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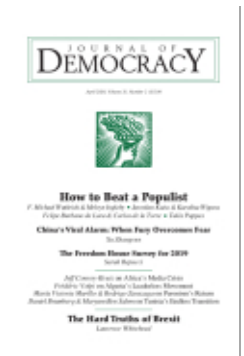
## Tunisia's Endless Transition?

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# TUNISIA'S ENDLESS TRANSITION?

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The year 2020 is proving to be another trying one for Tunisia's barely decade-old democracy. Following September and October 2019 parliamentary and presidential elections—the fourth and fifth national votes held since dictator Zine al-Abidine Ben Ali fell in 2011—new president Kaïs Saïed and the unicameral 217-member national assembly face the task of consolidating democratic institutions despite economic crisis, rampant corruption, growing social and identity tensions, and widespread political estrangement. The Jasmine Revolution that began with Ben Ali's flight into exile was able to succeed initially thanks to a deal or “pact” among his disparate opponents and lingering elements of his power structure. But it is proving very hard to move beyond that first, hard-won agreement and the consensus-based power-sharing system that it produced.

Saïed is a well-respected, 61-year-old constitutional-law professor who ran an independent campaign. His eclectic blending of law-and-order social conservatism with a call for a radical form of local-council direct democracy contrasted with “business as usual.” His “outsider” status—he has never held public office and took no part in the contentious political-party scene whose squabbles exasperate many Tunisians—and his talk of battling corruption have inspired new hope among young people.<sup>1</sup>

But if his election was prompted by many of the same socioeconomic and political forces that have generated populist politics in established liberal democracies, Saïed does not have the formal power or formal constitutional authority to push for a dramatic break with the power-

sharing system that he inherited. Indeed, Tunisia has yet to go from being a consensus-based system to being a competitive democracy in which a majority rules, a loyal opposition opposes, and the institutions and rules of the game make real alternation in government a possibility. This difficult shift, from a tenuous ceasefire among rival groups to a more majoritarian system that inspires a deeper strategic trust on the part of elites and the general public alike, requires a “second transition.”

This consists of institutional, economic, and legal reforms that move beyond the compromises demanded by the original political pact that was forged after the authoritarian regime fell. While Tunisia has made progress, the 2019 elections produced results that seem to recapitulate the country’s social and identity fault lines. The prospect of another shaky power-sharing experiment looms large. As if to underscore this risk, the assembly in January 2020 rejected the nominees put forward for the cabinet and the premiership by the Islamist-oriented Ennahda, whose 52 seats make it the legislature’s biggest single party. Saïed then named Elyes Fakhfakh, a politician from one of the smaller secular-leaning parties, to form a multiparty government. Whether Saïed and the new premier-designate can accommodate the country’s pluralism while also laying the ground for a second transition—one that moves beyond the immobilism of consensus-based politics—remains to be seen. So far the odds do not look great.

Tunisia’s transition was made possible by an agreement or “pact” that gave both new political groups and forces from the *ancien régime* a place in the new political system. The Arab Spring began there in December 2010, and Ben Ali, his 33-year grip on power broken, was flying into permanent exile in Saudi Arabia less than a month later. Deeply entrenched in state institutions, the economy, and the political elite that had constituted the ruling party, many of Ben Ali’s allies retained enough power and influence that new leaders had to cut a deal with them. Tunisia would become more democratic, but not without concessions to old-regime holdovers to protect interests that they especially cared about.

The pact guarded those interests and also set down some new rules of the game that the emerging leaders could agree on among themselves. Without such an accommodation, the new and more democratic order could have come undone as partisan rivalries consumed it, perhaps to the point of giving old-regime elements (including Ben Ali’s security services) a dangerously high level of power. But if the pact avoided this dire outcome, it nevertheless acquired a lopsided quality.

In Tunisia’s power-sharing system, opposition parties or those that were previously excluded (such as Ennahda) have agreed to bargains that protect the vital interests not only of old-regime holdovers but of rival opposition groups as well. Guarantees that reassure both Islamists and secular-oriented or “modernist” groups that their basic interests will be protected have been essential to Tunisia’s power-sharing system.<sup>2</sup> Thus, while there are free and open elections, once the voters have cast

their ballots, decisions are made—or avoided—by an unwieldy, consensus-based process that precludes the possibility of political exclusion while also fostering immobilism.

The illusory stability provided by this kind of dealmaking comes with a cost. Pacts can prove sticky. The laying-down of norms, institutions, and laws needed for advancing democracy may come late or not at all as power sharing allows old-regime holdovers to veto reforms in critical areas such as the security sector and the economy. Fearing a backlash, new players such as Ennahda will often back down and let such a veto stand. The upshot is not merely stasis: Authoritarianism can seep back in via the security agencies and the courts. In a sad irony, the very compromises required for the initial transition can become huge obstacles to further democratization.

