, 1798–1939* remains an indispensable intellectual history for understanding the origins of Arab constitutionalism (Hourani, 1983). Hourani traces how Arab thinkers, shaped by encounters with European liberalism and the Ottoman 'Tanzimat' reforms, began articulating ideas of constitutional governance, limited power, and civic participation as early as the 19th century. Figures such as Rifaa al-Tahtawi, Khayr al-Din al-Tunisi, and later reformers sought to reconcile Islamic political thought with emerging constitutional principles, demonstrating that the impulse toward constitutionalism in the Arab world was not simply imported or imposed, but was actively theorized from within.

On the other hand, Nathan J. Brown's work examines why legal frameworks are frequently adopted in Arab nations despite a lack of traditional liberal constitutionalism. The author challenges the cynical view that these documents are merely meaningless facades, arguing instead that they are often used to strengthen state authority and reinforce sovereignty. By distinguishing between a constitution as a governing framework and constitutionalism as the limitation of power, the text explores how authoritarian regimes use formal laws to clarify their political vision. Brown suggests that while these documents are initially designed to augment executive power, they can eventually serve as a foundation for building accountable governments (Brown, 2012). According to Brown (2012), Arab constitutions often serve to augment political authority by providing a formal legal framework that prioritizes the effectiveness of the state over the limitation of its power.

Finally, Ginsburg & Simpser (2014) challenge the common perception that legal frameworks in non-democratic states are merely symbolic by investigating their practical political functions. The contributors examine how these documents influence regime stability, institutional design, and power dynamics across various global cases, using the example of Egypt's 1971 constitution as a case study (Ginsburg & Simpser, 2014).

2.4. Feminist constitutionalism and citizenship beyond nationals

Feminist constitutionalism examines how constitutional design is shaped by gendered assumptions and argues that constitutions should actively dismantle, rather than reproduce, existing hierarchies (Baines et al., 2012). It challenges the limits of gender-neutral language and formal equality, emphasizing that treating men and women identically before the law often obscures structural inequalities and therefore requires a shift toward substantive and transformative equality. This perspective also highlights the importance of feminist civil society actors in influencing constitutional agenda-setting during political transitions, while recognizing the structural barriers they confront, including patriarchal political cultures, exclusion from formal drafting processes, and tensions between international gender norms and local frameworks.

On that note, the concept of intersectionality (Cho et al., 2013), as a structural and political one, examines how gender interacts with race, class, and other axes of identity in shaping legal and civic experience. Its focus on the inadequacy of single-axis frameworks is directly relevant to understanding why women in the Arab world cannot be treated as a homogeneous group. Intersectionality provides the theoretical framework needed to apply the concept of citizenship in contexts shaped by religion, ethnicity, and nationality, particularly in countries like Lebanon, Tunisia, and Egypt.

Meanwhile, the idea of national citizenship and belonging encounters limits. Exclusion and the "Statelessness" designation of certain people within a state show how citizenship and belonging go far beyond tangible constitutional texts, which sometimes exclude communities. Those excluded from national membership in constitutional texts and endorsed laws are also effectively excluded from the protection of rights altogether (Arendt, 1951). In Lebanon, Tunisia, and Egypt, citizenship is indeed heavily defined by gendered, sectarian, and patriarchal laws. Similarly, theoretical and formal constitutional equality is insufficient for religious and ethnic minorities who face structural disadvantage. This framework of differentiated citizenship helps explain how groups in Lebanon, Tunisia, and Egypt can hold nominal constitutional equality while experiencing substantive exclusion.

Building on the preceding ideas, this section synthesizes a working definition of citizenship that is sufficient for the analytical goals of the study by drawing on Ruth Lister's Citizenship: Feminist Perspectives (1997). In order to theorize citizenship as simultaneously substantive, participatory, and sensitive to gender and differences, Lister goes beyond T.H. Marshall's (1992) traditional social rights paradigm. His framework incorporates the previously discussed issues of feminist constitutionalism, intersectionality, and statelessness. In contrast to formal equality before the law, the reimagined citizenship that results from this synthesis is viewed here as a transformational activity that demands inclusion across axes of gender, religion, ethnicity, and nation-state.

This chapter has established the conceptual and analytical foundations that guide the remainder of the study. The following chapters apply these theoretical tools to the regional and case-study contexts. The regional overview will assess how constitutional reforms across the selected contexts articulate citizenship and equality, paying particular attention to gaps between text and practice.

3. REGIONAL OVERVIEW:
CONSTITUTIONAL TRENDS IN THE POST-2011 ARAB WORLD

The uprisings that swept across the Arab region beginning in 2010 – 2011 marked not only a moment of political upheaval but a profound constitutional inflection point. What unfolded was a crisis of legitimacy that called into question the foundational compact between ruler and ruled and reignited debates over the meaning of citizenship, sovereignty, and rights. Across the region, constitutions became central arenas through which competing visions of political community were articulated, whether through processes of amendment or strategic reinterpretation.

This chapter examines the constitutional trajectories that emerged in the aftermath of 2011, arguing that the wave of reform produced deeply uneven outcomes. In some contexts, constitutional change opened space for genuine structural transformation and expanded notions of citizenship. In others, reform remained largely performative, deploying the language of rights and participation while preserving entrenched power structures.

3.1. The Constitutional Wave After 2011

The uprisings of 2010-2011 generated the most concentrated episode of constitutional activity in the Arab world since the post-independence period. Between 2011 and 2016, at least ten Arab states either adopted entirely new constitutional texts or enacted significant formal amendments. High-profile cases included the adoption of new constitutions in Tunisia (2014) and Egypt (2012, revised in 2014 and later in 2019), alongside amendment processes in other jurisdictions. Even where constitutional change was limited in substance, the symbolic centrality of constitutional reform to post-uprising political transitions was unmistakable (Biagi, 2022). As Nathan J. Brown observes in his analysis of Egypt's transition, constitutions quickly became focal points for political contestation, reflecting deeper struggles over identity, institutional design, and the distribution of authority rather than merely technical legal reform (Brown, 2013).

Similarly, Sadiki situates this constitutional moment within a broader regional awakening in which demands for dignity ('karama'), social justice, and popular sovereignty were reframed as claims to restore the political order (Sadiki, 2014). Constitutional texts thus served not only as legal instruments but as arenas in which the meanings of citizenship and statehood were renegotiated. Yet, the pace of constitutional change did not uniformly correspond to the depth of political transformation. While the formal production of constitutional texts was rapid, the extent to which these texts reconfigured power relations varied significantly across the different cases.

A key analytical distinction in assessing the post-2011 constitutional wave lies between incremental amendment and the adoption of entirely new constitutions. This distinction is not merely procedural but conceptual. The drafting of a new constitution typically invokes the language of constituent power, the idea that "the people" act as a sovereign body to reconstitute themselves as a political community. In theory, this moment signals a rupture with the previous constitutional order and an opportunity to redefine citizenship, rights, and institutional authority on new foundations. By contrast, constitutional amendments operate within the legal architecture of the existing regime. Even when amendments are extensive, they often signal continuity with the prior foundational order, preserving core distributions of power while adjusting specific provisions. As Brown (2013) demonstrates in the Egyptian case, the tension between revolutionary aspirations and inherited institutional frameworks constrained the transformative potential of constitutional reform. Amendment processes frequently reflected elite bargaining rather than broad-based constituent deliberation. Sadiki (2014) further underscores that claims of popular sovereignty were unevenly institutionalized. In some cases, constitution-making processes were framed as participatory and inclusive; in others, they were tightly managed by incumbent authorities. The procedural pathway of new constitution versus amendment thus became a proxy for the broader question of whether post-uprising regimes were engaged in genuine restoration or strategic adaptation.

