

Appendix: Constitutional Clauses Scored

The following table shows all the constitutional provisions scored in the four cases, arranged first by basic constitutional structures and next by other clauses, such as declarations of rights. A “-” indicates a government-constraining provision, and a “+” indicates a government-empowering provision.

Clause	Tunisia	Libya-09-12	Libya-04-14	Egypt-12-12	Egypt-01-14
Decentralization required	-		-	-	-
Local councils directly elected				-	-
National police/security	+		+	+	+
Indivisibility				+	+
Dual executives	-		-	-	-
Judicial review	-			-	-
Effective presidential veto					-
Constitutional judges not accountable to govt	-			-	-
Constitutional judges' term not renewable	-				
Semi-independent central bank				-	-
Semi-independent corruption commission				-	
Semistrong bicameralism				-	
President may dissolve legislature following referendum				+	+
President can call referendum				+	+
	+ (30				
Executive emergency powers	d.)	+	+	+(6 mos.)	+(3 mos.)
Relative majority to elect president		-			
Three-fifths majority for legislation		-			
Two-thirds majority for special legislation					-
Presidential negative referendum	-				
Constitutional judges not life term	+				
Executive commander-in-chief	-		-	-	
Executive appoints military officers	-			-	-
Military role in security policy				+	
Military Appoints Minister of Defense (transitional)					+
Separate military judiciary					+
Government must include military				+	+
Military prohibited from political positions			-		
Fixed election term					-
Fixed election term unless referendum				-	
Fixed election term unless resignation & failure to form	-				
Three-fifths majority no-confidence motion		+			
Legislature may call presidential no-confidence referendum					+
Constructive no-confidence motion	+				
Legislature may dismiss own members			+	+	+
Political isolation law authorized			+		
President appoints part of legislature				+	+
Legislature may enlarge own membership		+			
Presidential term limit	-			-	-
Right to privacy	-	-	-	-	-
Presumption of innocence	-	-	-	-	-

Clause	Tunisia	Libya-09-12	Libya-04-14	Egypt-12-12	Egypt-01-14
Right to establish associations, parties, unions	-	-	-	-	-
Merit-based state employment					-
Equality before law: gender	-	-	-	-	-
Mention of private property	-	-	-	-	-
Equality before law: minorities		-	-	-	-
Equality before law: beliefs/opinions		-	-	-	-
Ban on legislator exchange with state		-	-	-	
Freedom of movement	-			-	-
Deprivation of nationality prohibited	-			-	
Prevention from self-incrimination					-
Due process for arrests	-			-	-
Right to legal representation	-			-	-
Humane treatment in detention	-			-	
Freedom of expression	-			-	-
Right to information	-			-	-
Freedom of scientific research	-			-	-
Right to strike	-			-	-
Right to assembly, peaceful demonstration	-			-	-
Right to vote	-			-	-
Right to be a candidate	-			-	-
Women's rights	-			-	-
Equality before law: disability	-			-	-
State discrimination in opportunities prohibited				-	-
Civil titles prohibited				-	-
Compensation required for expropriation				-	-
Right to inheritance				-	-
Taxes only in accordance with law				-	-
Right to non-humiliation				-	
Desecration of the flag prohibited					+
Freedom of belief; exercise for Abrahamic faiths				-	-
Due process for search & seizure				-	-
Exile prohibited				-	-
Freedom of artistic creativity				-	-
Right to establish newspapers				-	-
Political/party pluralism protected				-	-
State duty to respond to correspondence				-	
No extraordinary/exceptional courts	-	-	-	-	-
Ban on military courts for civilians				-	
Personal law for religious minorities				-	-
Equality before law: social status				-	-
Official religion	+	+	+	+	+
Official language	+	+	+	+	+
State promotes values	+	+	+	+	
National housing plan					+
National unity/security citizen duty	+	+	+	+	+
Forbids private security forces	+	+	+	+	
Regulation of unions	+	+	+	+	+
One union per profession					+
Shari'a source of law		+	+	+	+

Clause	Tunisia	Libya-09-12	Libya-04-14	Egypt-12-12	Egypt-01-14
Duty to protect religion	+			+	
National service required	+			+	+
Duty to pay taxes	+			+	+
National sovereignty over natural resources	+			+	+
Govt approves resource contracts	+			+	
State duty to promote national identity	+			+	+
Law may specify prohibitions on citizenship changes				+	
Ex post facto punishments potentially permitted				+	
Law regulates TV, radio, digital multimedia				+	+
State guarantees press neutrality					+
Discriminatory parties prohibited				+	+
State supervision of education				+	+
Religious education mandatory pre-university				+	+
Universities teach values, morals				+	
State must provide/supervise all health care				+	
Ethnicity part of official state name				+	
State subsidy of religious institution				+	+
State ownership of water				+	
State duty to protect national heritage				+	
Maximum wage required				+	
Minimum wage required				+	+
No forced labor/slavery					-
Blasphemy prohibited				+	
Free exercise of religion	-	-	-		
Extradition of political refugees prohibited/right to asylum	-	-	-	-	-
Rights of minorities		-	-		
Ban on company board membership for legislators		-	-		
Regulation of parties & associations	+	+	+		+
Public order/national defense exception	+	+	+		
Public morals exception	+	+	+		
Redistribution of wealth among regions		+	+		
State defines values & morals		+	+		
Religious qualification for a high office	+		+		
Right to life	-			-	
Torture prohibited	-			-	-
Extradition prohibited	-				
Ex post facto punishments prohibited	-				-
Notification of rights on arrest	-				
Independent human rights commission	-				-
Impartiality of educational institutions	+				
Parental duties to children	+				
Public health exception	+				
Recess decrees	+				
Net Government-Empowering Provisions (x)	-13	1	1	-18	-19
Articles (y)	149	37	80	231	247

Clause	Tunisia	Libya-09-12	Libya-04-14	Egypt-12-12	Egypt-01-14
Scored Provisions (z)	62	29	33	91	81
x/y	-0.087	0.027	0.0125	-0.078	-0.077
x/z	-0.210	0.034	0.030	-0.198	-0.235