This is why a second transition is crucial to further democratization. Such a transition requires replacing (or at least diluting) the institutional, legal, economic, and ideological compromises that undergird the pact. Only structural reforms to the party system, the security sector, the state-dominated part of the economy, and the judicial system can shrink the fear of political exclusion to the point where democracy becomes appreciated for more than its usefulness as a conflict-management device. Trust is the key. Without it, neither the political elites nor groups in the wider society will let go of the pact.

Second transitions may be hindered by institutional and economic power disparities that make it difficult for rival groups to risk letting go of the assumed protections afforded by power sharing. Such apprehensions are often magnified by social and identity cleavages, not to mention the specter of escalating political violence. Outside powers can also act as spoilers by backing one group or another, thus undermining the delicate balance of power required for power sharing or moving beyond it.

### **The 2014 Pact**

While outside powers played an important role in blocking a peaceful political settlement in Egypt, Libya, and Yemen, in Tunisia's case regional and global powers promoted the initial pact. Béji Caïd Essebsi, representing "modernist" forces, met in Paris in August 2013 with Ennahda's leader Rached Ghannouchi. After this symbolic moment of reconciliation came the National Dialogue, a pactmaking effort led by the powerful General Union of Tunisian Workers (UGTT), together with the Tunisian League for Human Rights, the National Order of Lawyers, and the Confederation of Industry, Trade, and Handicrafts (UTICA). Linked by a longstanding suspicion of Islamists, the members of this so-called National Dialogue Quartet created space for old-regime holdovers to enter the pactmaking process and thus counter Ennahda. Since Tunisia's small, professional military refuses to mix in politics, no one

could look to the soldiers to choose a winner. With a rough balance of power between rival forces and no “khaki option” available, the contending elites got down to the business of resolving key issues that the Constituent Assembly (elected in November 2011) had failed to settle. The resulting constitution laid out a system of shared power meant to reassure all key social and identity groups that rivals would not be able to trample their interests. The document declares, for example, that Tunisia is a “civil” state, but also asserts that its “religion is Islam.” There is to be a twelve-member Constitutional Court with judicial-review powers, but procedures for choosing its judges were left for rival groups to contend over in the legislature. (As of this writing in March 2020, the Court has still not been constituted.) Finally, the constitution sets up a type of semipresidential system in which the premier and the assembly make domestic laws while the president is chiefly responsible for foreign policy and national security. Because modernists feared that Ennahda would predominate in the legislature, the framers of the constitution sought to balance the assembly’s power by providing a directly elected president who, as “head of state” and “symbol of national unity,” “guarantees” the Republic’s “independence and continuity, and ensures respect for the Constitution.” Casting the president as a kind of national arbiter reassured the secular-oriented business community, professional middle class, and 700,000-strong UGTT.

A closed-list system of proportional representation (PR) rounds things off. While this may change, so far there has been no threshold of popular-vote share that a party must pass in order to enter the assembly. The 2014 election saw 25 parties running across the country’s 33 districts (see Table). A registered-voter turnout of 67 percent that year returned an assembly reflecting the complex social, geographic, and ideological cleavages found in Tunisian society.

Instead of Ennahda being the dominant party, however, it finished second behind the secular Nidaa Tounes (Call for Tunisia) party, which won 38 percent and 86 seats to Ennahda’s 28 percent and 69 seats. Modernist parties other than Nidaa Tounes won an additional fifty seats. There was no need to form a consensus government that included Ennahda, but President Essebsi opted to do so anyway. His opening to Ennahda angered many of his allies in Nidaa Tounes, thus fostering tensions that eventually fragmented the party.

Essebsi’s push to include Ennahda was partly rooted in his desire to project his authority as a national leader as envisioned in the new constitution. But as Ghannouchi observed to this author in an October 2015 interview, Essebsi also wanted Ennahda on board as a counterweight to the modernist camp’s own left wing, as represented by the Popular Front. Ghannouchi reciprocated by prodding his party to settle for a handful of cabinet posts. Essebsi’s pledge to sustain consensus-based governance provided some reassurance that Ennahda would not

**TABLE—RESULTS OF TUNISIA’S OCTOBER 2019  
PARLIAMENTARY ELECTION, BY SEATS WON**

Party	Seats	Change from 2014
Ennahda	52	▼17
Qalb Tounes (Heart of Tunisia)	38	New
Democratic Current	22	▲19
Dignity	21	New
Free Destourian Party (PDL)	17	▲17
People’s Movement	15	▲12
Tahya Tounes	14	New
Machrou Tounes	4	New
Errahma	4	▲4
Nidaa Tounes	3	▼83
Republican People’s Union	3	▲3
Tunisian Alternative	3	New
Afek Tounes	2	▼6
Independents	12	–
Parties Holding a Single Seat	7	–
<b>Total</b>	<b>217</b>	–

*Source:* Tunisian electoral commission (L’Instance Supérieure Indépendante pour les Élections).

be excluded, which was Ghannouchi’s overriding concern. The daunting task that all leaders faced in 2014 was to sustain this marriage of convenience while also tackling the arduous work of democratic consolidation in ways that would put Tunisia on the path toward a second transition.