3.2. Patterns Across the Region

Across the post-2011 constitutional landscape, several recurring patterns emerged despite significant variation in political outcomes. One of the most visible trends was the formal expansion of rights catalogues. Many revised or newly adopted constitutions incorporated broader civil and political liberties, alongside more explicit recognition of socio-economic rights. Provisions concerning freedom of expression, assembly, and association were often strengthened, reflecting the central role these freedoms had played during the uprisings themselves. In textual terms, the post-2011 moment appeared to mark a shift toward more rights-conscious constitutionalism (Beck & Hüser, 2012).

Gender equality constituted another prominent axis of reform. Constitutional language in several cases moved beyond abstract equality clauses to include more explicit commitments to non-discrimination and, in some instances, to the protection of women's political and social rights (examples include Tunisia's 2014 constitution which is widely considered the most progressive in the region regarding gender equality, directly influenced by active feminist advocacy during the transition, Egypt's 2014 Constitution, Morocco's 2011 Constitution, Algeria's 2016 Constitutional amendment). These developments were closely tied to the visible participation of women in protest movements and to sustained advocacy by civil society actors during constitutional drafting processes. However, the scope and enforceability of such provisions varied widely, often conditioned by broader debates over the role of religion, personal status law, and the relationship between constitutional supremacy and existing legal frameworks (Biagi, 2022).

Political participation (particularly that of youth) also became a central theme. Given that young people were at the forefront of mobilization across the region, constitutional reforms frequently included language emphasizing inclusivity, democratic representation, and electoral integrity. In some instances, new mechanisms were introduced to strengthen parliamentary oversight or encourage decentralization, framed as pathways to broader citizen engagement. Yet these reforms often coexisted with institutional arrangements that continued to privilege executive authority, thereby limiting their transformative effect (Anderson, 2013). Taken together, these patterns reveal a common discursive shift: post-2011 constitutionalism across the region increasingly invoked the language of inclusive citizenship, equality, and participatory governance. At the same time, the depth of institutional change underpinning these commitments remained uneven. While rights expansion and participatory rhetoric became widespread constitutional features, their translation into durable political practice depended on power configurations that extended beyond the constitutional text itself.

3.3. Persistent Structural Constraints

Despite the proliferation of new constitutional texts and amended rights provisions after 2011, structural constraints continued to shape and often limit the transformative potential of reform. Two interrelated dynamics stand out across the region: weak judicial independence and sustained executive encroachment. First, judicial institutions frequently lacked the autonomy and institutional capacity necessary to enforce expanded constitutional rights. Although several post-2011 constitutions reaffirmed the principle of judicial independence and, in some cases, strengthened the formal status of constitutional courts, implementation proved uneven. Appointment procedures, budgetary dependence, and executive influence over judicial councils often curtailed meaningful autonomy. In transitional contexts marked by political polarization, courts were sometimes drawn into partisan struggles, undermining their legitimacy as neutral arbiters. As a result, constitutional guarantees, particularly those related to civil liberties and equality, were not consistently translated into enforceable protections (Choudhry et al., 2014).

Second, executive encroachment, meaning the usurpation of executive power, persisted as a defining feature of many post-uprising systems. Even where constitutional reforms appeared to rebalance authority through enhanced parliamentary oversight or clearer separation of powers, executives retained extensive prerogatives, especially in matters of security, emergency powers, and control over key state institutions. In some cases, constitutional ambiguity facilitated expansive interpretations of executive authority; in others, formal amendments or subsequent revisions consolidated presidential dominance. The endurance of centralized executive power often constrained the practical impact of participatory and rights-based reforms (Biagi, 2020; Stacey & Choudhry, 2014).

These structural constraints underscore a central tension in the post-2011 constitutional landscape. While constitutional texts increasingly invoked democratic norms, equality, and accountability, entrenched institutional arrangements limited the capacity of those norms to reshape political practice. The persistence of weak judicial enforcement and executive dominance thus helps explain why constitutional reform, in many cases, produced incremental adjustment rather than systemic transformation. The cases of Lebanon, Tunisia, and Egypt will be further explored in the following chapters to explain these arguments.

4. CASE STUDIES AND COMPARATIVE ANALYSIS

This chapter examines constitutional trajectories of Lebanon, Tunisia, and Egypt to explore how citizenship is structured, contested, and practiced in different political contexts. These three countries share a lot in common and yet have followed different paths after the Arab Spring. These shared foundations and divergent outcomes make them particularly interesting for assessing the relationship between constitutional design and the lived reality of citizenship. The analysis highlights the internal configuration of authority, inclusion, and rights in each country before turning to systematic comparison. The primary argument in this chapter is that citizenship in Lebanon, Tunisia, and Egypt is defined less by the content of constitutional laws than by the power dynamics that shape their interpretation and implementation. Constitutional provisions describe rights and ideas; nevertheless, whether such rights are relevant depends on their institutional implementation, how authority is allocated, and which actors have the ability to put constitutional guarantees into action. This chapter also tackles how constitutional amendments and the gaps between text and implementation affect marginalized groups (women, youth, stateless...) and their citizenship.

4.1. Lebanon: Constitutional Justice Within a Sectarian Order

The case of Lebanon illustrates a form of citizenship fundamentally mediated through religious community rather than individual rights. Its constitutional framework formally affirms equality among citizens yet simultaneously structures political representation and key aspects of legal life along sectarian lines. This institutionalized fragmentation produces a system in which citizenship is filtered through confessional affiliation, rendering meaningful reform difficult to achieve from within the constitutional order itself.

Lebanon's constitutional system is based on the Lebanese Constitution of 1926, which was later reformed through the Taif Agreement in 1989. Together, these texts form the operative framework governing political authority and citizenship. Within this context, the constitution affirms citizens' legal equality before the law while institutionalizing a confessional system that divides political power confessionally. The distribution of executive and legislative leadership positions is based on sectarian quotas, with a Maronite presidency, Sunni prime ministership, and Shia speakership of parliament. This creates a collective bargaining structure among recognized communities, rather than an individual relationship between citizen and state. The Taif Agreement formally commits the State to the eventual abolition of political confessionalism, as a fundamental national objective to move beyond the sectarian power-sharing system that contributed to the 15-year civil war in Lebanon. Nevertheless, this goal remains largely aspirational, as the constitution provides no effective mechanism or timetable for achieving it, reinforcing the very system it seeks to transcend (Nagle & Clancy, 2022).

Lebanon's power-sharing constitutionalism serves as a significant case study for understanding the complex relationship between constitutional justice and citizenship in divided societies. Its governance order is defined by a "sectarian system of politics" organized along state-recognized lines for eighteen different ethno-religious groups (Fakhoury, 2014). In Lebanon, the concept of citizenship is often filtered through sectarian belonging rather than a unitary national identity. The system in Lebanon guarantees group autonomy in realms of personal status, education and other affairs. This means that sectarian communities act as the primary “building blocks” of political relations and social stratification. A critical concern for Lebanon is how to devise policies that promote citizenship rights and national integration while still acknowledging sectarian groups (Fakhoury, 2014).

