



### **BETWEEN DEMOCRACY AND LIBERALISM. THE CONSTITUTIONAL STATUS OF THE PARLIAMENTARY OPPOSITION IN MOROCCO AND TUNISIA**

If we consider (Western) democracy as corresponding to the aggregate of certain concepts, including the division of powers, individual freedoms, the juridicization of political and administrative relations and the responsibility of public decision-makers (JM Auby), it is necessary to wonder if, today, such a constitutional dressing corresponds to a true form of legitimation and organization of power, or rather one must seek on the other hand some form of legitimation of power itself.

In particular, it seems of some interest to wonder whether in the countries of North Africa, after the Arab Spring, the new democracies are based on the sovereignty of the people, which must be expressed by its vote and by the choice of its representatives, according to the notion of the general will, legitimized by universal suffrage.

In this respect, it seems interesting to consider the concept of counter-power, understood as a «impensé constitutionnel» (F. Hourquebie), whose doctrinal point of view is that its idea-force is to prevent the abuse of omnipotence of political power.

Will the dynamic acceptance of (against) power make it possible to achieve moderate government according to the objective of protecting the liberty of the individual against the abuse of political power?

This reflection will want to evaluate the effective penetration of Western constitutional models in the new legal orders followed by the Arab Spring (in particular Egypt, Tunisia and Morocco) or rather to raise the restoration of a model of crystallized and centralized power in the figure, if not even in the person, of the Head of State.