### The Costs of Consensus

In 2014, crisis gripped Tunisia’s economy. It needed market reforms to curb inflation, cut public spending (especially on salaries and compensation), and encourage domestic and foreign investment in new private-sector industries or at least state-owned firms that might be able to make a profit. President Essebsi faced opposition on two sides, however. On one stood business groups jealously guarding the privileges that they had inherited from the Ben Ali era. On the other stood the UGTT, which wielded strikes and street protests against any effort to shrink the vast public sector or the subsidies on which the working and middle classes had come to depend. The upshot was the enactment of a set of tepid reforms that had been proposed (but never implemented) late in Ben Ali’s era. Designed to avoid antagonizing any major force, even these modest changes depended on the partnership between Ennahda and Nidaa Tounes, and on each keeping its own internal factions in line.

Ennahda had an easier time of this, in no small part because its well-developed party structure could enforce discipline. Nidaa Tounes, by contrast, was new and filled with old-regime holdovers who had scant experience in creating or running an independent party. Then too, vocal

opposition to sharing any power at all with Ennahda was common in Nidaa Tounes ranks. Resentment of President Essebsi's dominant personal following and his son, Hafedh Caïd Essebsi, was another critical factor. Indeed, when Hafedh was named party leader, a major split emerged in Nidaa Tounes. The resulting power struggle diverted the party from advancing a united position on economic reform.

Despite these conflicts and the growing dissent over market reforms, the government sought a way forward by signing a US\$2.9 billion loan agreement with the International Monetary Fund (IMF) in May 2016. In July came the Carthage Declaration, in which nine parties plus the UGTT and UTICA pledged to support an eclectic mix of economic and social priorities. This set the stage for a national-unity government under new premier Youssef Chahed, who opened talks with the IMF on the reform measures set out in the loan agreement. In 2017, Chahed secured a new Investment Law and declared "war" on corruption by arresting seven Ben Ali-era tycoons.

On the IMF-mandated reforms themselves, the government moved slowly, worried by protests targeting the country's modest-scale but significant oil and natural-gas industry. Public hiring remained frozen, but there were wage increases to placate the UGTT. In early January 2018, violent protests led to an amended Carthage Declaration. Emboldened by this tactical retreat, the UGTT joined other groups (including Nidaa Tounes under Hafedh Essebsi) to demand Chahed's resignation. Ghannouchi and Ennahda backed the premier, rejecting calls for his ouster. An angry President Essebsi declared that his "consensus" with Ennahda was over.

The first thing to note regarding this tale of factions triangulating against one another is that none of the key players actually rejected the logic of power sharing. The balance of forces within the game had changed, but the game had not. Emboldened by a first-place finish in the May 2018 local elections as well as the entente with Chahed, Ennahda leaders argued that the president would have to accede to legislative primacy in domestic matters. The coalition that Chahed's bloc formed with Ennahda held 122 seats, giving it a 13-seat majority.

The second thing to note is that all the jostling and contention led to no progress toward a more coherent social- or economic-policy agenda. Instead, looking toward the 2019 elections and always wary of the UGTT and its mass base, Chahed opted not to move aggressively on reform. By mid-2019, public debt was totaling more than three-quarters of GDP, general unemployment was headed for 15 percent (with joblessness among the young three times that), inflation was rising, and growth was less than 1 percent. Whatever progress had been made toward economic reform, the broken politics of power sharing had negated it.<sup>3</sup>

On 12 August 2018, as Tunisia marked its National Women's Day, President Essebsi announced his plan to write equal inheritance rights for women into law. This followed a report from the Individual Free-

doms and Equality Commission (COLIBE) that Essebsi had created in 2017. In addition to its proposal to subordinate Koranic provisions giving males priority as heirs, the report had called for decriminalizing homosexuality, abolishing the death penalty, canceling dowries (which are mandatory under Islamic law), and ensuring a woman's right to pass citizenship to a foreign husband. Both foes and backers of these recommendations took to the streets.