In fact, the sectarian organization of citizenship in Lebanon extends deeply into the regulation of private life through a fragmented system of personal status laws administered by the country’s eighteen officially recognized religious communities. Matters such as marriage, divorce, child

custody, alimony, and inheritance (for Muslims and Druze) fall under the jurisdiction of religious courts, effectively placing core aspects of civil status outside a unified national legal framework. The absence of a comprehensive civil marriage law within Lebanon further illustrates this structural arrangement: the state lacks a mechanism through which citizens can establish legally recognized family relations independently of communal affiliation (Human Rights Watch, 2015). As a result, citizenship rights in the realm of family and personal status are not exercised directly vis-à-vis the state but mediated through religious authorities, positioning the sect as an intermediary between individuals and the legal order (Jaulin, 2014).

Moreover, the Nationality Law that deprives Lebanese women of transmitting citizenship to children and foreign spouses is among the most restrictive nationality frameworks in the world (Human Rights Watch, 2015; Akoum, 2021). This section demonstrates how citizenship in Lebanon is formed not only by sectarian factors, but also by gendered legal inequalities ingrained in the constitutional and legal order. Similarly, the limits of citizenship are further illustrated by the position of long-term non-citizen populations whose legal status remains structurally excluded from the constitutional order. Palestinian refugees present in the country are essentially barred from naturalization and face extensive legal restrictions, including prohibitions on property ownership and access to numerous professions, leaving them without a meaningful constitutional subject position within the state. The large-scale displacement of Syrians after 2011 exposed similar structural gaps: in the absence of a coherent rights-based framework governing the status of non-citizens, the Lebanese legal system relied on ad hoc administrative measures that oftentimes produced ambiguity rather than pathways to inclusion.

At the further end of the scale are stateless and undocumented populations, such as unregistered residents and other legally uncertain groups, whose lack of formal acknowledgment leaves them essentially outside the protections and obligations that come with citizenship. This system produces zones of exclusion, most notably for populations such as the ‘Maktoumi Al Kayd’ or stateless persons - individuals in Lebanon who are not registered in the civil registry, creating significant obstacles in accessing education, healthcare, and legal services (Akoum, 2021), as well as the “kayd dars”- long term residents whose nationality is “under review” and yet to be determined are denied access to many essential civil, social, and political rights. In a nutshell, the above-described categories remain unregistered in the civil registry and are thus largely invisible within the constitutional and administrative architecture of citizenship (United Nations High Commissioner for Refugees, 2024; Akoum, 2021).

In Lebanon, constitutional reform paralysis is best understood not as a temporary political failure but as a structural feature of the confessional political order. The system institutionalizes a balance of power among recognized religious communities, meaning that any proposed constitutional change, whether related to representation, personal status regulation, or citizenship law, is perceived by sectarian elites as a potential existential threat. As a result, reform debates are framed in “all-or-nothing” terms, where even modest adjustments are feared to upset the communal equilibrium. This dynamic creates strong incentives for political actors to block or indefinitely postpone constitutional reform, producing a form of institutional inertia embedded within the system itself (Salloukh et al., 2015).

Civil society organizations have consistently attempted to promote reforms that broaden an individual, rights-based understanding of citizenship within these limitations. Campaigns for a unified civil personal status law or revision of discriminatory nationality legislation that prevents women from transmitting citizenship to their children have all garnered significant public support and policy discussion. However, as these attempts approach the threshold of institutional change, sectarian elites block measures that could shift political power. The mass mobilizations of the 2019 Lebanese Protests (‘thawra’) briefly appeared to challenge this equilibrium by articulating a vision of citizenship grounded in secularism, social justice, and political accountability. Protesters across regions and

from the Lebanese diaspora demanded the dismantling of the sectarian political order and called for a state based on equal individual citizenship and merit rather than communal representation. (Aitken, 2024). These 'acts of citizenship' attempted to replace rigid divisions with a more inclusive, trans-sectarian, and participatory political identity (Nagle, 2024).

However, these demands failed to translate into constitutional reform. Entrenched political elites held control over institutional levers, while the absence of coherent political alternatives and the fragmentation of the protest movement restricted the transformation of street mobilization into sustained constitutional reform. As state institutions have collapsed, the government's capacity to administer fundamental services and preserve legal protections has degraded and affected marginalized communities (Nagle, 2024). In practice, this institutional failure affects the substantive meaning of citizenship: when the state cannot provide essential social and legal rights, formal citizenship loses much of its empirical worth.

In this context, Fakhoury (2014) argues that the issue is not the existence of sectarian identities, but how the state institutionalizes and mobilizes them as governing tools. By dispersing power and resources through sectarian channels, political elites may maintain control, split collective demands, and prevent a united people. This eventually exacerbates reform paralysis while undermining democratic norms and the formation of an inclusive, rights-based understanding of citizenship.

4.2. Tunisia: From Revolutionary Promise to Democratic Decline

Among the post-2011 constitutional experiences in the Middle East and North Africa, Tunisia stands as both the region's most ambitious democratic experiment and one of its most revealing failures. The adoption of the 2014 Constitution, following the Tunisian Revolution, was widely celebrated as a milestone moment, demonstrating a catalogue of civil, political, and socio-economic rights and incorporating some of the most progressive provisions on gender equality and participatory governance in the region. The constitution appeared to institutionalize the revolutionary demands for dignity, accountability, and equal citizenship. Yet, the trajectory that followed demonstrated the fragility of constitutional reform when not accompanied by robust institutional consolidation and sustained political commitment. Many of the rights and institutional guarantees envisioned in the 2014 document remained only partially implemented. Tunisia's experience therefore provides a critical case for examining constitutional fragility: it illustrates how ambitious constitutional design alone cannot secure citizenship rights when enforcement mechanisms, political coalitions, and institutional safeguards remain weak. In this sense, Tunisia's trajectory offers a cautionary lesson about the conditions under which constitutional promises of inclusive citizenship can endure or unravel.

The adoption of the 2014 Constitution in Tunisia must be understood against the backdrop of the authoritarian constitutional order established under former president Zine El Abidine Ben Ali, in which formal rights provisions coexisted with the systematic absence of meaningful enforcement. Under this model, constitutional law functioned largely as an instrument of regime legitimation rather than a genuine framework for rights protection or political accountability (Anderson, 2024). The Tunisian Revolution in December 2010 disrupted this order and opened what many observers described as a rare constituent moment in the region. In a matter of days, the interim authorities abolished Ben Ali's constitution and dissolved parliament. In October 2011, Tunisians elected a National Constituent Assembly (NCA) that was fairly representative, including Islamists, secular parties, unions, and civil society organisations. It thus produced the January 2014 constitution, which included gender equality and parity, and key advancements such as the state committing to protect women's rights and mandating equal opportunities and parity in elected bodies. Moreover, the recognition of Islam as the state religion, in addition to a strong guarantee of freedom of conscience

and belief, religious neutrality of places of worship, and robust socio-economic and environmental rights (guarantees of health, education, work, and a right to "a sound and balanced environment") were among the reforms stated in the amended constitution (Al Bawsala et al., 2014).

The Tunisian Revolution was a critical historical juncture for the Arab world, driven by a "popular will" fed by shared grievances of corruption, despotism, and economic marginalization. A defining feature of the revolution was its lack of an official or declared political leadership in its early stages. It was a "revolution of the youth"; predominantly "non-ideologized" individuals thirsty for the political participation denied to previous generations. This youthful initiative eventually forced established political and union leaders to follow the "revolutionary arena" (Sadiqi, 2011). Sadiqi (2011) contends that the Tunisian revolution represents the birth of people's sovereignty. He views these events as a transition from a "democracy of bread" (mere economic survival) to a genuine struggle for social justice and citizenship rights. The success of this internal movement, he argues, proves that Arab populations are capable of achieving democratic change without Western intervention. The 2014 Constitution also established a Constitutional Court with legitimate judicial review powers (on paper). Tunisia's charter was notable in regional terms since it was the first post-Arab Spring constitution produced through an inclusive, negotiated process, unlike Egypt's hasty referenda. It was immediately acclaimed as among the most liberal in the Arab world.

Years after the 2011 Revolution, Tunisia sits in a complex state of transition. In practice, many of the 2014 Constitution's promises clashed with entrenched social and legal realities. While the country emerged as the first, albeit fragile Arab democracy, it faces deep-seated institutional challenges that threaten its stability. Tunisia has achieved significant political milestones, including free and fair elections and the ability of secular and Islamist parties to share political space. However, the country's legal architecture remains largely unreformed, with many laws still dating back to the era of Zine el-Abidine Ben Ali (Marks & Dworkin, 2016). One finds a deep disconnect between the democratic aspirations of the people and the stagnant institutional reality of the state. While the revolution promised socio-economic dignity and accountability, many Tunisians feel these goals remain "pipe dreams" due to a lack of tangible progress. For young people, the failure of economic and judicial reform has resulted in a profound sense of social exclusion. The lack of opportunities, structural unemployment, and political accountability lead to socioeconomic failure and institutional stagnation. Hence, the relationship between citizenship and democracy in the context of Tunisia's transition is characterized by a growing disconnect; while the "consensus model" maintained civil peace, it simultaneously eroded citizen faith in the democratic system by failing to deliver on the core revolutionary demands of "work and dignity" (Yerkes & Ben, 2019).

Furthermore, ideological tensions, particularly those surrounding the Islamist Ennahda Party and the trajectory of women's rights in post-revolution Tunisia, underscore that assessing the future of Tunisian democracy necessitates engaging seriously with the perspectives of Islamist women rather than dismissing them (Marks, 2012). In the aftermath of the 2011 Jasmine Revolution, the formerly banned Ennahda Party secured 41% of the vote in the October elections, a result that generated significant concern among secularists, who feared that an "Islamist tidal wave" could jeopardize the legal protections afforded to women under the progressive 1956 Personal Status Code. Tunisia is undergoing a fundamental transformation in the concept of citizenship, shifting from a state-controlled, top-down model under authoritarian regimes to a pluralistic, grassroots form shaped by popular participation, including religious actors. Under previous presidencies, women's rights functioned as state-co-opted instruments that masked authoritarianism, whereas the post-2011 context (particularly with the rise of Ennahda) enabled more authentic, bottom-up expressions of citizenship (Marks, 2012).

For decades, the relationship between the state and its citizens was based on an "unwritten social contract" where the regime provided social benefits in exchange for the population's acceptance of political repression and the deficiency of citizens' political rights. This included a lack of freedom of

expression, association, and access to free media (Ayadi et al., 2011). Following the revolution, constitutional changes were essential to move beyond superficial political reforms. These reforms are necessary to ensure free and fair elections, establish a legal framework for participation, and prevent future instability. Nevertheless, sustainable growth and long-term security in Tunisia depend on institutional reforms that harmonize the country's laws with its new democratic constitution. In sum, under the democratic transition, many constitutional rights remained “on paper” only, as institutional and social obstacles undermined implementation. Tunisians are concerned about the future due to political chaos and doubts about the legitimacy of the state. Meeting Tunisians' aspirations requires adhering to the constitution's fundamental values and ensuring social justice.

Finally, the case study of Tunisia offers a paramount contribution to the comparative argument by demonstrating that a well-crafted constitutional framework is a necessary yet profoundly insufficient condition for the realization of citizenship rights. Its post-2011 constitutional model represents one of the region’s most sophisticated attempts at reconciling competing normative frameworks. Nevertheless, its limited translation into practice underscores the discrepancy between constitutional ambition and institutional reality. Looking ahead, Tunisia provides an empirical foundation for investigating the gap between statutory text and implementation, informing the analysis of gendered citizenship and pertinent issues concerning the exclusion of marginalized groups.

4.3. Egypt: Constitutional Expansion of Rights Amid Authoritarian Order

The case of Egypt is a paradigmatic case of constitutional expansion without corresponding political liberalization. Egypt's trajectory demonstrates a major paradox in contemporary constitutionalism: the consistent proliferation and formal recognition of rights in constitutional documents, while an increasingly restrictive authoritarian regime is consolidated. Rather than acting as binding limitations on state power, successive Egyptian constitutions have served as tools of political legitimation, portraying an image of rights-based government but allowing for selective suspension, reinterpretation, or non-enforcement in practice. This section takes an analytical approach to instrumentalization, exploring how ruling regimes have strategically used constitutional form to manage both domestic and foreign expectations while retaining the balance of power between state and citizen.

Egypt’s modern constitutional trajectory is best understood not as a series of social contracts renegotiating the relationship between citizen and state, but as a cyclical pattern in which constitutional texts function as instruments of regime consolidation. From the 1923 Constitution through those of 1956, 1971, 2012, 2014, and 2019, each foundational document has corresponded to a moment of political rupture, marking the ascendancy of a new governing order rather than embedding a durable, participatory settlement over rights and authority (AUF, 2016). The latest amendment of 2019 is particularly interesting as it includes significant changes regarding the presidency, the legislature, and the judiciary, as well as marked an improvement in women’s participation in political life. Parliament was reduced to 450 seats, while mandating a 25% quota for women and guaranteeing representation for certain groups.

Additionally, Sharia Law is a central theme in the Egyptian constitutions, and its complex evolution in the Egyptian constitutional and political landscape has been at the centre of debates. Western colonization and the fall of the Ottoman Empire shifted the region from religious governance toward secular nation-states, sparking a century-long debate over the role of Islam in public life (AUF, 2016). The rise of the Muslim Brotherhood (MB) explains how their vague demands for religious legislation faced challenges after the 2011 Arab Spring. The 2011 uprising provided Islamic political movements like the MB and Salafists an opportunity to govern, leading to a brief shift in constitutional focus. The

2012 constitution, drafted under Islamist rule, attempted to limit the Supreme Constitutional Court's (SCC) interpretive power by involving Al-Azhar (a leading Islamic institution) in legislative decisions and providing a broader and more conservative definition of Sharia. The 2014 constitution removed the 2012 additions and reaffirmed the supremacy of the SCC in interpreting Sharia principles following the exit of President Mohamed Morsi (AUF, 2016).

The Supreme Constitutional Court (SCC) of Egypt plays a pivotal role in balancing Islamic tradition with modern legal requirements by acting as the sole authoritative interpreter of what constitutes "principles of Islamic Sharia" under the constitution. By restricting "principles" to definite statutes, the SCC provides a stable legal framework that respects Egypt's Islamic identity while ensuring that the state can continue to function within complex, modern economic and political structures (Lombardi, 2008). Despite its illiberal origins, the SCC transformed during the 1990s into a liberal activist body that frequently challenged the executive by incorporating international human rights norms. The court notably utilized modernist Islamic legal interpretation to justify its progressive rulings, effectively building a strategic bridge to the religious opposition (Lombardi, 2008; Moustafa, 2007).