As the controversy raged, President Essebsi assumed that inheritance would be the least contentious topic on COLIBE's list. His proposed legislation allowed families to choose Islamic over civil law in inheritance matters, a significant concession to traditionalist concerns. Islamist leaders were unmoved, however. In late August, the head of Ennahda's Shura Council said that his party would oppose "any law that goes against" the Koran and the constitution.<sup>4</sup> Three months later, the cabinet approved the amended law.

This was a singular moment in Tunisia's stalled second transition. Ennahda's actions reinforced secular-leaning Tunisians' fears that Islamists were intent on pushing an "antimodern" agenda. Ghannouchi in 2016 had declared Ennahda a party of "Muslim democrats who no longer proclaim political Islam."<sup>5</sup> Critics now called this subterfuge. Meanwhile, Ennahda leaders complained (with some merit) that they had not been consulted, and that COLIBE's "leftists" were trying to foist a radically secular agenda on the country. Forced to choose between soothing secular leaders' fears and honoring the sensibilities of its traditional Islamist base, Ennahda went with the latter. When it came to coping with clashes of deeply felt norms such as were at stake in the inheritance controversy, consensus-based political engineering had quickly shown its limits.

## Transitional Justice

Democratic consolidation requires judicial and security-sector reforms to ensure that the compromises required to produce a transitional pact do not cement permanent injustices. Truth and justice commissions offer one way to advance such reforms. But the work of such bodies is often fraught with difficulties, especially when old-regime holdovers try to impede inquiries into past abuses.<sup>6</sup>

Tunisia's Truth and Dignity Commission illustrated these difficulties. Established in 2013 when Ennahda was leading the government, the Commission received a major boost from Minister of Transitional Justice Samir Dilou, an Ennahda stalwart who had spent ten years in prison. His role reassured Islamists, some of whom doubted the impartiality of Commission head Sihem Bensedrine, a secular human-rights activist. Under Bensedrine, there were fifty-thousand interviews with victims, and 170 files went to special courts. Fourteen public hearings allowed victims to tell their harrowing stories on live television.<sup>7</sup>



Old-regime circles were not happy. The nonagenarian President Essebsi, who had himself spent decades holding high-level posts under both Ben Ali and his predecessor Habib Bourguiba, spoke to their discontent. “I am against settling scores of the past,” said Essebsi while running for president in 2014.<sup>8</sup> In 2017, he secured passage of a law designed to allow the weakening of the Commission. This controversial legislation not only offered amnesty to Ben Ali–era officials accused of corruption, but put businessmen outside the Commission’s mandate. Justice would have to take a back seat to the demands of consensus-based politics.

The Commission continued its work, however. In March 2019, it issued a five-volume report that not only charted the vast structure of repression created under Ben Ali, but detailed efforts by security and judicial officials to stymie Commission investigations. In a still bolder move, the report named Essebsi as one of the Ben Ali officials accused of complicity in torture, calling on him to apologize to victims on behalf of the state.<sup>9</sup>

That likely sealed the Commission’s fate. The special trials were postponed when the defendants failed to show up. Prime Minister Chahed refused an official handover of the Commission’s findings, thus ensuring that its recommendations would go unimplemented by his government and possibly the next. By mid-2019, some Islamists were wondering why the case files of women victimized by rape while in regime custody had not gone in full to the special courts. As debate raged in the assembly between secular-leaning lawmakers who wanted the Commission to end and Islamists who wanted its mandate renewed and its unfinished business completed, Ghannouchi—determined not to antagonize his modernist rivals—came out in favor of offering amnesty and closing the Commission.<sup>10</sup> These conflicting positions within Ennahda underscored the trade-offs exacted by efforts to sustain power sharing and a minimalist consensus.

The inheritance law was the sort of controversial legislation on which one might expect the Constitutional Court to rule—except there still was no such body. That law, the law undermining the Truth Commission, and a 2017 law criminalizing criticism of the police and armed forces might all have been shelved or rewritten had they been subjected to judicial review.<sup>11</sup> In addition, constitutional crises in 2018 and 2019 might have been resolved with the help of judicial arbitration.

Four judges are to be selected by the president, four by the assembly, and four by the Supreme Judicial Council. Going into the October 2019 elections, however, only a single jurist had been named to the Court—by the assembly. That body had repeatedly considered nominees, but in all cases save one the required two-thirds majority (145 votes) could not be mustered. Grasping how important the Court could be in interpreting the vague portions of the 2014 Constitution, the Islamist and secular-leaning camps in the legislature spared no effort in seeking to

outmaneuver each other on appointments. And everyone's fallback approach—adopted in fear that the other side might get “its” jurists onto the Court—was to keep the appointment issue dragging on, unresolved. Better to keep the Court empty rather than risk having its seats filled in a way that could make one's own side a definitive loser (and with that, disrupt governance by consensus). Ennahda in particular may have been slow-walking nominations to the Court because the party may have expected the 2019 legislative election to increase its share of the assembly.