The post-2011 revolutionary moment briefly opened space for renegotiation of rights and the constitution, yet constitutional drafting quickly became an arena of contestation among Islamist, liberal, and military actors, each seeking to inscribe their vision of state and society into the constitutional framework. Under conditions of significant political repression and exclusion, the case of Egypt sheds light on a central paradox: a formally rights-enhancing constitution emerging from, and coexisting with, an increasingly rights-restricting political order. Hamad (2012) explains that the 2011 revolution marked a pivotal turning point in Egypt's constitutional history, effectively ending the era of the 1971 "permanent" constitution, which was revoked shortly after the removal of President Hosni Mubarak. This event initiated a transition toward what many Egyptians hoped would be a "second republic" free from corruption and tyranny. Notably, the redefinition of executive powers and the institutionalization of military authority were among the main attempted reforms. Moreover, as previously mentioned, the revolution reignited intense debates over the role of Islam in the State. While the 1971 constitution designated the principles of Sharia as the main source of legislation, the post-revolutionary period saw a struggle between those wanting a completely secular state and those wanting full Sharia implementation.

In fact, the 2014 constitution presents an ambitious and formally expansive rights architecture that, at first glance, positions Egypt at the forefront of rights recognition in the region. It encompasses core guarantees of dignity, equality, non-discrimination, and political participation, alongside a range of more specific and, in some respects, comparatively progressive provisions, including explicit protections of persons with disabilities, enhanced children's rights, environmental rights, and commitments to the resettlement and development of Nubian communities (Art. 236). Nonetheless, this is undercut by a set of internal contradictions that structure citizenship along differentiated and hierarchical lines. The dual-track citizenship system (specifically between Sharia and Civil Law) institutionalizes legal disparity while fragmenting universal rights. This difference is particularly visible in the constitutional status of women, where formal guarantees of equality coexist with a family law framework anchored in Islamic jurisprudence, echoing the structural contradictions witnessed in Lebanon and Tunisia.

The disconnect between constitutional promise and lived reality is most clearly illustrated through a set of emblematic cases that reveal the costs of symbolic constitutionalism in Egypt. The battle for political dominance rather than the creation of a lasting social contract leads to a gap between theory and practice. Because the process of statutory amendments prioritized the prevailing balance of power over equal representation, the resulting documents were rejected by large sectors of society based on how they were written rather than their actual substance. Only participation on an equal footing, regardless of election results or political violence, can guarantee a constitution's function as a true social contract (Farouk, 2013).

In this regard, Lang (2013) argues that constitutions in the Middle East should be interpreted as political projects and compromises between conflicting interests rather than purely legal documents designed to guarantee international human rights. A central pillar of the author's analysis is that Egypt is a "penetrated society", meaning its constitution-making is inherently shaped by a global political context. This includes the influence of powers like Great Britain and the United States and international organizations. This idea can be applied in the case of Lebanon, where external influence is a recurring occurrence in domestic issues. The author asserts that for a constitution to be legitimate and effective, it must reflect the "constituent power" of the people, currently represented in Egypt by Islamic parties. He warns that Western efforts to impose "ideal" documents, focused solely on human rights, fail to account for the political realities and compromises necessary to govern a complex, post-revolutionary society.

Egypt's case makes a significant contribution to the comparative argument by demonstrating, in its most basic form, a constitution that functions as a tool of legitimation rather than a mechanism of limitation. The gradual expansion of rights within the constitutional language has coincided with the limitation of political liberties, demonstrating that the proliferation of rights and their actual implementation are not inherently linked. When compared to Lebanon, Egypt reveals a major comparison axis: while Lebanon's sectarian constitutional design splits citizenship through institutionalized communal differences, Egypt's authoritarian structure constrains it through executive authority and selective enforcement. In contrast to Tunisia, where an ambitious constitutional framework stalled primarily due to weak institutional consolidation, Egypt demonstrates how even comparatively robust institutional capacity can be mobilized to contain, rather than realize, constitutional rights.

In essence, constitutional reform and design in Tunisia and Egypt, following the 2011 uprisings, were central to building more just and responsive political systems despite authoritarian legacies. Constitution-making is an inherently political process shaped by trade-offs between inclusivity, efficiency, transparency, and compromise. While Tunisia initially adopted a more inclusive and consensual approach and Egypt a military-led, top-down transition, both trajectories gradually converged toward competitive electoral politics. In both cases, reform efforts focused on correcting past authoritarian features by limiting executive dominance, strengthening institutional accountability, and establishing civilian oversight of security forces (J. Brown et al., 2011). This comparison raises a central analytical question regarding the durability of rights: whether they are more sustainable when embedded in democratic but fragile systems or in stable yet authoritarian regimes.

Looking forward, Egypt provides key empirical examples for the broader analysis, where the 2019 constitutional amendments, for instance, are central to understanding the dynamics of governance, entrenchment, and the prospects for reform.

5. CONCLUSION

This report sets out to examine whether the constitutional reforms that followed the 2010-2011 uprisings have meaningfully reshaped citizenship in the Arab region, particularly in relation to marginalized groups. Across the three case studies, distinct constitutional trajectories- Lebanon's sectarian consociationalism, Tunisia's post-revolutionary constitutional ambition, and Egypt's authoritarian rights expansion- show a consistent pattern: the separation of constitutional architecture and lived reality. In Lebanon, citizenship has been structurally fragmented through the constitutionalization of communal divisions; in Tunisia, an advanced constitutional framework failed due to a lack of institutional consolidation; and in Egypt, an extensive rights design has been instrumentalized within an increasingly constraining political order. These variances demonstrate that neither the existence of rights nor the intricacy of constitutions are sufficient to ensure meaningful citizenship and belonging outcomes.

The analysis revealed that constitutional reforms and amendments in the region have frequently served as symbolic declarations rather than transformative instruments. Gender equality, minority protection, and social rights provisions have grown dramatically, but their implementation has been uneven, selective, or absent entirely. The further marginalization of these communities shows that legal texts do not guarantee inclusion and belonging. Inadequate enforcement mechanisms continue to be major restrictions, resulting in a citizenship paradigm in which formal recognition coexists with substantive exclusion. Cases involving women's rights, religious minorities, stateless persons, displaced populations, and refugees demonstrate how established political and legal processes frequently undermine constitutional protections.

Collectively, these findings challenge linear assumptions about the relationship between constitutional revisions and democratization. They argue that constitutions in the MENA region frequently operate inside, rather than against, existing power structures, serving to legitimize authority rather than regulate it. Landau (2017) explores how constitution-making processes are often used to undermine rather than strengthen democracy. While ideally these moments should rejuvenate a democratic order, cases show that powerful actors can use the tools of constitutional change to entrench themselves in power, weaken institutions intended to check them, and marginalize political opposition.

Similarly, in their study of "Sham Constitutions," authors David S. Law and Mila Versteeg empirically analyse the global gap between constitutional promises and actual human rights performance. The existence of "sham constitutions" impacts the concept of citizenship by rendering nominal rights absurd in practice and creating strong distrust towards the state and the purpose of constitution-making itself (Law & Versteeg, 2013).

Bridging the gap between constitutional promises and lived realities requires more than just text modification. It necessitates a multifaceted approach combining the establishment of strong legal and institutional safeguards, independent and accessible judiciaries, and political environments that promote accountability. Similarly, it depends on civic participation capable of fighting exclusion and activating constitutional rights from below.

The legitimacy of a constitution resides in its implementation, necessitating that rights be active vehicles for justice rather than static, written promises. Citizenship, in this sense, remains not simply a legal status but also an ongoing determination, with its realization in the MENA region defined by the dynamic interaction between constitutional aspiration and structural constraints

6. POLICY RECOMMENDATIONS

This chapter outlines policy recommendations for translating constitutional reform into practice, emphasizing enforceable rights, gender equality, inclusion of marginalized groups, and the protection of civic space. Building on the analytical framework and case studies in the previous chapters, these recommendations address persistent gaps between constitutional guarantees and lived realities in the Middle East and North African region.

6.1. From Symbolic Rights to Enforceable Constitutionalism

The region's post-2011 constitutional amendments reveal that substantive citizenship cannot be obtained by progressive language alone. States must institutionalize procedures that guarantee the enforceability of rights to bridge the gap between constitutional texts and reality. For protections to be effective, accessible constitutional litigation procedures and clear judicial standards are necessary.

Strengthening the independence and institutional capacity of constitutional courts is essential to ensuring that constitutional rights translate into effective legal protections. Constitutional Court appointment processes should be transparent, merit-based, and insulated from executive influence to preserve courts' ability to exercise meaningful constitutional review. The experience of recent constitutional reforms (or attempts) illustrates the importance of such safeguards. For example, the 2014 Egyptian constitution protects people's equality before the law and forbids discrimination on a number of grounds, including religion, sex, race, language, handicap, and social class (Constitution of the Arab Republic of Egypt, Amended 2014). It also requires the establishment of an impartial third party to fight discrimination. However, the ability of institutions and courts to regularly implement these principles in practice determines how effective they are.

Similarly, constitutional guarantees of equality must be accompanied by mechanisms that ensure their application across all areas of law, including family and personal status regimes. In Lebanon, Article 7 of the Constitution formally affirms that all citizens are equal before the law and equally enjoy civil and political rights. Yet, the constitutional protection of religious autonomy under Article 9 allows sectarian personal status systems to operate outside the reach of unified equality standards, producing significant gender disparities in matters such as marriage, divorce, custody, and inheritance (The Lebanese Constitution, 1926). This structural separation illustrates how formal equality provisions can remain largely symbolic and dysfunctional when constitutional frameworks fail to ensure their direct applicability across all legal domains.

Moreover, despite several attempts to present a draft law for the strengthening of judicial independence, the issue has yet to be addressed. Lebanon's draft Law on the Independence of Judicial Courts seeks to replace the existing Decree-Law no. 150/1983 to reinforce judicial autonomy, improve transparency, and redefine the role of the executive branch in judicial governance. The confessional principle significantly impacts judicial independence by creating a system where appointments often depend on political and sectarian loyalty rather than merit. The draft law proposed for Judicial Empowerment is important, but without further refinement and true implementation, it may be a lost opportunity to achieve true judicial independence (Council of Europe, 2025).

By contrast, Tunisia's post-revolution reforms demonstrate the potential impact of more robust rights enforcement when constitutional commitments are paired with legislative change. Tunisia has historically adopted relatively progressive family law reforms through the 1956 Code of Personal Status, which introduced significant protections for women and placed marriage under state supervision rather than purely religious authority (Jaidi, 2013).

Taken together, these case studies highlight a broader regional challenge: constitutional guarantees of equality often remain declaratory unless supported by effective judicial oversight and binding anti-discrimination provisions that apply across all areas of law. To close the gap between constitutional texts and lived citizenship, reform efforts must prioritize enforceable legal standards, independent constitutional adjudication, and the direct applicability of equality provisions throughout the legal system.

6.2. Advancing Gender-Sensitive Constitutional Reform

Citizenship in the Arab region remains deeply gendered, producing systematic inequalities in legal, social, and political life. Reform must therefore prioritize structural interventions that address these disparities. Comprehensive nationality law reform is required in contexts where women are unable to confer citizenship to spouses or children on equal terms, removing a fundamental barrier to equality (Lebanese example in particular). Plural personal status regimes must be critically assessed, with consideration of unified or optional civil codes that align with constitutional equality guarantees. In parallel, political representation quotas should be implemented effectively, supported by monitoring mechanisms and enforceable sanctions for non-compliance. Gender equality must be framed not as a hypothetical constitutional aspiration but as a structural reconfiguration of citizenship rights, ensuring that women enjoy equal access to all dimensions of civic and political participation.

Experiences across the region illustrate the importance of such reforms. In Tunisia, the relatively unified system established under the Tunisian Code of Personal Status significantly expanded women's legal rights in marriage and divorce, demonstrating how state-led legal unification can advance gender equality (Jaidi, 2013). Conversely, in Lebanon, the coexistence of multiple confessional personal status laws administered by religious courts continues to generate unequal outcomes for women across communities, highlighting the limits of plural regimes in guaranteeing equal citizenship. These examples illustrate that gender equality must be achieved through a remodelling of citizenship rights, warranting non-discriminatory access to political and civic life, as opposed to remaining an allegorical constitutional ambition.

6.3. Expanding Constitutional Protection Beyond Formal Citizens

Constitutional frameworks in the region are often territorially bound, therefore limiting protection for refugees, migrants, and stateless persons. This limitation is particularly visible in major historically host countries such as Lebanon, where large refugee populations, and lately those displaced by the Syrian Civil War, live under temporary administrative arrangements that provide only partial access to rights and services. To address this structural exclusion, states should develop or strengthen regional protection frameworks capable of coordinating responsibility-sharing and establishing minimum legal standards for the treatment of displaced populations. Temporary protection mechanisms should provide access to education, healthcare, and labor markets, reducing the marginalization of non-citizen residents. Expanding such access would not only reduce the socio-economic marginalization of non-citizen residents but also mitigate the long-term governance challenges that arise from maintaining large populations in conditions of legal precarity.

Constitutional or quasi-constitutional safeguards must guarantee basic rights, including non-discrimination and due process, regardless of nationality status. Reimagining citizenship through a more inclusive constitutional lens therefore requires dissociating certain fundamental rights from formal nationality. Such an approach recognizes that individuals who live under the authority of the state, contributing economically and socially to the societies in which they reside, remain entitled to legal protections essential for a dignified life, even in the absence of full political membership.

Dissociating fundamental rights from nationality does not necessarily imply extending full political membership (such as voting or eligibility for public office) to non-citizens. Rather, it entails recognizing a baseline of civil, social, and procedural rights that must apply to all individuals living under the authority of the state. This includes protection against detention or deportation, equal access to justice, and the ability to secure livelihoods and basic services necessary for dignified living.

By anchoring these protections in constitutional or quasi-constitutional frameworks, states can reduce the vulnerability of refugees, migrants, and stateless persons while also strengthening the rule-of-law foundations of the political system itself. This reflects a broader shift in contemporary citizenship scholarship, which increasingly views citizenship not only as a formal legal status but also as a set of practices and rights experienced in everyday life. Individuals who reside within a state's territory often participate in its economic and social structures despite lacking formal political membership. Recognizing this reality necessitates constitutional frameworks that acknowledge the presence and rights of non-citizen residents, ensuring that the absence of nationality does not translate into legal invisibility or systemic exclusion.