### **Fragmenting Modernists**

Tunisia's second transition has also been hindered by the failure to consolidate an effective and balanced system of political parties. The latter requires coherent, well organized parties capable of mobilizing distinct social constituencies and credibly articulating their interests in elections and parliament.

Three factors have obstructed party consolidation in Tunisia. First, Ennahda had a structural and ideological advantage over “modernist” parties, many of whose leaders came from or had been linked to the old regime. Conditioned to operate under a strong state, they lacked the instinct for independent political activism and mobilization of their Islamist rivals. Second, while the UGTT provided a counterweight to Ennahda, its power was not shifted to one united labor party. Instead, the left side of the party spectrum has been dominated by competing elite parties, many of them dating back to the Ben Ali era. Finally, consensus politics has required party leaders to make compromises that have angered their bases as well as actual or potential rivals for party leadership. Thus the very concessions required for elite power sharing have fostered internal party conflicts in ways that have undermined the leading parties.

This last dynamic has especially marked Nidaa Tounes. From its outset it was a fractious elite alliance with no ideology beyond hostility to Ennahda. It was held together uncertainly by Essebsi, who undermined his own standing as a decisive national leader by taking his son's side in factional struggles. The party's internal battles produced splinter parties such as Machrou Tounes, Tahya Tounes, and Bani Watan. Each pushed the same program but under a different leader. Their effect, therefore, has been merely to subdivide whatever constituency there might be for a centrist or liberal party. The left, as noted, has its own splits, further fragmenting the modernist camp.

These divisions facilitated Ennahda's revival in 2017 and 2018. Its renewed strength appeared not in the cabinet (where it chose not to demand major posts) but rather in the assembly, where it held the largest bloc. Despite this advantage, or perhaps because of it, Ghannouchi's efforts to sustain power sharing ruffled feathers. Indeed, many Nahdawis (as they call themselves) wondered if the party had surrendered its soul

to pacify the secular parties. Ennahda has never displayed the kind of inner turmoil that roils Nidaa Tounes, but unhappiness in the ranks over Ghannouchi's concessions to a fragmenting array of secular-leaning parties that no longer constituted the largest parliamentary bloc underscored how consensus politics can impede the consolidation of effective political parties.

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As intense as Tunisia's elite-level political battles have been for political players, they have not resonated at all with everyday Tunisians. This includes the vast numbers of young men and women in this classic "youth-bulge" society who

are barely eking out a living on the outskirts of Tunis or in the dusty hinterlands, where the revolution began and where want and alienation still hang like a pall nearly a decade after the first transition. For this other Tunisia, politics seems like a farce with nothing useful to offer in addressing their desperate economic plight.

This yawning gap between the "two Tunisias" has stoked popular disenchantment with political leaders and institutions, and with democracy in general. Since 2013, the Afrobarometer has found support for democracy steeply falling while support for rule by the military or a single person has been on an alarming upswing. Many Tunisians attribute the country's unsatisfactory political situation to corruption and growing social inequalities.<sup>12</sup>

Dissatisfaction has created openings for antisystem leaders and parties. Drinking from the well of disillusionment, in 2019 these rising leaders offered Tunisian-style variations of populism. On the right was the Free Destourian Party (PDL). Its leader, Abir Moussi, was the former vice-secretary of Ben Ali's party. Her rising influence suggested a certain nostalgia for the *ancien régime*, coupled with growing resentment of Ennahda. Sitting to the left of the PDL, but in its own distinctive space, was Qalb Tounes (Heart of Tunisia). Its founder, wealthy media magnate Nabil Karoui, put his background in marketing and television to use with slickly produced videos. He also led a well-organized series of medical convoys into the hinterlands, providing free medical and dental care. A money-laundering investigation did not stop him from leading the presidential polls as of mid-2019.<sup>13</sup>

President Essebsi's death on 25 July 2019 after what appears to have been a month-long illness triggered a constitutional crisis that unfolded in tandem with a surge of political maneuvering within and between the parties. The 2014 Constitution stipulates that if the president dies or is incapacitated, the assembly speaker becomes temporary president, but only upon receiving assent from the Constitutional Court. As speaker, Nidaa Tounes

leader Mohamed Ennaceur stepped in as temporary president, but the lack of a Constitutional Court cast a shadow on the legitimacy of this move.

A more serious dispute had broken out during the weeks prior to Essebsi's death. The assembly had amended the electoral law to stipulate that legislators facing court charges of financial malfeasance were ineligible to run for president. This was aimed at blocking Karoui, who had been charged with money laundering on July 8 and would be arrested on August 23. The problem was that it was hard to tell whether the ailing Essebsi had followed the complex procedures that the constitution's Article 81 lays out for ratifying or vetoing an amended law.<sup>14</sup>

The controversy highlighted the constitution's lack of clarity regarding presidential versus parliamentary powers. The document's deliberate ambiguity had given scope for competing views on this crucial question and thus allowed political rivals to maintain a minimal consensus. To sustain this situation, it had helped to have a president whose personality and experience commanded respect across the political spectrum.<sup>15</sup> Essebsi's partisan maneuvering to help his son in 2017–18 had damaged the president's reputation as a leader who could rise above the fray. There was additional worry about whether any successor would have the authority to arbitrate elite conflicts.

Within days of Essebsi's funeral on 27 July 2019, the parties began jockeying in preparation for the presidential and parliamentary elections. These had originally been scheduled for November but were moved up, with the first-round presidential balloting slated for September 15 in order to make it fall within the ninety-day term that the constitution sets for the temporary president. The assembly election was advanced to October 6.

The new and shorter schedule roused an intense debate within Ennahda about what role the party should play in the political system. In an apparent bid to reassert his authority, Ghannouchi recruited party stalwart and prominent moderate Abdelfattah Mourou to run for president. He had little chance of winning, but the maneuver seemed as if it would help to mobilize Ennahda voters to turn out for the parliamentary races. Beyond that, it telegraphed a strategic change: Previously, to allay the fears of its modernist rivals, Ennahda had opted *not* to pursue the presidency. Then Ghannouchi, who had always eschewed formal political office, surprised everyone by saying that he would run for parliament. As the elections drew nearer, modernist fears rose.

## The First Round

The first presidential round featured 26 candidates including Abir Moussi and Prime Minister Chahed. Saïed and Karoui emerged as the top two vote-getters with 18 and 16 percent, respectively. In the October 13 runoff, Saïed claimed an overwhelming 73 percent. He was inaugurated ten days later.

Saïed used his quiet if stern charisma—he is known for speaking Standard Arabic rather than Tunisian dialect—to reawaken interest in political participation. As a respected constitutional scholar with a proclaimed lack of any party affiliation, he was able to blend democratic republicanism, moral conservatism, Tunisian nationalism, and pan-Arabism into a winning mixture. He opposed changing the inheritance law or abolishing the death penalty, and condemned the idea of normalizing relations with Israel. His advocacy of a complete “reversal of the power pyramid” and support for the creation of a nationwide system of local elected councils suggested a Rousseauian vision of mass politics that seemed at odds with his advocacy of constitutionalism. This dissonance aside, his decisive runoff victory exactly one week after the parliamentary races provided a center of gravity that the Tunisian political system badly needed.

Fifteen-hundred lists and fifteen-thousand candidates ran in the election to fill the assembly’s 217 seats. The results revealed a Tunisian socio-cultural map that was more polarized and fragmented than ever. Ennahda and the new and smaller Islamist party known as Dignity combined to claim almost 26 percent of the vote and 73 seats. The leading modernist parties (including Qalb Tounes) together secured 38 percent and 90 seats. The size of the Islamist and modernist blocs meant that no government could form absent some sort of coalition between them. But the prospects for this coalition were dimmed by the intensity of ideological and social fragmentation. Dignity, more militant than Ennahda, was not a likely coalition partner for the modernists despite its 21 seats. Ennahda resented Qalb Tounes (38 seats) for directly appealing to voters in the Islamists’ traditional rural strongholds, and during the campaign had excoriated Karoui as corrupt. Hope for a modernist-Ennahda alliance therefore rested with the smaller modernist parties of the center and center-left. But these parties were split on many issues, including the nature and scope of market reforms, and left-leaning lawmakers harbored deep suspicions of Ennahda. Democratic Current’s Mohamed Abbou, a fiercely secular human-rights activist, said he was bothered less by Ennahda’s religious orientation than by its opportunism. He asked why Ennahda, which had seemed unbothered by corruption when sharing power with Nidaa Tounes, had suddenly discovered the issue just in time for the 2019 polling.

The 78-year-old Ghannouchi’s insistence on using his party’s leverage to make himself assembly speaker further complicated the drive for coalition building. Ennahda’s standing as the assembly’s biggest single party gave Ghannouchi the constitutional authority to become speaker, but modernists still noted this move with alarm. Raising additional concerns was Ghannouchi’s choice to recommend that President Saïed call on Habib Jemli—a nominal independent with close Ennahda ties—to form a government. Ghannouchi hardly poured oil on troubled waters when he came out with a controversial (and swiftly rejected) proposal to create a *zakat* (Islamic charity) fund using public money.