6.4. Safeguarding Civic Space and Feminist Participation

Finally, sustainable constitutional reform requires meaningful engagement with civil society. Strengthening legal protections for civil society organizations is therefore essential for enabling meaningful participation in constitutional debates. Across the region, restrictive laws and regulatory frameworks continue to limit the ability of advocacy groups to influence policy and constitutional reform, thereby weakening the participatory foundations necessary for durable democratic governance. Experiences from recent constitutional reform processes illustrate the importance of structured civil society participation. In Tunisia, the drafting of the Tunisian Constitution of 2014 following the Tunisian Revolution involved significant engagement with women's organizations, human rights groups, and legal advocacy networks.

Civil society coalitions such as the Tunisian Association of Democratic Women played a visible role in advocating for constitutional language on gender equality, contributing to the inclusion of provisions recognizing equality between men and women and committing the state to protecting women's rights. Scholars have noted that this sustained advocacy helped shape constitutional debates around citizenship and equality, demonstrating how organized civil society can influence the normative content of constitutional texts (Charrad & Zarrugh, 2014).

Similarly, in Egypt, women's rights organizations and youth movements mobilized extensively during the constitutional drafting processes that followed the Egyptian Revolution. Although political polarization and rapid constitutional turnover ultimately limited the long-term impact of these initiatives, the process nevertheless demonstrated the capacity of civil society actors in shaping public debate and articulating alternative visions of citizenship and rights (Feather, 2017).

In the context of Lebanon, where constitutional reform has remained largely stalled, civil society initiatives, namely the Good Governance and Citizenship Observatory at the Asfari Institute for Civil Society and Citizenship at the American University of Beirut, have also played a critical role in advancing proposals for more inclusive citizenship frameworks. While these efforts have often faced strong institutional resistance, they illustrate how sustained advocacy by civil society can keep questions of equality and citizenship reform on the political agenda even in the absence of formal constitutional change.

Institutionalizing participatory mechanisms within constitutional processes is therefore crucial. Mechanisms such as public consultation forums, advisory committees including civil society

representatives, and transparent review procedures can help ensure that constitutional reform reflects broader societal interests rather than narrow elite agendas. Importantly, such processes should explicitly include women's organizations, youth and marginalized groups advocates, and minority rights initiatives, whose perspectives are often underrepresented in formal political institutions. Embedding participatory practices within constitutional modification not only improves the substantive quality of constitutional design but also strengthens the legitimacy of the resulting constitutional order.

With a focus on rights, structural gender equality, inclusive citizenship, and participatory governance, this chapter presents policy recommendations as both legal and social solutions. States can turn constitutional promises into lived citizenship for all people by putting these suggestions into practice.

7. REFERENCES

Aitken, M. (2024). “We are the Revolution, Abroad”: Diaspora Protests, Identity Construction, and the Remaking of Citizenship in the 2019 Lebanese Thawra. *Middle East Law and Governance*, *16*(2), 279–291. https://doi.org/10.1163/18763375-16020007

Akoum, Rana, “Registration of Undocumented Lebanese Persons in the Civil Status Registry: between Legislation, Doctrine and Jurisprudence” (in Arabic), February 2021.

Al Bawsala, Amnesty International, & Human Rights Watch. (2014). Tunisia: Let Constitution Herald Human Rights Era, Judges Should Base Interpretation on International Standards. In *Amnesty International*. https://www.amnesty.org/en/documents/mde30/003/2014/en/

Anderson, C. W. (2013). Youth, the “Arab Spring,” and Social Movements. *Review of Middle East Studies*, *47*(2), 150–156. https://www.jstor.org/stable/43741449

Anderson, L. (2024). Ben Ali’s Tunisia: Power and Contention in an Authoritarian Regime. By Anne Wolf. New York: Oxford University Press, 2023. 272p. $110.00 cloth. *Perspectives on Politics*, *22*(3), 902–903. https://doi.org/10.1017/s1537592723003079

Arendt, H. (1951). The origins of totalitarianism. Andesite Press, An Imprint of Creative Media Partners, [2017].

AUF, Y. (2016). *Islam and Sharia Law: Historical, Constitutional, and Political Context in Egypt*. JSTOR. https://www.jstor.org/stable/resrep03458

Ayadi, R., Colombo, S., Paciello, M. C., & Tocci, N. (2011). *An Opportunity for Democratic Transition*. Istituto Affari Internazionali (IAI); JSTOR. https://doi.org/10.2307/resrep09826

Baines, B., Barak-Erez, D., & Kahana, T. (Eds.). (2012). *Feminist Constitutionalism*. Cambridge University Press. https://doi.org/10.1017/cbo9780511980442

Beck, M., & Hüser, S. (2012). *Political Change in the Middle East: An Attempt to Analyze the “Arab Spring.”* JSTOR. https://www.jstor.org/stable/resrep07617

Biagi, F. (2020). The Separation of Powers and Forms of Government in the MENA Region Following the “Arab Spring”: a Break with the Past?. *BRILL EBooks*, *3*, 123–163. https://doi.org/10.1163/9789004435315_007

Biagi, F. (2022). A Comparative Overview. *Indiana Journal of Global Legal Studies*, *29*(1), 1–57. JSTOR. https://doi.org/10.2307/48679157

Brinkerhoff, D. W., Johnson, R. W., & Hill, R. (2009). *Constitutions*. JSTOR. https://www.jstor.org/stable/resrep12059.11

Brown, D. (2013). Citizenship, democracy, and the structure of politics in the old South: John Calhoun’s conundrum. In *Creating Citizenship in the Nineteenth-Century South* (pp. 84–108). University Press of Florida. http://muse.jhu.edu/books/9780813045054

Brown, N. J. (2012). *Constitutions in a Nonconstitutional World*. State University of New York Press.

Charrad, M. M., & Zarrugh, A. (2014). Equal or complementary? Women in the new Tunisian Constitution after the Arab Spring. *The Journal of North African Studies*, *19*(2), 230–243. https://doi.org/10.1080/13629387.2013.857276

Cho, S., Crenshaw, K. W., & McCall, L. (2013). Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis. *Signs: Journal of Women in Culture and Society*, *38*(4), 785–810. https://doi.org/10.1086/669608

Choudhry, S., Goetz, C., Glenn Bass, K., Andemariam, B., Azima, S., Cholera, K., Katz, L., Parker, C., Peet, J., & Rall, K. (2014). *Constitutional Courts after the Arab Spring: Appointment mechanisms and relative judicial independence,* Center for Constitutional Transitions at NYU Law, International Institute for Democracy and Electoral Assistance. https://www.idea.int/sites/default/files/publications/constitutional-courts-after-the-arab-spring.pdf

Constitution of the Arab Republic of Egypt, Amended (2014)

Council of Europe. (2025, January 8). *Lebanon - Opinion on the draft law on the independence of judicial courts*. Venice Commission of the Council of Europe; Council of Europe. https://www.coe.int/en/web/venice-commission/-/opinion-1057

Fakhoury, T. (2014). Debating Lebanon's Power-Sharing Model: An Opportunity or An Impasse for Democratization Studies in the Middle East? *The Arab Studies Journal*, *22*(1), 230–255. https://www.jstor.org/stable/24877905

Fakhoury, T. (2021). Power-sharing after the Arab Spring? Insights from Lebanon's Political Transition. *Routledge eBooks*, 9–26. https://doi.org/10.4324/9781003229766-2

Farouk, Y. (2013, November 27). *Writing the Constitution of the Egyptian Revolution: Between Social Contract and Political Contracting*. Arab Reform Initiative. https://www.arab-reform.net/publication/writing-the-constitution-of-the-egyptian-revolution-between-social-contract-and-political-contracting/

Feather, G. (2017). Resistance, revolt, & gender justice in Egypt, gender, culture, and politics in the Middle East [Review of *Resistance, revolt, and gender justice in Egypt*, by M. Tadros]. *The Journal of North African Studies*, *22*(5), 907–909. https://doi.org/10.1080/13629387.2017.1347372

Ginsburg, T., & Simpser, A. (2014). *Constitutions in authoritarian regimes*. Cambridge University Press.