Then, as if to roil the situation further, came Ghannouchi's personal foray into a sensitive diplomatic matter. In late December 2019, Turkey's President Recep Tayyip Erdoğan arrived in Tunis seeking support for his plan to send Turkish military advisors to Libya. President Saïed received this visit with proper protocol, but quickly reassured a nervous public—Tunisia's 460-kilometer border with strife-torn Libya is enough of a worry to merit fortifications and constant army patrols—that Tunisia would remain neutral. The next month, Ghannouchi made a surprise announcement that he would fly to Istanbul. With full media coverage, he met the Turkish president on 11 January 2020. Tunisian lawmakers—some of whom view Erdoğan's Islamist party as an arm of the Egyptian Muslim Brotherhood—sharply questioned this trip. Galvanized by the Libya-Turkey controversy and other concerns, a majority of 134 lawmakers voted the day before Ghannouchi's flight to reject the Jemli government that Ghannouchi had proposed.

### **Presidential Power versus the Endless Transition**

At the time of this writing in early March 2020, contentious negotiations to form a multiparty government are moving forward. As was his constitutional duty, President Saïed responded to Jemli's rejection by offering a new nominee. He proposed as premier Elyes Fakhfakh, a member of one of the smaller modernist parties. A mechanical engineer by training and a modernist backed by modernist parties and critics of Ennahda, Fakhfakh had nonetheless run a pair of ministries (tourism and then finance) in the Ennahda-led "troika" government of 2011 to 2013—evidence that he knows how to work across the Islamist-secular divide.

Significantly, Fakhfakh is not an elected legislator. Saïed chose him precisely because he is a nonpartisan "expert." If the talks to assemble his government succeed, Fakhfakh will need all the skill and credibility he can muster to hold together a cabinet full of rivals. The negotiations so far have been arduous. If they fail, there will be new elections. Any government, whether headed by Fakhfakh or by someone else if and when voters go back to the urns, will still be a power-sharing arrangement. As such, it will be all too likely to reproduce the frantic immobilism that has marked Tunisian politics since the beginning of the Jasmine Revolution.

The impasse in which Tunisia finds itself—needing to move beyond power sharing but seemingly helpless to do so—has prompted calls for the adoption of a fully presidential system. This would require two-thirds support in the assembly, so chances of passage are remote. President Essebsi floated this idea at one point, but President Saïed will be loath to risk his authority by going down this path—it would be too easy for critics to accuse him of a power grab. Instead, he will seek to exert as much leverage as he can within the existing constitution and the convolutions of its relevant articles. Thus the president will remain

paramount even though a key goal of the revolution was to enhance the power of the legislature.

Tunisia's travails seem to lend credence to Frances Hagopian's argument that the concessions required for pactmaking are so egregious as to make the concept of "pacted democracy" an oxymoron. Daniel Levine counters that the key issue is the conditions under which the pact is made.<sup>16</sup> He argues that when elites establish organic ties to the wider society, their choices will be seen as more legitimate. The problem is that by their very nature, elite bargains must be struck at some distance from the more militant (if democratic) aspirations of grassroots constituencies. The conundrum is how to ensure that the autonomy which leaders require to forge and protect a young democracy does not do lasting damage to the laws and institutions that enforce accountability and undergird legitimacy.

Tunisia shows that there is no easy solution to this familiar dilemma. Requiring parties to meet a vote-share threshold in order to enter parliament might reduce the partisan fragmentation in that body, but could very well heighten political polarization between secular and modernist forces. And there is promise in the work that civil society groups are doing to bridge the gap between elites and the general public. But Tunisian society's many cleavages will limit what political engineering can do.

As the country struggles to put traction beneath the wheels of a second transition, fractious Tunisian democracy is unlikely to collapse, even if terrorists—who have struck before, with major attacks in 2015—strike again. The military's refusal to become politicized is a great boon. No one can easily dream of "knocking on the barracks door" as a way to crush foes. Rival groups and leaders therefore keep arguing and negotiating—peacefully. Is Tunisia's fate what Mexicans used to call the "endless transition"? It is hardly an uplifting thought, but if no second transition gets off the ground (such a failure is a real prospect) it certainly beats the remaining alternative.

Beyond striking a balance between dramatic change and the need to keep society's major players on board, democratic consolidation requires a fundamental transformation in how old and new leaders view democracy. Instead of seeing it as a tool for managing or pursuing conflict, rival leaders must embrace the notion of a democratic peace, guided by the essential norm that those in power must never try to use it to permanently disenfranchise their opponents. It matters not if it is called "liberal democracy," "contingent consent," or "polyarchy"—to sustain an effective and credible government the bare conditions underwriting the escape from dictatorship must give way to deeper institutional and normative changes that make democracy, now and always, "the only game in town."