Ginsburg, T., Elkins, Z., & Blount, J. (2009). Does the Process of Constitution-Making Matter? *Annual Review of Law and Social Science*, *5*(1), 201–223. https://doi.org/10.1146/annurev.lawsocsci.4.110707.172247

Hamad, M. (2012). The Constitutional Challenges in Post-Mubarak Egypt. *Insight Turkey*, *14*(No.1). https://ciaotest.cc.columbia.edu/journals/it/v14i1/f_0024246_19775.pdf

Hohfeld, W. N. (1917). Fundamental Legal Conceptions as Applied in Judicial Reasoning. *The Yale Law Journal*, *26*(8), 710. https://doi.org/10.2307/786270

Hourani, A. (1983). *Arabic Thought in the Liberal Age 1798–1939*. https://doi.org/10.1017/cbo9780511801990

Human Rights Watch. (2015). Unequal and Unprotected. In *Human Rights Watch*. https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws

Isin, E. F., & Turner, B. S. (2002). *Handbook of Citizenship Studies*. SAGE Publications Ltd. https://doi.org/10.4135/9781848608276

Jaidi, M. A. (2013, December). *Tunisia's Personal Status Code: How Family Law Defined National Identity - Legal Agenda*. Legal Agenda. https://english.legal-agenda.com/tunisias-personal-status-code-how-family-law-defined-national-identity/

Janoski, T., & Gran, B. K. (2002). *Political Citizenship: Foundations of Rights*. 13–52. https://doi.org/10.4135/9781848608276.n2

Jaulin, T. (2014). Citizenship, Migration, and Confessional Democracy in Lebanon. *Middle East Law and Governance*, *6*(3), 250–271. https://doi.org/10.1163/18763375-00603009

J. Brown, N., Messing, M., & Weiner, S. (2011). *Constitutional Rebirth Tunisia and Egypt Reconstruct Themselves*. United Nations Development Programme. https://constitutionnet.org/sites/default/files/constitutional_rebirth_tunisia_and_egypt_reconstruct_themselves.pdf

Landau, D. (2017). *Scholarship Repository, Democratic Erosion and Constitution-Making Moments: The Role of International Law.* https://ir.law.fsu.edu/cgi/viewcontent.cgi?article=1556&context=articles

LANG, A. F. (2013). From revolutions to constitutions: the case of Egypt. *International Affairs (Royal Institute of International Affairs 1944)*, *89*(2), 345–363. JSTOR. https://doi.org/10.2307/23473540

Law, D. S., & Versteeg, M. (2013). Sham Constitutions. *California Law Review*, *101*(4), 863–952. JSTOR. https://doi.org/10.2307/23784322

Lister, R. (1997). Citizenship: Towards a feminist synthesis. *Feminist Review*, *57*(1), 28–48. https://doi.org/10.1080/014177897339641

Lombardi, C. B. (2008). *Egypt's Supreme Constitutional Court: Managing Constitutional Conflict in an Authoritarian, Aspirationally "Islamic" State*. Digitalcommons.law.uw.edu; UW Law Digital Commons. https://digitalcommons.law.uw.edu/

Lombardi, C. B. (2014). "Constitutional Developments in Egypt: The New 2014 Egyptian Constitution." *Oxford Constitutions of the World / Oxford Constitutional Law*. https://oxcon.ouplaw.com/page/egyptian-constitution/constitutional-developments-in-egypt-the-new-2014-egyptian-constitution

Marks, M. (2012). Islamism and Uncertainty: Charting the Future of Women's Rights in Tunisia. *St Antony's International Review*, *7*(2), 120–138. http://www.jstor.org.ezproxy.aub.edu.lb/stable/26228585

Marks, M., & Dworkin, A. (2016). Completing the transition. In *Five Years On* (pp. 20–29). European Council on Foreign Relations; JSTOR. https://doi.org/10.2307/resrep21607.6

Marshall, T. H. (1992). *Citizenship and Social Class and other essays*, 1–52. https://doi.org/10.2307/j.ctt18mvns1.5

Moustafa, T. (2007). The Establishment of the Supreme Constitutional Court. *The Struggle for Constitutional Power: Law, Politics, and Economic Development in Egypt* (pp. 57–89), Chapter 3, Cambridge: Cambridge University Press.

Nagle, J. (2024). Protesting power-sharing: citizenship acts and eventful protest in divided societies. *Ethnic and Racial Studies (Print)*, *48*(1), 97–118. https://doi.org/10.1080/01419870.2024.2319814

Nagle, J., & Clancy, M.-A. C. (2022). *Power-sharing After Civil War*. Routledge.

Roy, A. (2022). Constitutional moments and resurgent citizenship. *Citizenship Studies*, *26*(4-5), 615–624. https://doi.org/10.1080/13621025.2022.2091246

Sadiki, L. (Ed.). (2014). *Routledge Handbook of the Arab Spring*. Routledge. https://doi.org/10.4324/9781315763026

Sadiqi, L. (2011). *Revolution of the citizenry ... a revolution without a head*. Arab Center for Research & Policy Studies; JSTOR. https://doi.org/10.2307/resrep12708

Salih, K. E. O. (2013). The Roots and Causes of the 2011 Arab Uprisings. *Arab Studies Quarterly*, *35*(2), 184–206. https://doi.org/10.13169/arabstudquar.35.2.0184

Salloukh, B. F., Barakat, R., Al-Habbal, J. S., Khattab, L. W., & Mikaelian, S. (2015). *Politics of sectarianism in postwar Lebanon*. Pluto Press.

Sassen, S. (2002). "Towards Post-National and Denationalized Citizenship." In Isin, E.F. & Turner, B.S. (eds.), *Handbook of Citizenship Studies*. Sage Publications, pp. 277–291.

Shaw, J. (2020). Constitutional Citizenship Unpacked. In *the People in Question: Citizens and Constitutions in Uncertain Times* (pp. 61–62). Part Title, Bristol University Press.

Stacey, R., & Choudhry, S. (2014). *Semi-Presidential Government in The Post-Authoritarian Context,* Center for Constitutional Transitions at NYU Law. https://peacemaker.un.org/sites/default/files/document/files/2022/07/semipresidentialgovernmentstaceychoudhry2014.pdf

The Lebanese Constitution (1926). Rev 2004.

Turner, B. S. (1990). Outline of a Theory of Citizenship. *Sociology*, *24*(2), 189–217.

United Nations High Commissioner for Refugees. (2024). *Stateless persons | UNHCR Lebanon*. UNHCR Lebanon. https://www.unhcr.org/lb/about-unhcr/who-we-help/stateless-persons

Yerkes, S., & Ben, Y. Z. (2019). Weaknesses of the Consensus Model. In *Tunisia's Political System* (pp. 2–5). Carnegie Endowment for International Peace; JSTOR. https://doi.org/10.2307/resrep20993.4

Yuval-Davis, N. (2011). *Power, Intersectionality and the Politics of Belonging*, *75*. https://doi.org/10.5278/freia.58024502



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