## NOTES

1. Exit polls indicate that 90 percent of voters between the ages of 18 and 25 voted for Saïed. See "Présidentielle 2019 [2e Tour]: Qui a voté pour Kais Saïed? (Sigma Conseil),"

Web Manager Center, 13 October 2019, [www.webmanagercenter.com/2019/10/13/439974/presidentielle-2019-2e-tour-qui-a-vote-pour-kais-Saïed-selon-sigma-conseil](http://www.webmanagercenter.com/2019/10/13/439974/presidentielle-2019-2e-tour-qui-a-vote-pour-kais-Saïed-selon-sigma-conseil).

2. While the far from perfect terms “modernist” and “Islamist” evoke a basic divide, it should be emphasized that there are significant ideological and social divisions within these two groups.

3. Ishac Diwan, “Tunisia’s Upcoming Challenge: Fixing the Economy Before It’s Too Late,” Arab Reform Initiative, 23 September 2019, [www.arab-reform.net/publication/tunisia-upcoming-challenge-fixing-the-economy-before-its-too-late](http://www.arab-reform.net/publication/tunisia-upcoming-challenge-fixing-the-economy-before-its-too-late).

4. “Tunisia’s Ennahda Rejects Proposal to Enshrine Secular Inheritance into Law,” *Middle East Eye*, 27 August 2018, [www.middleeasteye.net/news/tunisia-annahda-rejects-proposal-enshrine-secular-inheritance-law](http://www.middleeasteye.net/news/tunisia-annahda-rejects-proposal-enshrine-secular-inheritance-law).

5. “Ennahda Is ‘Leaving’ Political Islam,” Wilson Center, 20 May 2016, [www.wilson-center.org/article/annahda-gives-political-islam](http://www.wilson-center.org/article/annahda-gives-political-islam).

6. Space limits preclude full analysis of the issues concerning the judicial system and state-security sector that the pact leaves unresolved, but the Truth and Dignity Commission’s fate is illustrative.

7. Eric Goldstein, “Transitional Justice in Tunisia—A Transition to What?” Human Rights Watch, 22 January 2019, [www.hrw.org/news/2019/01/22/transitional-justice-tunisia-transition-what](http://www.hrw.org/news/2019/01/22/transitional-justice-tunisia-transition-what).

8. Ruth Michaelson, “Tunisian President Accused of Complicity in Torture,” *Guardian*, 26 March 2019, [www.theguardian.com/world/2019/mar/26/tunisian-president-accused-of-complicity-in-torture-report](http://www.theguardian.com/world/2019/mar/26/tunisian-president-accused-of-complicity-in-torture-report).

9. “Tunisia: Truth Commission Outlines Decades of Abuse,” Human Rights Watch, 5 April 2019, [www.hrw.org/news/2019/04/05/tunisia-truth-commission-outlines-decades-abuse](http://www.hrw.org/news/2019/04/05/tunisia-truth-commission-outlines-decades-abuse).

10. Aymen Abderrahmen, “How Tunisia’s ‘Two Sheikhs’ Sought to Halt Transitional Justice,” Tahrir Institute for Middle East Policy, 14 December 2018, <https://timep.org/commentary/analysis/how-tunisia-two-sheikhs-sought-to-halt-transitional-justice>.

11. The law stirred worries inside and outside Tunisia about “democratic backsliding.”

12. Youssef Meddeb, “Support for Democracy Dwindles in Tunisia amid Negative Perceptions of Economic Conditions,” *Afrobarometer Dispatches* 232 (2018), <http://afrobarometer.org/publications/ad232-support-democracy-dwindles-tunisia-amid-negative-perceptions-economic-conditions>.

13. Lamine Ghanmi, “Tunisian Politics Shaken by New Poll Results, Leftist Split,” *Arab Weekly*, 16 June 2019, <https://theArabweekly.com/tunisian-politics-shaken-new-poll-results-leftist-split>.

14. Nizar Bahloul, “Code électoral—Béji Caïd Essebsi, je signe ou je ne signe pas?” *Business News*, 11 July 2019.

15. Nidhal Mekki, “The Political Crisis in Tunisia: Is It a Consequence of the Semi-presidential Arrangement?” *Constitution Net*, 7 December 2018, <https://tinyurl.com/vo6mqv2>.

16. Frances Hagopian, “‘Democracy by Undemocratic Means’? Elites, Political Pacts, and Regime Transition in Brazil,” *Comparative Political Studies* 23 (July 1990): 147–70; Daniel H. Levine, “Paradigm Lost: Dependence to Democracy,” *World Politics* 40 (April 1988): 377–94.